

Item No. 6.4	Classification: Open	Date: 28 April 2015	Meeting Name: Planning Sub-Committee B
Report title:	Development Management planning application: Application 14/AP/4337 for: Full Planning Permission Address: THE CLIPPER, 562 ROTHERHITHE STREET, LONDON, SE16 5EX Proposal: Demolition of existing building and the erection of replacement four storey building comprising retail unit (Use Class A1) at ground floor and basement level and 6 flats on first, second and third floors, associated car parking and amenity area.		
Ward(s) or groups affected:	Surrey Docks		
From:	Head of Development Management		
Application Start Date	19/11/2014	Application Expiry Date	14/01/2015
Earliest Decision Date	15/01/2015		

RECOMMENDATION

1. That the application is referred to the Planning Sub-Committee for consideration due to member interest; and that planning permission is granted subject to condition.

BACKGROUND INFORMATION

Site location and description

2. The site comprises an existing two storey public house building. The property is currently empty. It is located on a prominent corner of Rotherhithe Street at its junction with Silver Walk.
3. The site is located within a predominantly residential area. Timbrell Place, a four storey building comprising flats, is located directly to the south of the site. Existing residential properties are also located to the east and west, on the opposite sides of Patina Walk and Rotherhithe Street, along with further residential properties within Filigree Court to the south west. A public recreation area is located to the north of the site, on the opposite side of Silver Walk.
4. The site is located within the Suburban Density Zone, Air Quality Management Area, Archaeological Priority Zone and Canada Water Action Area. It is not within a Conservation Area.

Details of proposal

5. The application proposes the demolition of the existing building and the redevelopment of the site with a four storey building comprising a ground floor retail units of 288sqm with basement, with six two-bedroomed flats above. Two parking spaces are proposed at the rear accessed from Patina Walk.
6. In comparison to the previously withdrawn application, this revised proposal has stepped the proposed building in from the southern boundary of the site above ground floor level,

to protect the existing trees within the adjacent garden areas and to safeguard the living conditions of the neighbouring properties. The design and appearance of the proposed building has also been amended including the detailed design of the elevations and use of materials.

Planning history

7. A previous planning application for a four storey building comprising A1 or A2 on ground floor with six residential flats above was with drawn following concerns raised by officers with regards to the detailed design and appearance of the building, impacts upon adjacent trees and the living conditions of neighbouring residents.

Planning history of adjoining sites

8. No relevant planning history.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

9. The main issues to be considered in respect of this application are:
 - a) The acceptability in principle of the loss of the existing public house (A4) use and its replacement with a mixed use development of retail and residential.
 - b) The design of the proposed building and its impact upon the character and visual amenities of the area, including trees surrounding the site.
 - c) The impacts upon the living conditions of neighbouring residential properties including day light impacts.
 - d) Transportation and highway implications.
 - e) The overall sustainability of the proposals.

Planning policy

10. The following policies are of particular relevance to this proposal:

National Planning Policy Framework (the Framework)

Section 1. Building a strong, competitive economy

Section 4. Promoting sustainable transport

Section 6. Delivering a wide choice of high quality homes

Section 7. Requiring good design

The London Plan 2015 Consolidated with Alterations since 2011

Policy 3.1 Ensuring equal life chances for all

Policy 3.3 Increasing Housing Supply

Policy 3.4 Optimising Housing Potential

Policy 3.5 Quality and Design of Housing Developments

Policy 3.8 Housing Choice

Policy 3.9 Mixed And Balanced Communities

Policy 3.16 Social Infrastructure

Policy 4.7 Retail and Town Centre Development

Policy 4.8 Supporting a Successful and Diverse Retail Sector and Related Facilities and Services

Policy 4.12 Improving Opportunities For All

Policy 5.3 Sustainable Design and Construction

Policy 6.9 Cycling

Policy 6.10 Walking

Policy 7.1 Lifetime Neighbourhoods

Policy 7.2 An inclusive environment
Policy 7.4 Local Character
Policy 7.6 Architecture

Core Strategy 2011

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 5 - Providing new homes
Strategic Policy 7 - Family homes
Strategic Policy 10 - Jobs and business
Strategic Policy 11 - Open spaces and wildlife
Strategic Policy 12 - Design and conservation
Strategic Policy 13 - High environmental standards

Southwark Plan 2007 (July) - saved policies

The Council's cabinet on 19 March 2013, as required by para 215 of the NPPF, considered the issue of compliance of Southwark Planning Policy with the National Planning Policy Framework. All policies and proposals were reviewed and the Council satisfied itself that the policies and proposals in use were in conformity with the NPPF. The resolution was that with the exception of Policy 1.8 (location of retail outside town centres) in the Southwark Plan all Southwark Plan policies are saved. Therefore due weight should be given to relevant policies in existing plans in accordance to their degree of consistency with the NPPF.

