

Item No.	Classification:	Date:	Meeting Name:
7.3	Open	11 December 2012	Planning Sub-Committee B
Report title:	Development Management planning application: Application 12/AP/2942 for: Full Planning Permission Address: 4-10 LAMB WALK AND 7-9 MOROCCO STREET, LONDON, SE1 3TT Proposal: Demolition of the existing buildings and redevelopment to provide 873 sqm (GIA) of flexible commercial floorspace (A1, A2, B1 and D1 Uses) at ground floor, with 29 residential units above, in a part 3 / 4 and 5 storey building, with associated amenity spaces, refuse store, cycle parking for 44 cycles and 2 disabled parking spaces.		
Ward(s) or groups affected:	Grange		
From:	Head of Development Management		
Application Start Date 28 September 2012		Application Expiry Date 28 December 2012	

RECOMMENDATIONS

- 1 That planning permission is granted subject to conditions and the applicant entering into a legal agreement.
- 2 In the event that the legal agreement is not entered into by 21st December 2012 then the Head of Development Control be authorised to refuse planning permission for the reasons set out in paragraph 93 of this report.

BACKGROUND INFORMATION

3 Site location and description

The application site is located on the corner of Lamb Walk and Morocco Street. It forms the south west corner of a triangular 'island' bounded by Bermondsey Street, Morocco Street and Lamb Walk. The Bermondsey Street Conservation Area includes the surrounding buildings that are located in the remainder of this 'island' area, including buildings to which the application site and buildings are attached. The application site itself however is outside of the conservation area. The buildings currently existing on the application site are single and two storeys in height.

- 4 Surrounding the site there are buildings that range between 2 and 4 storeys in height, with some buildings rising above this, but usually using set back areas or pitched roofs to accommodate this additional height. A number of fine buildings appear in the surrounding area, many representing the historical grain of the area, reminiscent of its previous industrial character, mainly represented as converted warehouses. The corner of Bermondsey Street and Morocco Walk has a particularly fine warehouse building that dominates the corner, and listed buildings are found at 124 – 130 & 132

Bermondsey Street and 2 – 4 Leathermarket Street close to the site.

- 5 The existing buildings on the site total 1,371sqm in area, and are in use as a rehearsal studio with storage space, canteen, recording studio and offices associated with the music industry and audio hire company. This existing use has been established through a Certificate of Lawfulness of Existing Use planning reference 12-AP-1236 as being sui generis (that is, not within any of the use classes defined in the Use Class Order).

Details of proposal

- 6 The application proposes the demolition of existing buildings on the site and construction of a mixed use development with 873sqm of commercial floorspace at ground floor, and 29 residential units over first to fourth floors in a maximum 5 storey building. The building is proposed to be four storeys with set back fifth storey onto the corner for Morocco Street and Lamb Walk, stepping down to four storeys and then three storeys as it continues along Lamb Walk towards Bermondsey Street.
- 7 The proposed building has a maximum height of 15.85m at fifth storey, and this storey is largely set back over 2m from the street edge, with a maximum height onto the street of 13.9m (4 storeys), before stepping down to 10.4m (3 storeys) at the point closest to Bermondsey Street on the eastern boundary.
- 8 At ground floor level there are 4 separate commercial units proposed, with the intention that these have a flexible range of uses permitted, allowing operation of class A1 (shops / retail), A2 (financial or professional services), B1 (office) and D1 (non-residential institutional) uses across these units. A substation, cycle store and refuse stores for both the residential and commercial uses are also proposed at ground floor level. In addition to this 2 disabled parking bays are also included and accessed from Lamb Walk.
- 9 The entrance to the proposed residential units is also located on the ground floor and accessed from Lamb Walk. There are 29 residential units proposed over first to fourth floors. At first floor level a podium courtyard space forms the communal amenity area for the residential units. The podium is located over the commercial units, and rooflights are included to allow the rear of the commercial units access to natural light. Each residential unit is also provided with a private balcony space, generally located onto the Lamb Walk and Morocco Street frontages. The proposed residential units that are located on Lamb Walk towards the eastern end of the site are accessed via an external walkway, located to the rear of the building.
- 10 The proposed residential units are described in the following table.

Table 1: Schedule of Accommodation

Unit No.	No. bedrooms & Tenure	Living space (sqm)	Bedroom 1 (sqm)	Bedroom 2 (sqm)	Bedroom 3 (sqm)	Total floor area (sqm)	Amenity Space (sqm)
1st Floor							
1	Intermediate 3 bed	31.1	12.1	7.2	7	78.6	14.2
2	Intermediate 1 bed	24.5	12.3	-	-	50.2	4.3
3	Intermediate 2 bed [w]	28.4	15.2	9.9	-	75.8	7.1
4	Intermediate 1 bed	24.8	13.3	-	-	52.9	3.6

5	Intermediate 2 bed	27.6	12	12	-	71.9	4.3
6	Intermediate 2 bed	27.6	12	12	-	71.9	4.3
7	Intermediate 2 bed	27.6	12	12	-	71.9	4.3
8	Intermediate 2 bed	27.6	12	12	-	72	4.3
9	Intermediate 1 bed	24	12	-	-	52.7	13.4
2 nd Floor							
1	Private 3 bed	31.1	12.1	7.2	7	78.6	10.1
2	Private 1 bed	24.5	12.3	-	-	50.2	4.3
3	Private 2 bed [w]	28.4	15.2	9.9	-	75.8	7.1
4	Private 1 bed	24.8	13.3	-	-	52.9	3.6
5	Private 2 bed	27.6	12	12	-	71.9	4.3
6	Private 2 bed	27.6	12	12	-	71.9	4.3
7	Private 2 bed	27.6	12	12	-	71.9	4.3
8	Private 2 bed	27.6	12	12	-	72	4.3
9	Private 1 bed	24	12	-	-	52.7	3.7
3 rd Floor							
1	Private 2 bed	28.5	12.7	12.1	-	78.6	0.0
2	Private 1 bed	24.5	12.3	-	-	50.2	4.2
3	Private 2 bed [w]	28.4	13.3	-	-	75.8	7.1
4	Private 1 bed	24.8	13.3	-	-	52.9	3.6
5	Private 2 bed	27.6	12	12	-	71.9	4.3
6	Private 2 bed	27.6	12	12	-	71.9	4.3
7	Private 2 bed	27.6	12	12	-	71.9	4.3
8	Private 2 bed	27.6	12	12	-	72	4.3
4 th Floor							
1	Private 3 bed	32.2	14.3	13.1	7.3	92.7	35.9
2	Private 3 bed	31.8	14.5	13.3	8	93.9	17.3
3	Private 3 bed	31.9	13.2	12.7	7.5	96	17.3

3x Wheelchair units [w]

11 The proposed development includes both private and intermediate (shared ownership) tenures, with the 9 affordable units located at first floor level.

12 **Planning history**

12-AP-1236 – Established use certificate granted for use of 4-10 Lamb Walk and 7-9 Morocco Street as rehearsal rooms, storage space, canteen, recording studio and offices associated with the music industry and audio hire company.

There are previous applications concerning the use of the site, but these are not of relevance to this application.

13 **Planning history of adjoining sites**

12-AP-2197 – 142 Bermondsey Street

Planning permission granted for construction of 3rd floor level roof extension fronting Bermondsey Street; extension at 1st and 2nd floors over rear ground floor part of building on Lamb's Walk; external alterations to doors and windows, including projecting box window extension at 2nd floor level; use of the building as Class A1 retail on ground floor front and as 2 flats and 1 live work unit.

KEY ISSUES FOR CONSIDERATION

14 **Summary of main issues**

The main issues to be considered in respect of this application are:

- a) the principle of the development in terms of land use and conformity with strategic policies.
- b] design issues including layout, heights, massing and elevations
- c] impact of development on heritage assets, including Conservation Area and setting of Listed Buildings;
- d] impact on trees;
- e] housing mix and type;
- f] quality of accommodation;
- g] traffic issues;
- h] impact on the amenities of occupiers of adjoining properties;
- i] planning obligations; and
- j] energy and sustainability.