Policy 1.1 Access to Employment Opportunities
Policy 1.4 Employment Sites outside the preferred office locations
Policy 1.10 Small scale shops and services
Policy 1.11 Arts, cultural and tourism uses
Policy 2.1 Enhancement of community facilities
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 3.11 Efficient use of land
Policy 3.12 Quality in design
Policy 3.13 Urban design
Policy 3.14 Designing out crime
Policy 3.19 Archaeology
Policy 3.28 Biodiversity
Policy 4.2 Quality of residential accommodation
Policy 4.3 Mix of dwellings
Policy 5.1 Locating developments
Policy 5.2 Transport impacts
Policy 5.3 Walking and cycling
Policy 5.4 Public transport improvements
Policy 5.6 Car parking
Policy 5.7 Parking standards for disabled people and the mobility impaired

Principle of development

11. The proposed development will lead to the loss of the existing public house building (Use Class A4) and the provision in its place of a retail (A1) unit along with six residential flats.

Loss of the existing public house use

12. Whilst most of the representations received have raised objections to other impacts rather than the loss of the public house facility itself, an objection to its loss has been received by the Campaign for Real Ale (CAMRA).
13. Saved Policy 1.10 of the Southwark Plan states that:

Outside of town centres, local centres and protected shopping frontages, development will only be permitted for a proposal for a change in use between A class or from A use classes to other uses, where the applicant can demonstrate that:

 - i) The proposed use would not materially harm the amenities of surrounding occupiers; **and***
 - ii) The use that will be lost is not the only one of its kind within a 600m radius and its loss would not harm the vitality and viability of nearby shops or shopping parades; **or***
 - iii) The premises have been vacant for a period of at least 12 months with demonstrated sufficient effort to let, or have not made a profit over a two year period.*
14. In respect of the first criteria, there is no reason in principle why a mixed use retail and residential development would impact materially upon the amenities of surrounding properties, subject to appropriate design (as considered later in this report). The proposed uses are capable of co-existing alongside existing residential development.
15. The policy goes onto to require either criteria ii or criteria iii to be also complied with. In this case the Blacksmith's Arms on Rotherhithe Street is located approximately 200m from the application site providing a similar public house facility within walking distance. Policy 1.10 is therefore complied with on this basis.
16. Consideration has also to be given to Paragraph 70 of the National Planning Policy Framework (2012) which states, amongst other things, that planning decisions should *guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs*. Similarly, Policy 3.1B of the London Plan (2015) states that development proposals should protect and enhance facilities and services that meet the needs of particular groups and communities. The loss of these facilities without adequate justification or provision for replacement should be resisted. CAMRA also refers to policy DM27 of the draft Southwark Plan but as this is at such an early stage in the plan making process it can be afforded very little weight at this time.
17. The applicant has stated that existing *permitted development* rights would allow for a change of use from the existing and proposed uses within the existing building without needing planning permission. The applicant also draws attention to the existence of other public houses within the vicinity of the site, and that in the absence of specific criteria being attached to the NPPF, considers that the assessment set out within Policy 1.10 accords broadly with the general guidance within Paragraph 70 of the NPPF.
18. In the view of Officers, there is little evidence that this public house has recently served as a valued community facility. Whilst several letters have been received from local residents, very few of these object in principle to the loss of the public house itself. CAMRA have objected to its loss but there is no evidence provided with its objection that the public house has served as a valued facility in this case. There have been no attempts to secure the premises as an Asset of Community Value. Coupled with these factors, an existing public house (the Blacksmith Arms) is conveniently located very close to the site providing a similar use for the community. Whilst needing to guard against the loss of public houses where it is clear they offer a valued facility, this does not appear to be the case in this instance. The replacement retail class facility will also provide an,

albeit different, local service for the surrounding area. Taking all these factors into consideration, it is concluded on this issue, that the loss of the public house will not result in any significant harm to the overall provision of local facilities and services in this area.

Provision in principle of commercial (A Class) and residential development

19. Located in a pre-dominantly residential area, the provision of additional residential accommodation is acceptable in principle upon this site, contributing to the supply of dwellings in the area. The overall density of the proposed scheme amounts to 862 habitable rooms per hectare. The site is located within the Suburban Zone where Strategic Policy 5 (Providing New Homes) expects density's to fall within the range of 200 to 350 habitable rooms per hectare. The proposed density is therefore significantly higher than the expected range. It is recognised that density values can be an arbitrary guide to the overall acceptability of a development, particularly on small site's such as this providing for only six new dwellings along with a small retail unit. It is also recognised the proposals need to make full and effective use of land within the context of the surrounding environment. Whilst the density figure alone is not such to justify refusal of the application in its own right, it is important to assess whether this high density has resulted in any significant harm in relation to factors such as the quality of residential accommodation proposed, the scale and design of the development, and the impacts upon the surrounding area. These factors are considered further below.
20. The provision of a small A1 or A2 facility (288 sqm) serving the local area is also considered to be acceptable in principle. The proposal will provide a convenient local neighbourhood facility that is accessible to the surrounding residential area by foot and cycle. It is not of a size to have any significant implications for the vitality of existing town and local centres in the surrounding area (including the Canada Water Town Centre) and is well below the 2500 sqm threshold for where an impact assessment is required. Similarly, given the small scale of the proposal meeting only local needs, it is not considered that a sequential test assessment is required as to whether the facility could be provided within a town centre or edge of centre site. This is consistent with Policy 4 of the Canada Water Area Action Plan (2012) which supports proposals for small scale shopping facilities, recognising that there are very few such facilities available in the area. Whilst concerns have been raised in relation to the potential impacts upon the existing small retail unit nearby on Rotherhithe Street, there are no planning policy reasons why the proposal should be resisted on this basis.

Environmental impact assessment

21. The proposed development is not of the size, scale, location or intensity to require an Environmental Impact Assessment. The key impacts of the development upon the surrounding area and environment are considered below.

Design and Appearance

22. This site is located in an area of Rotherhithe which was largely rebuilt in the late 20th Century and many of the buildings were designed as post-modernist replicas of the old warehouses they replaced. The existing two storey building is an Arts and Crafts style public house which has some townscape merit. It is not, however, listed, nor is it considered to have such merit to warrant listing for either its architectural or historic interest. Any redevelopment of the site needs to replace the existing building with a building of interest and quality that will achieve a high quality of design as required by the relevant Development Plan policies including saved policy 3.12 of the Southwark Plan (Quality in Design).
23. The area around the site comprises a fairly mixed form of development. Existing residential buildings to the east and west of the site are three storey, whilst there are

other four storey developments on Rotherhithe Street including Timbrell Place, a residential building comprising flats located adjacent to the southern boundary of the site. The proposed four storey building would be a similar height to Timbrell Place and, whilst higher than some other developments in the vicinity, is not considered to be of a height or scale that would be at odds with the surrounding townscape.

24. Like the existing public house building, the proposal would immediately adjoin the pavement edge along Rotherhithe Street and Silver Walk. As a result, at four storeys it will appear as an assertive building, including in views from the adjacent Pearson Park to the north, but would not appear as being out of character or incongruous with other building forms in the area. Whilst taking up a large area of the site, bounded on roads on three sides it is not considered to represent an overdevelopment of the site. Active frontages, including large ground floor windows to the commercial unit, are proposed along the two main frontages.
25. The applicant has designed the building to reference the predominant wharf building architecture along Rotherhithe Street. The design has been amended from the previously withdrawn application to provide a continuity of materials between ground floor and the upper levels, and defining the pilasters down to ground level. The materials include London Yellow Stock brick for the main elevations, reconstituted stone window cills, gauged brick arches and glass balustrades. This palate of materials along with the enhancements to the design are considered to provide for a good and lasting quality of overall design. The detailed design and use of quality materials is an important factor in achieving the appropriate design quality of this building and conditions are therefore recommended to secure these detailed matters should planning permission be granted.
26. This site is not in a conservation area. The only other historic buildings are further north around the grade II listed Nelson Dry Dock and the grade II* listed Nelson House. However, these are more than 60m away on the opposite side of Rotherhithe Street and their setting would not be affected by the proposed development.
27. In conclusion on design, the proposed development is considered to be of an appropriate size, scale and form for this site. The enhancements to the design from that originally proposed and use of good quality materials will ensure an appropriate quality of design in this location and provides for a satisfactory replacement of the existing building on this site.