15 **Planning policy**

Designations:-

Central Activity Zone

Air Quality Management Area

Borough, Bermondsey and Rivers Archaeology Priority Zone

Bankside, Borough and London Bridge Opportunity Area

Core Strategy 2011

1 – Sustainable development

2 – Sustainable transport

- 5 – Providing new homes
- 6 – Homes for people on different incomes
- 7 – Family homes
- 10 – Jobs and business
- 12 – Design and conservation
- 13 – High environmental standards

Southwark Plan 2007 (July) - saved policies

- 1.5 Small business units
- 2.5 Planning obligations
- 3.1 Environmental effects
- 3.2 Protection of amenity
- 3.4 Energy efficiency
- 3.6 Air quality
- 3.7 Waste reduction
- 3.11 Efficient use of land
- 3.12 Quality in design
- 3.13 Urban design
- 3.14 Designing out crime
- 3.15 Conservation of the historic environment
- 3.18 Setting of listed buildings, conservation areas and world heritage sites
- 3.19 Archaeology
- 4.1 Density of residential development
- 4.2 Quality of residential accommodation
- 4.3 Mix of dwellings
- 4.4 Affordable housing
- 4.5 Wheelchair affordable housing
- 5.1 Locating developments
- 5.2 Transport impacts
- 5.3 Walking and cycling
- 5.6 Car parking
- 5.7 Parking standards for disabled people and the mobility impaired
- 6.2 London Bridge opportunity area

Supplementary Planning Documents

Affordable Housing SPD 2008 & Draft 2011
Planning Obligations SPD 2007
Residential Design Standards SPD 2011
Sustainable Design and Construction SPD 2008

London Plan 2011

- 3.3 Increasing housing supply;
- 3.5 Quality and design of housing developments;
- 3.6 Children and young people's play and informal recreation facilities;
- 3.9 Mixed and balanced communities;
- 3.11 Affordable housing targets;
- 3.16 Protection and enhancement of social infrastructure;
- 4.3 Mixed use development and offices;
- 5.1 Climate change mitigation;
- 5.2 Minimising carbon emissions;
- 5.3 Sustainable design and construction;
- 5.5 Decentralised energy networks;
- 5.7 Renewable energy;
- 5.11 Green roofs and development site environs;

- 5.12 Flood risk management;
- 5.13 Sustainable drainage;
- 6.9 Cycling;
- 6.10 Walking;
- 6.13 Parking;
- 8.2 Planning obligations.

National Planning Policy Framework (NPPF)

The NPPF came into effect on 27 March 2012 and is a material planning consideration.

Principle of development

- 16 The application site is located in the Central Activity Zone and the Borough, Bankside and London Bridge Opportunity Area. In this area the Core Strategy describes that a mix of uses will be expected, and that in Bermondsey Village as well as housing development will be expected to provide office, retail, tourism, culture or entertainment facilities. The application site is located adjacent to Bermondsey Street, where the strategy sets out the specific vision for development to continue to be attractive with a hive of activity, and through the control of evening night-time uses to keep a good balance of uses and protect the character of residential areas. The Southwark Plan also includes saved policy 4.1 'Density of residential development' which describes that within the Central Activity Zone development should be between 650-1100 habitable rooms per hectare, typically between 6-8 storeys high, based on the general character of the area and its accessibility to public transport.
- 17 This application proposes a mix of residential and commercial floorspace. It is proposed that the commercial floorspace at ground floor could be used for a flexible range of uses, either A1 retail shops, A2 financial and professional services, B1 office and / or D1 non-residential institutional uses such as day-centres, crèches, schools or galleries. These uses alongside the residential uses proposed are appropriate according to the vision described in the Core Strategy for this area. The existing use on the site is not protected, since while saved policy 1.4 would protect office or industrial floorspace within B1 use class, as the floorspace on this site is sui generis, that protection would not apply. The proposed development has a density of 899 habitable rooms per hectare, which is within the expected range for the Central Activity Zone where the site is located. Therefore there are no concerns regarding the principle of the mixed use development proposed in this area, at this density. However the acceptability of the specific development proposed will be dependent upon an assessment of the scheme against all other relevant local, central and national adopted policies, and this assessment is carried out below.

Environmental impact assessment

- 18 This application does not require an Environmental Statement, as according to the Regulations, the site is not classified as a Schedule 2 'urban development project' by virtue of its site area which is less than 0.5ha (being 0.1ha), and it is not considered that the development would come within any other schedule of the regulations due to the scale and nature of the development.

Design issues

- 19 Strategic policy 12 'Design and conservation' of the Core Strategy states that development should 'achieve the highest possible standards of design for buildings and public spaces to help create attractive and distinctive places which are safe, easy to get around and a pleasure to be in'. The policy goes on to assert that development

should conserve or enhance the significance of Southwark's heritage assets their settings and wider historic environment. Saved policy 3.13 'Urban design' of the Southwark Plan asserts that the principles of good urban design must be taken into account in all developments. This includes height, scale and massing of buildings, consideration of the local context, its character and townscape as well as the local views and resultant streetscape. Saved policy 3.12 'Quality in design' asserts that developments should achieve a high quality of both architectural and urban design, enhancing the quality of the built environment in order to create attractive and high amenity environments people will choose to live in, work in and visit. Paragraph 61 of the NPPF 2012 also notes that planning decisions should address the integration of new development into the built and historic environment.

- 20 The application site is located in an area with a sensitive context, being immediately adjacent to the Bermondsey Street Conservation Area that appears to the north and east, and situated on the prominent corner of the Lamb Walk and Morocco Street intersection. The site itself is visible from Bermondsey Street in the same view as the White Cube Gallery.
- 21 Surrounding residents have raised concerns regarding the height of the proposal. The scale of existing development around this site varies from three and four-storey blocks on Bermondsey Street, four and five-storey Victorian warehouses on Leathermarket and Morocco Street, contemporary four-storey housing blocks opposite to the west on Morocco Street and the two-storey gallery building opposite to the south on Lamb Walk. In this context the scale of the proposed development is acceptable, being a largely four-storey development stepping down to three-storeys towards Bermondsey Street, with a set back fifth level predominantly onto Morocco Street and the western-half of Lamb Walk. The set back to the upper level is mainly over 2m from the buildings main frontage which is adequate to reduce its visual impacts from the immediate streetscape. The scale of the proposed building is considered acceptable within the site's immediate context. The proposed fifth storey is finished with a flat roof, with limited modulation of its massing, but following advice from officers, an increased depth and size has been included to window openings to provide additional interest. Given the additional set back of the fifth storey, these windows are an adequate distance from surrounding residents and therefore would not impact unreasonably on the privacy of adjoining occupiers. Therefore the height of the development is in keeping with the surrounding context.
- 22 The massing of the development has been broken down to reflect the traditional plot widths, through a rhythm of vertical recesses in the facades. This is responsive to the general historic urban grain of Bermondsey Street, with two larger bays onto the corner of Morocco Street and next to Lamb Walk. This subtle articulation, augmented by other detailed design and materials, is a positive feature of the scheme and in-keeping with the general pattern of development that predominates within both the conservation area and the wider environs of its setting.
- 23 The composition, detail design and materiality of this proposal are key elements that inform the acceptability of this proposed development, in this area with such a sensitive context. Saved Policy 3.12 Quality in design, requires new buildings to embody a creative and high quality appropriate design solution, specific to their site's shape, size, location and development opportunities as well as preserving or enhancing the historic environment. As noted above, the composition of the overall development is designed to break up the bulk through the use of vertical recesses in the facade to create 'bays' that are reflective of the historic urban grain. Each 'bay' is proposed to have an individual emphasis, provided through a subtle change in brickwork colour and fenestration pattern, a shop-frontage (or other functional-feature) contained within the ground-floor masonry framing, along with other design features to give each element some character and variety. In terms of proportions, the

development has a strong base, which is characterised by the shopfronts / entrances / servicing and delineated by a recessed steel channel at first floor level. The middle-level is defined by the three floors of residential use, above which there is the 'lighter' top-level formed by the set-back 4th floor (5th storey) with its zinc-shingled cladding.

- 24 The main residential entrance and servicing are located centrally on the Lamb Walk frontage, with the residential entrance demarked by glazing and a coloured-brick panel to either side, as well as a glass canopy over. The entrances to the waste and cycle stores are given reduced visual prominence by having solid timber doors, and the gated frontage to the double parking-bay will be given added artistic articulation, the developed detail of which needs to be secured by condition.
- 25 One of the most prominent elements of this overall scheme will indeed be the corner onto Morocco Street / Lamb Walk, and this has been treated as one of the main focal points of the development. There are a number of examples of prominent corner buildings within the conservation area, most notably on the junction of Leathermarket and Morocco Street, and these buildings show how subtle articulation can emphasise corner elements. The design of the corner element has been modified during the course of the application to give it more focus and interest. The commercial unit now has its main entrance on the corner with a double-doorway, and the three levels above include recessed balconies to the wheelchair units, which have been enlarged and opened-up, backed with a fully glazed wall. The parapet at the top of the corner element has been raised with an arched feature and a soldier-course of European metric brickwork for subtle emphasis; the other parapets are also emphasised by a decorative soldier-course in the brickwork.
- 26 The eastern gable elevation visible from Bermondsey Street is limited in its potential for fenestration because of the close adjacency of the site at 142 Bermondsey Street. Nevertheless the gables are articulated with sideways looking windows with an external face of aluminium shingles to relate to the top-floor cladding, which will add interest and variety to this elevation.
- 27 In terms of materials officers consider that brick is the most appropriate principal facing material, and this will ground the development within its context. The quality and character of these bricks will be crucial to the success of the scheme, and sample panels on-site should be required by condition. The depth of window-reveals has also been set at a minimum of 125mm, which should give added depth and character to the elevations. The design of the fenestration will be similarly important, and an alternating pattern of window types (within a limited palette of styles) is proposed, in PPC aluminium framing. Similarly important will be the shop-fronts, for which a more traditional design style has been proposed during the course of the application using an aluminium framing with the stall-riser, sill and over-panel constructed from re-constituted stonework. The use of zinc-shingles for the cladding of the top floor-level should provide a more sympathetic detailing than standard metal cladding sheets, and a sample panel should also be required on-site for approval.
- 28 The site has a constrained footprint, and in order to provide a sufficient quantum of commercial floorspace that would be attractive and viable to potential occupiers, it is necessary to develop almost the entire footprint of the site at ground floor level. In these circumstances, the inclusion of a first floor terrace behind the street fronting blocks is a rational response to the development of the site, and provides suitable amenity space for future residents. The central courtyard space will be the heart of this scheme in terms of amenity, and therefore a high quality and innovative landscaping solution is required, that both enhances the space and provides a useable area for all residents, this should be conditioned to require information relating to detail design and maintenance. All units must also provide the required private amenity space, and the use of inset balconies, as shown, is more suitable within this

historic streetscape.

- 29 The residential access, refuse-store, double-garage and cycle-store are all grouped together onto Lamb Walk, and this makes sense in terms of the general layout of the development and is rational given the site constraints. The development works do not specify any public realm works or improvements, however planning obligations would be attached to any planning approval to secure a financial contribution from the developer to contribute towards the surrounding public realm, and the legal agreement would also outline that a section 278 agreement with the Highway Authority is required for the reinstatement of pavements surrounding the site following construction.

- 30 Impact on character and setting of a listed building and/or conservation area
Saved Policy 3.18 Setting of listed buildings, conservation areas, states that permission will not be granted for developments that would not preserve or enhance the immediate or wider setting of a listed building or the setting of the Conservation Area. This proposal will have a significant impact upon the setting of the Bermondsey Street Conservation Area, as well as some more limited impact upon the rear-setting of the Grade II listed buildings at 124-132 Bermondsey Street. The proposal has a large landscaped courtyard amenity space at first floor level, which is considered to be a significant improvement on the existing situation of expansive and unattractive shallow-pitch roofs to the rear (internalised) townscape. The street elevations have been designed to portray a well-modulated scheme with features and facing materials that are responsive to the character of the Bermondsey Street Conservation Area, and have potential to enhance the setting of the conservation area, to a significantly more positive extent than the existing buildings on the site.

- 31 To summarise, the proposal is considered to be a rational and well-considered scheme that reinforces the urban grain, and will enhance the streetscape and the setting of the Bermondsey Street Conservation Area.

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

- 32 Saved policy 3.2 'Protection of amenity' of the Southwark Plan, states that planning permission will not be granted for developments that result in a loss of amenity to surrounding occupiers.

- 33 Daylight and Sunlight
Neighbouring residents have raised concerns that the development will significantly impact on surrounding occupier's daylight and sunlight, particularly in Leathermarket Court. A Daylight and Sunlight Report has been prepared by BVP for the application site, which assesses the proposed development against the Building Research Establishments (BRE) guide 'Site Layout Planning for Daylight & Sunlight: A Guide to Good Practice'. The BRE Guide states that 'If any part of a new building or extension, measured in a vertical section perpendicular to a main window wall of an existing building, from the centre of the lowest window, subtends an angle of more than 25 degrees to the horizontal, then the diffused daylighting of the existing building *may be* affected.' This would then require a further testing to establish whether there is an adverse impact as a result of the development upon existing surrounding occupiers daylight and sunlight.

- 34 In terms of daylight, two methods were used to test levels, the Average Daylight Factor (ADF) and the Vertical Sky Component (VSC). The ADF calculation assesses the quality and distribution of light within a room served by a window and takes into account the VSC. The VSC calculates the amount of daylight reaching the outside face of the window. In considering the impact upon sunlight, the test is based upon a calculation of annual probable sunlight hours (APSH) which is an annual average

based upon probability. The sunlight test only needs to be carried out if the window faces affected within 90 degrees of due south.

- 35 The BRE guidance explains that a property should retain a VSC level of at least 27%, in order to confirm that diffused daylighting remains satisfactory. Should a property receive a VSC level of less than 27% following construction of a new development, then the proposed VSC should not be less than 0.8 times its former (existing) value, if the reduction in daylight is to remain unnoticeable. In the event that the VSC is less than 0.8 times its former value, ADF can then be used to assess whether the resulting daylight levels are acceptable. ADF uses VSC to confirm the angle of sky visibility and then formulates the quality of daylighting within the room, taking into account the outcome to the room's use. BRE recommends the following minimum ADF values, 2% for kitchens and open plan living, 1.5% for living rooms, and 1% for bedrooms.
- 36 The report assesses the possible impacts upon windows at the following addresses: 5 Morocco Street, 124 Bermondsey Street, 124-132 Bermondsey Street and 84-107 Morocco Street.
- 37 In summary, the proposed development would not cause significant adverse affect to the amount of daylight or sunlight received by neighbouring residential property. The approved extension at 124-132 has also been included in a subsequent test, and with this extension in place, the report suggests that there would be some impact upon surrounding residents daylight and sunlight, however this is as a result of the extension at that site, and not the proposed development on this site. The results are set out in more detail below.
- 38 **5 Morocco Street**
There are 11 windows that have been tested at this address; of these 11 there are 5 that retain a VSC in excess of 27%. Of the remaining 6 windows, 5 have a resulting VSC which is not less than 0.8 times the former (existing) value. Therefore there are no significant adverse impacts to the daylight levels to these windows. The remaining single window has a VSC of 25.9%, with a value 0.74 times its former value, which is only marginally less than the 0.8 value suggested in the BRE guidance. This single window also appears to serve a non-habitable space (potentially a bathroom or corridor), given its small size when compared to other windows in the building, and as such, its daylight level would not normally be considered to be as significant as that in a habitable space such as a livingroom.
- 39 **120-122 Bermondsey Street**
This property is used for commercial purposes, and therefore the BRE testing methodology is less appropriate. It is not considered that, taking into account the character of the area, the impact of this development would significantly impact on the usability of the space.
- 40 **124 Bermondsey Street (the rear parts of the property that have a common boundary with the application site)**
There are 15 windows that have been tested at this address, of these 12 retain a VSC of 27% or more following development of this application site. There are 3 windows that have a VSC in excess of 27% currently that would have a VSC reduced below 27% following construction of the proposed development. Of these 3 windows, only 1 would experience a new VSC value less than 0.8 times its former value. However this is 0.75 times the former value, and therefore would not represent a significant change. It is also of relevant that this window serves a room that is also served by other windows, which due to their orientation would not experience any alteration to the amount of daylight received as a result of the proposed development.
- 41 **124-132 Bermondsey Street**

The ground floor elements of this address are for retail and other commercial purposes. Residential use is confined to first, second and third floors, and these are the windows that have been tested. Out of the 17 windows tested, 12 retain a VSC level in excess of 27%, and the remaining 5 all have readings that are all at least 0.85 times (or more) of the former value. Therefore there would be not significant alteration to the daylighting received by residents in this property as a result of this proposed development.