Quality of Proposed Residential Accommodation

28. The residential accommodation comprises six two bed roomed flats, each of which exceeds the minimum overall floorspace requirements. All flats will be dual aspect. The individual rooms sizes either meet or exceed the minimum requirements and each flat will provide for a good standard of internal accommodation.
29. An external balcony is provided for each flat of between 6 and 10 sqm in size, above the minimum requirement of 3 sqm. An external communal amenity space of 35 sqm is also provided. Whilst greater than 50 sqm should normally be provided, given the small size of the site where it is more difficult to provide large areas of amenity space, and taking into account the close proximity of the site to the adjacent Pearson Park which offers public amenity space, the proposed amenity space provision is, on balance, considered to be acceptable in this instance.
30. A condition to ensure appropriate noise insulation is provided between the commercial and residential units is recommended to ensure there is no undue disturbance from the occupiers. The surrounding area is relatively quiet and it is not considered that additional conditions are required to restrict levels of external noise for the flats and their amenity areas in this instance.

31. For schemes of below ten dwellings there is no policy requirement to provide affordable or wheelchair housing.
32. Overall, the proposal is considered to provide a good standard of residential accommodation.

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

33. Several objections have been received from neighbouring residents about the impact of the proposed development upon their living conditions, including loss of day/sun light, impact on outlook and overlooking.
34. There are existing residential properties on three sides of the development. Flats within the four storey Timbrell Place are located adjacent to the south boundary of the site, with the gardens of the ground floor flats adjoining the application site boundary. Principal windows within these flats directly face the proposed building, with the nearest being approximately 9.2m from the application site boundary. To the east of the site, on the opposite side of Rotherhithe Street, are located three storey residential properties approximately 12.5m from the site boundary. Further residential properties are located to the west and south west of the site, on the opposite side of Patina Walk.

Impacts upon Timbrell Place

35. The proposed four storey development would be approximately five metres higher than the existing building and would be of significantly greater massing than the existing building. The ground floor element of the south elevation (facing the existing flats within Timbrell Place) would adjoin the site boundary as is the case with the existing building, with the upper storeys set back by 1.7m from the site boundary.
36. The applicant has submitted a day/sun light report with the application which has been supplemented with further information following concerns raised by officers and neighbouring residents. The most affected flats are those in the ground and first floors of Timbrell Place facing the proposed development. Several trees are located in the garden area between Timbrell Place and the application site, which currently restrict the amount of day light to the existing flats, particularly during the summer months. Concerns were raised that the initial day/sun light assessment (which found there to be negligible daylight impacts for all neighbouring properties) was based on those trees being in leaf, so did not account for when they were not in leaf. There were also concerns raised that the assessment had exaggerated the size of the trees.
37. The applicant subsequently provided further information assessing the impact without taking account of the existing trees. This concluded that, without the trees, using the Vertical Sky Component (VSC) method the proposed development would result in moderate and major impacts upon ground and first floor windows within Timbrell Place. Using the No Sky Line method (NSL) four of the eight windows tested fail the test. It is therefore apparent that the proposed development would result in greater daylight impacts in winter months than in the summer months when the trees are in full leaf.
38. The applicant's assessment went on to assess the impact, without trees, using the Average Daylight Factor (ADF) which is a more detailed complex method to determine natural internal daylight, taking into account factors such as window size, number of available windows, room size and the angle of visible sky reaching the window. This is recommended by the BRE Guidance for new developments, but can also be used to assess impacts upon existing developments using relevant information. The results of this assessment show a reduction in levels of day light to ground floor and first floor flats but shows that the resulting levels pass the minimum BRE daylight requirements.

39. It is clear that the proposed development would result in impacts upon daylight for facing properties in Timbrell Court, particularly when the trees are not in leaf. However, the testing provided by the applicant using the detailed ADF method shows the values to be above the minimum levels stated in BRE guidance. When the trees are in leaf the impact would be much less given that the trees would already impact upon levels of daylight received. There would also be a decrease in daylight to the outdoor amenity areas, particularly when the trees are not in leaf. The impact on the trees themselves is considered later in the report.
40. The proposed development would be located to the north of the Timbrell Place flats and the impacts upon sunlight would not be significant.
41. Given the increase in height and massing of the proposed building over the existing, it would appear as more prominent and assertive in comparison to the existing building, particularly when viewed from the flats within Timbrell Place, containing principal windows. Like the sunlight impacts, due to the presence of existing trees, this would be more the case in the winter than the summer. There would therefore be some adverse impacts upon the outlook from residential properties, though this impact is reduced due to the presence of trees and also the presence of existing impacts from the existing building which, whilst lower, is still prominent in the existing outlook from the flats, particularly at ground and first floor levels. It is also noted that the relationship between the proposed building and existing flats is similar to that between existing residential properties in Timbrell Place further along Rotherhithe Street to the south.
42. In terms of overlooking, whilst there are windows proposed in the south elevation of the proposed building, these are to bathrooms/en-suites and will be obscure glazed. Similarly the glass blocks used for the stair way will be obscure glazed. As such no significant overlooking impacts would arise for the occupiers of Timbrell Place.