- 42 134-142 Bermondsey Street
Given the recently approved extension to 142 Bermondsey Street, the report has considered this address in the following scenarios:-
By calculating the existing VSC;
By calculating the proposed VSC with the development in situ; and
By calculating the VSC with the approved development for the rearward extension of 142 Bermondsey Street, both with and without the proposed development that is the subject of this report.
- 43 Results for 134-142 Bermondsey Street without the extension to no.142 Bermondsey Street.
This daylight test concludes that all of the properties would either have a VSC in excess of 27% or a value not less than 0.82 times the former (existing) value, following construction of the proposed development.
- 44 Results for 134-142 Bermondsey Street assuming extension to no.142 Bermondsey Street.
The extension to 142 Bermondsey Street would (if constructed) significantly alter the daylight levels to windows at the rear of 134-142 Bermondsey Street whether the proposed development subject to this application is constructed or not. With the extension in place two ground floor windows and two first floor windows would have a VSC value less than 0.8 times its former value – even without the current proposed development in place.
- 45 Results for 134-142 Bermondsey Street assuming extension to no.142 Bermondsey Street and construction of the current application proposal.
Where the current Lamb Walk proposal is not considered and only the no.142 extension is built out, six out of nine windows satisfy the BRE guidelines. This remains the same with the proposed Lamb Walk development in place, alongside the extension at 142 Bermondsey Street.
- 46 84-107 Leathermarket Court
This 4 storey building is built onto the back of the pavement of the narrow Morocco Street, and as a result the building has a close proximity to the application site. The Average Daylight Factor (ADF) has been calculated for properties in this building, which is a more comprehensive test of the daylight and sunlight impacts that can be used when the internal use and layout of dwellings is known. Of the 28 rooms tested, only 3 living rooms on the ground floor would fail the ADF test after construction of the proposed development, however even these rooms would retain values of 1.41, 1.42 and 1.46 which is only marginally below the 1.5 value required for living rooms. Therefore there is an impact upon the daylight to these rooms, and it is likely that this impact will be perceptible to occupiers. This is an unfortunate consequence of the application proposal, however the units are dual aspect and therefore as a whole, dwellings will retain adequate lighting levels, with minor impacts to only a handful of individual rooms.
- 47 In relation to sunlight, this largely satisfies BRE guidance, except to the west side of Morocco Street, where there is a minor impact to winter sunlight. This is where the availability of winter sunlight is already low, and is typical of a dense urban

environment, and therefore some level of loss is to be expected.

48 In conclusion on daylight and sunlight impacts, it is clear that there are impacts on adjoining occupier's daylight and sunlight as a result of the development, but that these are largely within the acceptable range of impacts set out in the BRE guidelines. The guidelines should not be applied rigidly, particularly in dense urban areas, where lower daylight levels may be expected. The scale of the proposed development is acceptable for the area, with density levels and heights that would be expected here, and in light of the existing site condition with lower rise (single and 2 storey) buildings, any development on this site for a more efficient use of the land, including an increased scale, will impact lighting levels to surrounding properties. Therefore it is considered that the benefits that this development scheme offers, including the provision of much needed housing at a suitable scale for the area, outweigh the minor impacts upon the lighting levels to a limited number of surrounding residential properties.

49 Impact upon the privacy of adjoining occupiers

A number of residents have raised concerns regarding the impact upon their privacy as a result of the proposed development. Southwark's Residential Design Standards SPD states that developments should retain a distance of at least 12m across highways and 21m to the rear between residential blocks. There are no overlooking conflicts to the rear of the site, with all neighbouring habitable room windows at over 21m away, or in oblique view, and therefore existing dwellings have an acceptable relationship to the proposed development. Across the highway on Lamb Walk there is only the White Cube Gallery opposite, and therefore no residential habitable room windows would be impacted. Opposite the development across Morocco Street there is the residential development of Leathermarket Court. The area around the site is characterised by a narrow historical street layout, with Lamb Walk, Morocco Street, Leathermarket Street and Bermondsey Street all exhibiting street widths less than 12m. The narrowest of these streets is Morocco Street, with distances between facades on the street being between approximately between 8 and 10 metres.

50 Therefore the development will naturally have a closer proximity to neighbouring properties on the other side of Morocco Street, if it is to follow the established urban grain of development in the area, with the building set on the back of pavement line. The applicant has however sought to address possible overlooking concerns, through a sensitive window arrangement, that responds to the location of windows on the opposite side of Morocco Street. This minimises any conflict and possible instances of overlooking, but in any case given the character of the street, windows will have a closer proximity than 12m to neighbouring properties. It is not considered that there is any significant adverse impact upon the privacy of adjoining occupiers as a result of the development, which follows the established street character and urban grain of the area.

51 Impact during construction

A number of residents have raised concern regarding impacts from the development during the demolition and construction phases resulting from noise, dust, and heavy vehicle traffic. These matters can be adequately managed through the development and submission of a Construction Management Plan, which officers would review prior to any approval. This can be secured as part of conditions attached to any planning permission. The Construction Management Plan would ensure that mitigation measures are put in place on the site, to reduce impacts from dust and noise, and ensure that traffic movements are managed in a safe manner, perhaps through the use of marshals to supervise heavy goods vehicle movements on the site. Therefore it is recommended that in the event that planning permission is granted, a condition is attached to required submission of a Construction Management Plan for approval by the Local Planning Authority.

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

- 52 The proposed uses on the site are reflective of those uses that exist in the surrounding area, and therefore are appropriate for this location. There are no activities or uses on surrounding sites which would be incompatible with additional residential occupiers.

Quality of residential accommodation

- 53 Saved policy 4.2 'Quality of residential accommodation' states that planning permission will be granted for residential development, where it achieves good quality living conditions, and includes high standards of accessibility, outlook, privacy, natural daylight, ventilation, outdoor amenity space, safety, security and protection from pollution including noise and light.

54 Daylight

A Daylight and Sunlight Assessment has been submitted with the application, and includes the results of daylighting tests upon surrounding properties as well as the proposed accommodation. The Average Daylight Factor (ADF) has been considered within the proposed development, and applying the BRE guidelines, only one bedroom falls below the recommended ADF guideline for bedrooms, having a value of 0.7 rather than 1. This represents a good pass rate, and demonstrates the overall good access to daylight for the proposed residential units in the development.

- 55 In addition to the daylight test, it is necessary to assess the outlook from the proposed dwellings. In the proposed development, 23 units are dual aspect, which represents 79.3% of the proposed development. This is an excellent proportion of the development, and has been possible on this constrained site as a result of the use of an external access deck arrangement. The applicant has addressed the potential for adverse impacts upon the privacy of occupants, from the use of the access deck, by creating a series of voids in front of windows preventing neighbouring occupiers passing too close to windows in the development. This has the added benefit of increasing the amount of daylight to windows below. This solution results in a number of benefits to future occupiers, including allowing occupiers the benefit of individual front doors from the deck, and is therefore a positive aspect of the proposed design.

56 Outlook, privacy and disturbance

Supplementary Planning Guidance for Residential Design Standards 2011 states that in order to prevent unreasonable problems of overlooking, loss of privacy and disturbance, development should achieve the following distances:

- A minimum distance of 12m at the front of the building and any elevation that fronts onto a highway;
- A minimum distance of 21m at the rear of the building.

- 57 As discussed in paragraph 47 above, the proposal retains a minimum distance between the proposed blocks and habitable room windows servicing properties to the rear of 21m. However across Morocco Street distances are approximately between 8 and 10m. These distances are reflective of the surrounding typology to streets, and therefore this is an appropriate design response for the area. Where there are any habitable room windows that appear in opposite facades, these have been arranged to minimise instances of conflict, and as far as possible, habitable windows do not appear directly opposite neighbouring windows. In light of the existing character to streets in this area, the distance across the street is considered to be acceptable.

58 Outdoor amenity space

Policy 4.2(ii) of the Southwark Plan and Section 3.2 of the SPD on Residential Design

Standards states that development should provide high standards of outdoor/green amenity space. The draft SPD advises that development should as a minimum meet and seek to exceed the following standards:

- 50m² of communal space per development;
- For units containing 3 or more bedrooms, 10m² of private amenity space;
- For units containing 2 or less bedrooms, ideally 10m² of private amenity space, and where this is not possible the remaining amount should be provided to the communal amenity space requirement.

59 The application proposal includes 200sqm of communal amenity space on a raised first floor roof terrace area. As the expected child yield for the proposed development is less than 10 formal play provision is not required, however the podium courtyard has been designed to allow for informal play for young children. There are 5no. 3 bedroom units in the scheme each provided with in excess of the 10sqm minimum requirement for private amenity space. Of the remaining 24no. 1 and 2 bedroom units, private amenity space provision is in the form of balconies and totals 126.1sqm, therefore the outstanding 133.9sqm should be made up within the communal area. This in addition to the required 50sqm of amenity space would mean that the communal terrace would need to be a minimum of 183.9sqm in size. As the development includes a 200sqm terrace (excluding lightwells and walkway areas), the proposal fully complies with this amenity space requirement.

60 Internal space standards

Supplementary Planning Document for Residential Design Standards 2011 details minimum space standards for residential units. The table below describes the range of unit size proposed in this scheme, compared to the Residential Design standards.

61 Size of units

Unit size	Minimum standard (sqm)	Proposed size range (sqm)
1 bed (2 persons)	50	50.2-52.9
2 bed (3 persons)	61	71.9-78.6
2 bed (4 persons)	70	
2 bed (average)	66	
3 bed (4 persons)	74	92.7-96
3 bed (5 persons)	86	
3 bed (6 persons)	95	
3 bed (average)	85	

62 The proposal meets or exceeds the required space standards, and this is reflective of the good quality of residential accommodation proposed.

63 All developments must incorporate the principles of inclusive design, with suitable access for people with disabilities or those who are mobility impaired. The development includes two lifts to access above-grade wheelchair units, and units are designed to comply with the South-East London Housing Partnership design guidance on Wheelchair Housing. There are 3 units designed to be wheelchair accessible, each with 2 bedrooms, and forming 10% of the development on a habitable room basis.

64 Overall the quality of accommodation provided within the development is good, and this is a positive feature of the application proposal.

Affordable housing

65 Strategic policy 6 'Homes for people on different incomes' requires development in the Bankside, Borough and London Bridge opportunity area to include 35% affordable

housing, and saved policy 4.4 'Affordable housing' of the Southwark Plan states that this affordable housing should be split 70:30 between social rent and intermediate tenures.

- 66 The Affordable Housing SPD goes on to describe how to calculate the percentage of affordable housing within developments, based upon the number of habitable rooms. The definition of a habitable room is also described and additional allowance given for rooms over 27.5sqm, so that where a habitable room is 27.5sqm or more in size, it counts as two habitable rooms. In addition to this requirement saved policy 4.5 'Wheelchair affordable housing' allows a discount from the affordable housing requirement of one habitable room for every affordable wheelchair accessible unit in a development. Taking these policy considerations into account the requirement on this site is for 33.8% affordable housing, which equates to 29.8 habitable rooms out of a total of 88 habitable rooms. The proposal includes 30 affordable habitable rooms and therefore satisfies the quantum of affordable housing required.
- 67 Turning to the tenure breakdown of the affordable housing in the scheme, it is clear that the policy requirement for a 70:30 ratio of social rent to intermediate is not satisfied, and that the proposal includes intermediate affordable housing only, to be offered on a shared ownership basis. The applicant has sought to justify this proposal on the basis of both the physical site constraints and the financial implications of providing an additional tenure on the site.
- 68 The applicant seeks to justify this approach as set out below:-
- Due to its location, the medieval grain of the local environment, proximity of the conservation area, and the deficiency in pavements supporting the general highway, there are physical constraints which represent an abnormal cost for the development;
 - The size and configuration of the site and the need to promote both commercial and residential floorspace makes the provision of an additional core problematic. The provision of an additional core could compromise the deliverability of the commercial units, the level of active frontage, and the number of residential units provided on upper levels, which would ultimately impact the viability of the proposal and related quantum of affordable housing provided overall;
 - Registered Social Landlords (RSLs) do not wish to see affordable accommodation provided on split floors and do not want to assume any managerial responsibilities on other floors, as a result of affordable housing being distributed across all levels. Instead RSLs are seeking a self contained area, which in this scheme, represents a single floor level where residential units supplied are tenure-neutral. (Tenure-neutral refers to the quality and standard of accommodation, which is the same regardless of whether a unit is a private or affordable tenure).
- 69 It is recognised that the application site is constrained, and that the inclusion of a separate core to facilitate the construction of social rent units on the site would not be practical if the scheme is to include an attractive commercial ground floor. In addition to this, the requirements of an additional core would also result in the overall reduction in the number of units on site, which would impact the delivery of affordable housing as part of the development.
- 70 A Viability Appraisal has been provided with the application to fully explain the costs associated with development. This appraisal has been assessed by the Council's valuation specialists, but agreement has not been reached as to whether the inputs into the appraisal, and therefore its conclusion that the scheme could not support social rented housing, are reasonable. At the moment, officers do not accept that, based on considerations of viability alone, the development could not support social rented housing.
- 71 The fact that the development does provide 34% affordable housing, albeit all as

shared ownership units, is a positive feature of the development when considered in the current market. In addition, the applicant has agreed to offer these units within Southwarks affordability criteria (rather than the Mayors higher cost thresholds) which would make them more affordable to those on lower incomes trying to secure shared ownership housing. It is also accepted that it would be extremely difficult to incorporate social rented units into this relatively small development, given the usual need for a separate core for these units. However, officers consider that the scheme may be able to support an off-site contribution to affordable housing whilst remaining viable, subject to final agreement on the terms of the financial appraisal. This would be in the form of an in lieu payment to the Council's Affordable Housing Fund, to support the direct delivery of new social rented housing.

- 72 There is no methodology or formula in existing adopted policies upon which a contribution based on these specific circumstances would be based. Officers have therefore suggested a calculation that would reflect the cost difference to the developer in providing 100% shared ownership units rather than 70% social rented, (with the remaining 30% as shared ownership). This resulting sum is a figure of £346,140.
- 73 The applicant continues to contend that the viability of the scheme could not support the suggested in lieu payment for social rented units. Negotiations remain ongoing, and Members will be advised of any conclusions to the negotiations in an Addendum report. In the event that by the Committee date agreement has still not been reached, then it is recommended that the S106 agreement include provision for the financial appraisal to be further reviewed prior to construction, once matters such as build costs can be verified. This would establish whether an in lieu contribution (not exceeding £346,140) could be supported by the development. In those circumstances, the payment would be required to be made prior to occupation of an agreed proportion of the private units, and used solely for the construction of new social rented housing units.

Dwelling Mix

- 74 Strategic policy 7 'Family homes' requires developments with 10 or more units to have at least 60% 2 or more bedrooms, and in the Central Activities Zone (outside of the London Bridge area) 20% of units should have 3 or more bedrooms. The application site provides 72% 2 or more bedroom units and 17% of units have 3 bedrooms. While the percentage of units with 3 (or more) bedrooms is less than the 20% normally required, this equates to one unit in the application proposal. Therefore while the shortfall in the number of 3 bedroom units in the development is contrary to policy, and would ordinarily be considered a significant failing in a scheme, it is recognised that in the case of this relatively small development the shortfall is limited to a single unit.
- 75 It is recognised that the tight footprint of the proposal represents difficulties in providing the required levels of family housing, while also retaining an appropriate scale of development and a viable scheme. Therefore in light of the individual circumstances of this application site, and given that the shortfall equates to a single unit, on balance it is considered that the development is acceptable in terms of its dwelling mix.

Traffic issues

- 76 Strategic policy 2 of the Core Strategy 'Sustainable transport' sets out that through development, the council will encourage walking, cycling and the use of public transport. The application site is located in a high PTAL (Transport for London Public Transport Accessibility Level) area of 6, and therefore benefits from excellent links to public transport. The site is close to a number of bus routes from Long Lane to the

south and Tooley Street to the north, as well as being situated within walking distance to London Bridge Station, where there is a range of national rail, underground and bus routes.

77 Access

The pedestrian and vehicle access to the proposed disabled parking bays is from Lamb Walk. The applicant will need to seek approvals from the Highway Authority for works to create this access. The arrangements are considered to be acceptable for the purposes of the Planning Authority.

78 Cycle storage

The development includes provision for 44 residential cycle storage spaces, within the ground floor of the development, accessed from Lamb Walk. The storage is in the form of Sheffield stands, and provides in excess of the minimum number of cycle spaces, and this is a welcome feature of the development. In order to clarify that the proposed number of spaces can be provided in the cycle storage space show, more detailed plans should be requested in the event that planning permission is granted, and this can be secured by condition.