Impacts upon other residential properties

43. Taking account of the relationship across the road, the narrow width of the proposed building and the separation distance of approximately 12.5 between the respective buildings, it is not considered that significantly adverse impacts would result upon the living conditions of properties on the opposite side of Rotherhithe Street. The applicant's day/sun light tests show there to be no adverse impacts.
44. Similarly, the separation distances (over 15 metres) between the proposed building and the adjacent residential properties on Patina Walk are considered to be sufficient to prevent any significant impacts in respect of day/sun light impacts, overbearing appearance or overlooking. The day/sun light testing has not found there to be any adverse impacts.
45. A condition is recommended to control noise from external plant in connection with the proposed development and also to restrict the times of any deliveries to the retail unit to between 8.00am and 8.00pm Monday to Saturday and between 8.00am and 6.00pm on Sunday's and Bank Holidays. It is not considered that the overall activity arising from this mixed use development would result in any significant noise or disturbance upon the surrounding area. Whilst some disturbance would arise during the demolition and construction, this will be for a relatively short period of time and would be subject to the Council's usual Environmental Protection controls through separate s61 applications. Concerns have also been expressed by residents in relation to impacts upon foundations of adjacent properties. This would need to be addressed by the applicant in its final building/construction design and is not a material planning consideration in this case, taking account of the separation distance between properties. The impact upon the value of existing properties has also been raised, but this is not a material planning consideration.

Conclusion on residential amenity impacts

46. The replacement building will be of increased height and massing in relation to the existing. This will result in impacts upon surrounding properties, most particularly the flats facing the site in Timbrell Place. However, the presence of existing trees already has a significant influence upon the levels of light and outlook of these residential properties and the impacts would be largely negated when the trees are in leaf. When the trees are not in leaf, there would be impacts upon daylight levels to rooms at ground/first floor levels and amenity areas but testing provided by the applicant shows levels in rooms to be above the minimum levels stated in BRE guidance. These issues will be carried forward to overall conclusion on the planning issues later in this report.

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

47. There are no likely implications for the proposed occupiers and users of the development arising from existing adjoining or nearby uses.

Transport issues

48. The proposed development comprising a small retail unit and six flats is not considered to result in a significant increase in traffic that would have any adverse impact upon local highway conditions or the surrounding road network. The retail unit would provide a local convenience facility for the surrounding neighbourhood, accessible by foot, and is unlikely to result in a high number of vehicular trips.
49. The site has a low PTAL rating of 1b, though is served by a local bus service. There is no Controlled Parking Zone in operation in the locality. Two on site car parking spaces are provided on site, accessed via Patina Walk, and therefore there is likely to be a demand for on street parking. The applicant has provided a parking survey which demonstrates that there is adequate space on street to accommodate any overspill parking as a result of this development. This has been agreed by the Council's Transport Policy team.
50. The two parking spaces would not result in any high levels of vehicular activity in Patina Walk and taking account of the low vehicle speeds, are not considered to lead to any serious conflicts with pedestrians, cyclists or other vehicles along this road. Landscaping to the north of the access would need to be limited to 0.6m in height to allow suitable visibility for drivers exiting the spaces.
51. Further details of cycle parking for the residential and retail uses will need to be secured by condition. The residential cycle parking as currently proposed need to be improved to be more convenient and usable for users as it is constrained as currently shown. The refuse storage for the residential use is located to the rear of the development. The location of this is not considered to result in any significant amenity considerations, subject to appropriate boundary treatment which will need to be provided as part of the landscaping condition. Details are also required via condition of refuse storage provision for the retail use which the applicant proposes to be inside the building.
52. Given the small size of the retail unit and the low number of deliveries expected, it is not considered necessary for a condition to be attached requiring service management details. Servicing implications are not likely to be significantly different to those for the previously existing public house use. Any changes necessary to existing road markings and pavement would need to be subject to the separate approval of the highway authority.