79 The commercial units will also require cycle storage, and this will need to be separate to the residential storage provided. Currently the submitted plans do not show the location of the commercial cycle stores, as this is difficult to illustrate at this stage, prior to a tenant for the units being found. However there is scope within the current layout to provide cycle storage, and therefore it is acceptable to reserve the submission of the details of cycle storage for the commercial units by condition.

80 Car parking

The site is located in the central activity zone, in a controlled parking zone and has an excellent PTAL. Therefore parking should be minimised on the site. The development is proposed to be car free, with the exception of disabled parking, and this is acceptable, particularly in light of the extensive provision for cycle storage as part of the residential development proposed. Because parking is restricted in this area, there should not be any overspill parking, and residents will be exempt from obtaining parking permits, to ensure that additional residents parking does not take place on street.

81 Two disabled parking bays are proposed within the site boundary, accessed from Lamb Walk. Given the constrained footprint of the site, the provision of these two bays is considered acceptable. Ordinarily, it would be required that cars enter and exit a site in a forward gear, however in light of the low pedestrian movement in Lamb Walk and the low number of vehicle movements associated with the site, there are no objections to the proposed arrangements which require vehicles to reverse into or out of the site.

82 As part of the mitigation of the car free nature of the site, the developer will be required to finance the membership of residents to a car club scheme. This will discourage personal car ownership, whilst allowing residents to use a car when essential, as part of a car club. The developer will be required to finance membership for residents for a minimum of three years.

83 Servicing

It is proposed that servicing is undertaken from on the street. While ordinarily servicing would be expected to be undertaken from within the site, given the small size of the commercial units, the constrained footprint of the development, and the substantial area of ground floor already taken up with refuse stores, entrances, cycle stores and parking, it would not be possible to also provide space for servicing in on the site. Therefore it is accepted that through an adequate Servicing Management

Plan, the commercial units can be appropriately serviced from on street. Currently the end use of each unit is not known and therefore it is appropriate to request a Servicing Management Plan as part of conditions attached to any planning consent.

Planning obligations (S.106 undertaking or agreement)

- 84 Saved policy 2.5 of the Southwark Plan and Policy 6A.5 of the London Plan advise that planning obligations should be secured to overcome the negative impacts of a generally acceptable proposal. Saved 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 merits against relevant policy, guidance and other material considerations when assessing planning obligations.
- 85 The table below demonstrates the standard contributions generated from the Supplementary Planning Documents s106 toolkit and the contributions proposed by the applicant:

Planning obligations

Planning Obligation	Amount of planning gain calculated by toolkit	Applicant contribution
EDUCATION	£24,264	£24,264
EMPLOYMENT DURING CONSTRUCTION	£20,847	£20,847
EMPLOYMENT DURING CONSTRUCTION MANAGEMENT FEE	£1,690	£1690
PUBLIC OPEN SPACE	£4,308	£4,308
CHILDREN'S PLAYSPACE	£3,851	£3,851
SPORT'S DEVELOPMENT	£21,027	£21,027
TRANSPORT STRATEGIC	£14,188	£14,188
TRANSPORT SITE SPECIFIC	£14,500	£14,500
PUBLIC REALM	£21,750	£21,750
HEALTH	£32,738	£32,738
COMMUNITY FACILITIES	£4,452	£4,452
Sub-total	163,615	163,615
ADMIN CHARGE (2%)	3,272.30	3,272.30
TOTAL	£166,887.30	£166,887.30

In summary, the applicant intends to fully comply with the sums generated by the toolkit. In addition to the above, it is also proposed that the developer provide the Council with £2,750 to cover the cost of amending the Traffic Management Order, making future occupiers of the development exempt from applying for parking permits. The developer will also fund membership for all residential occupiers for a minimum of 3 years to a car club provider, as well as provide the Council with £3,000 for Travel

Plan Monitoring.

- 86 These financial contributions are required to mitigate the impacts of the development and will be used to improve local infrastructure for the proposed future occupiers of the development, as well as existing occupiers in the area. The contributions are required because of the increased population that the development would result in, and the related strain that will result upon surrounding infrastructure, particularly the transport network.
- 87 **In accordance with the recommendation, if the Section 106 Agreement is not signed by 21st December 2012, the application should be refused 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, health care service, the transport network, and employment and the proposal would therefore be contrary to Saved policy 2.5 of the Southwark Plan and Policy 8.2 of the London Plan'.

Sustainable development implications

- 88 Strategic policy 13 'High environmental standards' of the Core Strategy 2011 requires developments to meet the highest possible environmental standards, including targets based on the Code for Sustainable Homes and BREEAM (Building Research Establishment Environmental Assessment Method) standards. This includes requiring residential development to achieve a minimum of Code for Sustainable Homes Level 4, and other non-residential development to achieve at least a BREEAM 'excellent' except community uses which should achieve a minimum BREEAM level of 'very good'. Major Developments are also expected to achieve a 44% saving in carbon dioxide emissions above building regulations requirements for energy efficiency, as well as achieving a reduction in carbon dioxide of 20% from using on-site or local low and zero carbon sources of energy. The policy also requires major developments to reduce surface water run-off by at least 50%.
- 89 The applicant has submitted a Code for Sustainable Homes (CSH) Pre-assessment and BREEAM Construction Pre-assessment. The CSH pre-assessment describes that the development as currently designed has the potential to achieve code level 4 for the residential accommodation proposed. The BREEAM Pre-assessment describes that the development as currently designed could achieve BREEAM 'very good' within the commercial units proposed. However the policy requirement is to achieve BREEAM 'excellent', and therefore further work is required to ensure that this will be achieved. As the scheme is only in the initial design stages, it is possible to incorporate measures to achieve the BREEAM 'excellent' rating. Both of these requirements should be secured by condition, and following the construction design stage, and subsequent fit out, further assessments should be submitted to demonstrate that the scheme can achieve the required CSH and BREEAM requirements, and once certification is achieved, this should be provided to the Local Planning Authority to evidence the achievement of the criteria.
- 90 The submitted Energy Strategy describes how the Mayor's energy hierarchy has been incorporated into the design of the scheme. The fabric of the building and energy efficient measures will ensure that the proposal applies the 'Be Lean' and 'Be Clean' criteria set out in the London Plan. In order to 'Be Green' and satisfy Southwark's policy requirement to reduce carbon emissions on the site by at least 20%, it is proposed to incorporate a combination of air source heat pumps and photovoltaic panels. Air source heat pumps are a low carbon energy form, while photovoltaic's are a zero carbon energy form (when in operation) and therefore both of these types of energy forms come within the definition of renewable energy, and will reduce carbon

emissions by a minimum of 20%. Officers consider this to be a welcome contribution to improving the energy efficiency of the development.

Other matters

91 Community Infrastructure Levy

S143 of the Localism Act 2011 states that any financial sum that an authority has received, will, or could receive in the payment of CIL as a material “local financial consideration” in planning decisions. The requirement for Mayoral CIL is a material consideration. However, the weight to be attached to a local finance consideration remains a matter for the decision-maker. Mayoral CIL is to be used for strategic transport improvements in London, primarily Crossrail.

92 Existing on this site there is 1,315sqm (GIA) of sui generis floorspace. The proposed development consists of 3,192.9sqm (GIA), made up of 2,319.9sqm residential floorspace and 873sqm commercial floorspace. This means the development is liable for a Mayoral CIL payment of £64,466.50.

93 Trees and Biodiversity

There are no trees existing in the site area that would be impacted by this application. The existing development is low in biodiversity, and therefore the incorporation of a biodiverse roof, is a welcome addition. This roof, along side landscaping in the communal podium amenity space, will be a welcome improvement to biodiversity features on the site. The inclusion of this ‘green’ roof should be secured by condition. A Preliminary Bat Report has been submitted with the application, this describes that there is no evidence of roosting bats on the site, but recommends a precautionary approach during demolition and particularly the removal of the roof. This can be secured by condition.

Conclusion on planning issues

94 The application proposal provides much needed housing, with 34% affordable housing provided on a shared ownership basis within Southwarks affordability thresholds. The development has been designed to respond appropriately to the context and character of the area, particularly the adjacent Bermondsey Street Conservation Area. There are no significant adverse impacts to surrounding occupiers that would warrant a refusal of the application, when considering the overall benefits that result in relation to the provision of attractive new commercial spaces and good quality residential dwellings on a site that currently contributes little to the streetscape in this area.

95 Therefore it is recommended that planning permission is granted, subject to conditions and the developer entering into a legal agreement with the council.

96 **Community impact statement**

In line with the Council's Community Impact Statement the impact of this application has been assessed as part of the application process with regard to local people in respect of their age, disability, faith/religion, gender, race and ethnicity and sexual orientation. Consultation with the community has been undertaken as part of the application process.

a) The impact on local people is set out above.

b) The following issues relevant to particular communities/groups likely to be affected by the proposal have been identified above.

c) The likely adverse or less good implications for any particular communities/groups

have been also been discussed above.

The applicant has also undertaken consultation with surrounding residents regarding the proposed development, and this is described in the submitted Statement of Community Involvement. The documents describe that individual stakeholder meetings were carried out between May 2012 and July 2012, with presentation to neighbourhood forum on 21st June and a public exhibition on the 28th June 2012. Initial contact was made with through introductory letters to Southwark Councillors and all other stakeholders. The public exhibition was advertised on the SE1 Forum and weekly newsletter, and letters were sent to residents to invite them to attend. The exhibition was attended by 70 members of the public and a total of 29 feedback forms were received. The feedback suggested that in general the local community are generally supportive of the principle of the redevelopment of the site. The main points of concern related to the height of buildings, design and ensuring that the commercial floorspace reflected existing industries in Bermondsey.

97 **Consultations**

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

98 **Consultation replies**

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

Summary of consultation responses

No objections received from internal or statutory consultees, some comments recommending conditions relating to ecology enhancement, flood risk, construction impacts, and submission of detailed drawings / materials.

22 responses received from neighbours in objection to the application, in summary the main concerns are:-

Incorporation of A4 (drinking establishment) use (Case Officer comment:- this has subsequently been removed from the applied uses, at the applicant's request);

Height of the proposal and related design in context of surrounding buildings and conservation area;

Loss of light and privacy due to close proximity of development and proposed height;

Lack of parking;

Construction impacts on surrounding residents in relation to dust and noise, and traffic impacts during construction; and

Traffic impacts as a result of occupation of development.

99 **Human rights implications**

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.

This application has the legitimate aim of providing a mixed use, commercial / residential development. 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.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/75-4 Application file: 12/AP/2942 Southwark Local Development Framework and Development Plan Documents	Chief Executive's Department 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 020 7525 5597 Council website: www.southwark.gov.uk

APPENDICES

No.	Title
Appendix 1	Consultation undertaken
Appendix 2	Consultation responses received
Appendix 3	Recommendation

AUDIT TRAIL

Lead Officer	Gary Rice, Head of Development Management	
Report Author	Rachel Gleave, Planning Officer	
Version	Final	
Dated	29 November 2012	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director, Finance and Corporate Services	No	No
Strategic Director, Environment and Leisure	No	No
Strategic Director, Housing and Community Services	No	No
Director of Regeneration	No	No
Date final report sent to Constitutional Team		29 November 2012

Consultation undertaken

Site notice date: 19/10/2012

Press notice date: 04-10-2012

Case officer site visit date: 19-10-2012

Neighbour consultation letters sent: 15-10-2012

Internal services consulted:

Archaeology Officer
Design and Conservation Team
Environmental Protection Officer
Housing Regeneration Initiatives
Planning Policy
Public Realm
Transport
Ecology Officer

Statutory and non-statutory organisations consulted:

Metropolitan Police
Environment Agency

Neighbours and local groups consulted:

860 letters sent to addresses on Bermondsey Street, Lamb Walk, Morocco Street, Leathermarket Street, Brunswick Court, Newhams Row, Tanner Street, Whites Grounds, Black Swan Yard, Tyers Gate, Leathermarket Court, Royal Oak Yard, Bell Yard Mews, Swan Court and City Walk.

Re-consultation:

n/a

Consultation responses received**Internal services****1 Archaeology Officer**

The applicants have provided a desk-based assessment that includes numerous maps showing occupation of the proposal site since the mid 18th century. The conclusions reached in this document state there is likely to be a Roman presence on site. This is unlikely, from a survey of surrounding archaeology, the most likely significances will relate to the geoarchaeology, prehistory and post-medieval land use and settlement. The applicant's archaeologists have recommended a programme of monitoring of site investigation works. This is not adequate to satisfactorily assess the archaeological potential of the proposal and a programme of archaeological evaluation works, including a geoarchaeological assessment, should be secured by condition. Depending upon the results of such works mitigation measures may well be appropriate. As the evaluation has yet to be undertaken the foundation design should be secured by condition to enable the preservation of archaeological remains should such material be identified during the evaluation.

2 Environmental Protection Officer

No objections subject to conditions regarding air quality assessment, noise & vibration assessment, land contamination assessment, construction management, odour and plant noise.

Comments:-**Air Quality**

The Create Consulting Engineers Ltd AQ assessment (ref: MP/AS/P12-376/01, dated: Sept 2012) does not demonstrate the impact the current Air Quality may have on the health of the future residential occupiers being brought onto the site. The estimated background levels of NO₂ at the application site are stated to be above the Air Quality Strategy objective and therefore a risk assessment outlining the potential impact on public health and possible mitigation is required. Conditions are recommended relating to this.

Noise and Vibration Assessment

The Hann Tucker Associates noise survey (ref: 18132/PPG24, dated: Sept 2012) provides an assessment monitoring the existing noise climate at the site that has been undertaken, however no mitigation proposals have been proposed in order to protect the future residential occupiers from unacceptable levels of external noise. A condition requiring a scheme of acoustic protection is recommended, along with a condition relating to noise insulation between flats. The applicant must also demonstrate that an acceptable level of insulation is provided between the party partitions between the ground floor commercial units and the first floor residential flats.

The applicant is applying for a range of class uses (A1, A2, A4, B1 & D1) for the 4 ground floor commercial premises in order to maximise lease potential. A4 use at the site causes serious noise concerns. The plot on the corner of Lamb Walk and Morocco St is set back off the more commercial Bermondsey Street and in comparison to the latter it is relatively quieter and street activity (vehicles, pedestrians etc) is much less. The plot is also bordered by existing residential units to the north, west and east and the proposal also includes residential to be housed above the ground floor. Operational use for an A4 establishment(s) at this site will look to operate late into the night and the noisy activities associated will inevitably create a new late night noise source in the immediate vicinity which could conceivably cause disturbance/possibly nuisance to the existing residents (i.e. music from the premises, ancillary patron noise - access to and from the

premises, smokers outside etc). The commercial bin stores to the NW and SE of the site are also located beneath bedrooms within flats 1.1 and 1.9 and thus late night clearances/glass bottle dumps could disturb residents sleeping above. It is felt that the impact of one or more A4 premises being granted permission to operate at this site could have an effect on the existing residential amenity in the close vicinity and therefore it is recommended that the applicant withdraws the proposal for A4 use within this proposal. However, if it is decided that A4 use is deemed appropriate for this site then EP request that a number of conditions are placed onto any planning permission granted which will look to control the operations of A4 use and in turn protect the existing/new residents from associated noise. The conditions, which are attached below, include; restriction of delivery/refuse collection times, restriction on times when refuse/bottle removal from premises can be undertaken, restriction of operational times & request that any entrance into the premises is lobbied.

(Case Officer Comment:- A4 use removed from planning application).

It is expected that plant equipment / air conditioning units / extraction plant will be installed within the majority of the use classes applied for. Any future plant installed as part as of this permission must be installed and operated so as not to emit a noise level which increases the existing background noise levels. Conditions are recommended to secure appropriate noise levels.

Land Contamination

The Southern Testing Site Investigation / Preliminary phase II Report (ref: J10978, dated: 25/05/2012) states that due to the existing structures on site only 1 location has been tested to date. It is stated within the report that a “future, second phase of investigation is planned, to include a number of trial pits and a borehole when the site has been vacated”. The contaminated land condition is therefore recommended with a full risk assessment to follow, in particular the suitability of the soils in relation to plastic underground utility pipes if being installed.

Construction Management Plan

As mentioned above, the plot is surrounded by existing residential properties. The demolition and construction works planned could conceivably cause disturbance to surrounding residents and premises if not properly controlled. Full details relating to construction practices and noise/dust mitigation are expected to be provided within a Construction Management Plan.

3 Transport – see Transport section above.

4 Design – see Design section above.

5 Housing Regeneration Initiatives

Registered Providers are averse, for management reasons, to having affordable rented and private accommodation within the same core. Therefore I have no objection to all 9 affordable housing units being of intermediate tenure. Should the council’s assessment of the viability appraisal support a greater affordable housing contribution, then support this in the form of an in lieu payment.

6 Ecology Officer

Satisfied that the submitted surveys demonstrate that there are no bats roosting on the development site;

The proposed brown roof and new soft landscaping will enhance biodiversity on this site and contribute to the BREEAM and CfSH evaluation;

As the site is close to local parks, installation of bird boxes is desirable. At least 1 box should be suitable for black redstarts; and

Recommend conditions regarding brown roofs and bird / bat boxes.

Statutory and non-statutory organisations

- 7 Environment Agency
No objection to the planning application subject to conditions regarding raised floor levels, setting less vulnerable uses at upper levels, that appropriate flood resistant and resilient measures are in place.

Neighbours and local groups

- 8 22 responses in objection to the application.
- 9 100 Leathermarket Court
Object to the demolition so close to surrounding property;
Request that the following is addressed:-
Loss of privacy and private light for those residential properties facing onto Morocco Street;
Concern regarding the hours that construction works can take place;
What will be done to ensure that the Leathermarket Court walls remain clean?; and
Query the construction timeframe.
- 10 84 Leathermarket Court
No regard to the adjoining conservation area and the character of the area seems to have been ignored;
The height of the development is a concern so close to Leathermarket Court, it will make flats dark and feel oppressive;
Neighbouring flats will be overlooked and there will be no privacy;
Morocco Street is a narrow street and delivery vans already have a problem, a large mixed development will also generate far more traffic and exacerbate the situation further;
Dangerous for children walking on the street with large construction vehicles; and
Construction hours should be restricted. The new development is close to Leathermarket Court, 10m from windows. The noise and dirt will be a major issue.
- 11 1 Leathermarket Street
Object to the inclusion of A4 commercial units;
Concern regarding the narrow width of streets surrounding the site and large construction vehicles associated with the development;
Question the location of air quality monitoring stations. Should be positioned at the junction of the most used streets in Bermondsey immediate locality would be of interest in establishing whether the London Borough of Southwark complies with EU regulations;
The design of the proposed building is not sympathetic to the character of the neighbouring conservation area. A modern design could benefit the area, rather than a bland development; and
There is no regard to the heights of any of the adjoining premises, Leathermarket Court being the first to be affected in terms of privacy and daylight loss.
- 12 97 Leathermarket Court
Concerned about:-
Noise and pollution during demolition;
Increased traffic in Morocco Street during construction works and beyond;
Ability of local road infrastructure to cope; and
Loss of privacy and natural light.
- 13 73 Leathermarket Court
4 storeys is too high and will block out natural light from reaching flat;
Will lead to a loss of privacy;

These impacts will affect the value of surrounding properties;
Construction hours should be restricted; and
Building should be 3 storeys to respond to surrounding character.

- 14 68 Leathermarket Court
Loss of privacy during construction and post construction;
Loss of natural light resulting from the new 4 storey building;
Noise and air pollution during the demolition of the existing building; and during construction;
Increased traffic during the work;
Dust and dirt on the facing wall of Leathermarket court which will be costly to clean;
Working hours during construction should be restricted; and
Concern regarding road infrastructure issues both during construction and post completion.
- 15 Resident of Leathermarket Court
Extremely concerned about the reduction of light and privacy from these proposals. There will definitely be a reduction of natural light and there will be people living just metres away from surrounding windows;
The increased traffic during construction and after will be terrible considering the already narrow roads, and amount of cars that regularly pass through;
The increased noise and air pollution;
No mention of compensation for cleaning Leathermarket Court facing the construction site;
No mention of a restriction on working hours; and
No parking providing.
- 16 99 Leathermarket Court
Concerned that the proposed new development will adversely affect surrounding residents in terms of both loss of natural light and noise pollution.
- 17 8 Elm Court, Royal Oak Yard
Concerns regarding the amount of construction traffic this development will generate along Bermondsey Street, which is already becoming increasingly noisy and congested with heavy goods traffic using the road as a shortcut to the Shard and London Bridge developments;
Construction traffic should be limited and monitored.
- 18 5 Morocco Street
The 5th floor is too high in relation to all the other surrounding buildings and therefore is out of keeping with the area. The 5th floor is also very unattractive, intrusive and doesn't enhance the proposed development.
- 19 8 The Glasshouse, Royal Oak Yard
Concerned about the height of the proposal, and that it won't be in keeping with the rest of the landscape.
- 20 401 Cedar Court, 1 Royal Oak Yard
Object to the height of the proposal. The top three stories would be immediately facing Cedar Court and Larch Court and would overlook the occupiers of these properties;
Lamb Walk is a narrow road, and locating another tall building on it will create a canyon;
The proposed development will not be in keeping with its neighbours, on the south and east sides buildings are 2 storeys and on Morocco Street there is a 3 storey building;
- 21 409 Vesta Court, City Walk
Overall supportive – but have the following concerns:-
The A4 classification would create negative impacts in this quiet, family area;

The height of the proposed building should not exceed the height of the neighbouring Leathermarket Court, ideally the height should be 4 storeys.

22 94 Leathermarket Court

The increased height of the proposed development would therefore block a significant amount of natural light that surrounding occupiers currently enjoy, and also the larger windows / balconies will look directly into our property ensuring that neither party have any privacy;

Concerned regarding the proposed commercial units, and the impacts from deliveries to these units in the narrow surrounding streets;

The lack of parking facilities will result in illegal parking and trespassing on private property;

The quality of roads and pavements must be improved in the area, before this site can be developed, also question the capacity of roads to handle construction traffic in addition to that associated with the London Bridge development;

Object to the demolition of existing buildings and construction of new buildings. The distance to Leathermarket Court is narrow and dust, dirt, noise and debris from demolition will be detrimental to surrounding occupiers; and

The environmental statement makes no mention that the short distance across the street between Leathermarket Court and Morocco Street will mean that the noise from the demolition and construction will be generated about 10m from someone's bedroom window, and there is no reference to limit on hours of working.

23 102 Hestia House, City Walk

Concern regarding the inclusion of the A4 unit;

The proposal is too tall for the location and higher than the current building, it will be a very different character to the existing buildings and look out of place.

24 116 Bermondsey Street

The development is unnecessary and far too large for the neighbourhood; and Parking is difficult enough as it is – no more buildings please.

25 3 Hestia House, City Walk

Object to the inclusion of A4 use in the commercial floorspace.

26 102 Cedar Court, 1 Royal Oak Yard

Object to the proposal, it will significantly impact the view from surrounding properties living room, dining room and bedrooms.

27 Responses from:-

70 Leathermarket Street

57 Leathermarket Street

84 Leathermarket Court (2 responses)

98 Leathermarket Court

96 Leathermarket Court

With the following objections:-

Concern regarding noise and air pollution during demolition;

Has re-use of the existing structure been sufficiently considered;

Buildings too high, in close proximity to existing residential properties, having an overbearing impact on these properties, adversely affecting the outlook and creating an unacceptable sense of enclosure for occupants;

The flexibility of commercial uses proposed aggravate pedestrian safety at the Lamb Walk / Morocco Street junction, whilst the scale and mix of development will generate additional vehicle movements and result in the potential for greater movements and change the character of the street generally;

Scheme doesn't take into account the historic context within which the site is located,

nor show any regard to the character of the adjoining conservation area;
The fine grain character and medieval architectural character has not been maintained with the proposed development, specifically the general street width of Morocco Street;
Proposed development fails to respond to the local context in its design and by virtue of its inward looking nature and the quality for the spaces and environments it creates;
No mention of compensation for cleaning of Leathermarket Court walls;
Increased traffic on Morocco Street, during construction and beyond, on narrow streets;
Concern regarding the capability of the existing road infrastructure to cope with the construction vehicles and increased traffic from completed development;
No parking for 3 bed family units;
No restricting on working hours (construction) despite close proximity to bedroom windows;
Overlooking has not been addressed, physical constraints of Morocco street, its extreme narrowness, makes it impossible to avoid overlooking; and
Loss of privacy and natural light.

28 *Case Officer Comment:-*

Following objections raised by residents, the applicant has elected to remove the request for an A4 (drinking establishments) use on the site, and therefore the application has been altered to reflect this. Other concerns regarding the height, resultant impacts upon the character of the area and surrounding properties, impacts during construction, traffic and other issues, are addressed above in the main body of the report.