Impact on trees

53. The amended plans submitted through this application in comparison to the previously withdrawn scheme, showing a set back above ground floor level, allow a greater amount of crown canopy to be retained of the adjacent Maple trees which are of importance to amenity and screening. The footprint of the proposed building extends to the south boundary of the site but this is similar to the situation with the existing building. Therefore, significant root damage can be avoided through suitable arboricultural protection details. Smaller neighbouring trees to the rear are also now retained.
54. Subject to suitable tree protection details being agreed via a condition it is considered that the adjacent trees can be satisfactorily protected throughout the construction works and beyond. As highlighted earlier in the report this is relevant to the impacts upon the amenity of the adjacent flats in Timbrell Place.

Planning obligations (S.106 undertaking or agreement) & CIL

55. There are no S106 requirements arising from this proposal.
56. Section 143 of the Localism Act states that any financial contribution received in terms of community infrastructure levy (CIL) is a material "local financial consideration" in planning decisions. The requirement for payment of the Mayoral or Southwark CIL is therefore a material consideration, however the weight attached is determined by the decision maker. The Mayoral CIL is required to contribute towards strategic transport investments in London as a whole, primarily Crossrail, while Southwark's CIL will provide for infrastructure that supports growth in Southwark.
57. In Southwark the Mayoral CIL was established at a rate of £35 per sqm of new development, although this is an index linked payment. The Southwark CIL rate is based on the type and location of the development.

Sustainable development implications

58. The proposed development will provide an appropriately sustainable mixed use development providing both good sized new flats along with a local convenience retail facility serving the surrounding neighbourhood and accessible by foot or cycle.
59. Following Government advice, the Code for Sustainable Homes is no longer applicable to new developments. The applicant has demonstrated that the retail unit can achieve a BREEAM 'very good' rating which, given the small size of the units, is considered to be acceptable in this instance. Photovoltaic panels are proposed on the roof of the building.

Other matters

60. *Contamination*
A condition is recommended requiring ground investigation and subsequent remedial works if required.

Flood Risk

The development is located within Flood Risk Zone 3. The applicant has submitted a Flood Risk Assessment which has been considered by the Environment Agency who raise no objections to the proposed development.

Archaeology

Given the previous development of a similar footprint to that now proposed, no further archaeological works are required.

Conclusion on planning issues

61. The proposed development will result in the provision of six new dwellings contributing to local housing needs and a small convenience retail unit which will serve the surrounding neighbourhood. Taking account of the existence of an existing public house within 200m of the application site, it is not considered that the public house is of such value as a facility for the local community to warrant an objection to the change of use.
62. The proposed density of the scheme is significantly higher than the expected range for the Suburban Zone. However, in this instance it is concluded that no significant harm will result from the proposal of such density on this site. The proposed height and massing of the building will appropriately integrate within the surrounding townscape and the detailed design will provide for interest and articulation. The south flank wall of the development will impact upon the daylight and outlook from adjacent flats in Timbrell Place. However, whilst there will be limited harm in this respect, the presence of trees between the buildings will mean this impact is reduced, notably when the trees are in leaf. The overall impacts upon the living conditions of these properties, and others surrounding the site, is on balance, not considered to be of such significance to justify the refusal of the application.
63. Following consideration of all relevant planning matters and those issues raised in representations, it is concluded that the proposal will provide for a sustainable development, subject to conditions as listed elsewhere.

Community impact statement

64. 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 issues relevant to particular communities/groups likely to be affected by the proposal have been identified above.

Consultations

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

Consultation replies

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

Summary of consultation responses

67. Environment Agency
No objections on flood risk grounds.
68. Environmental Protection Team
No objections raised. Recommend conditions requiring:
 - Restriction of internal noise levels and noise between proposed residential properties
 - Restriction of noise between commercial and residential properties
 - Restriction of plant noise
 - Restriction of noise levels for external amenity areas

- Investigation and treatment of contamination
 - Approval of a Construction Environmental Management Plan
69. Campaign for Real Ale (CAMRA)
Strongly object to the proposal as it would result in the loss of valued community facility and heritage asset and would be contrary to Policy DM27 of the draft Southwark Plan.
70. Summary of Representations from local residents
Seventeen representations have been received from local residents raising the following issues:
- Loss of building of local significance and heritage value
 - Loss of existing public house. Other applications have also been submitted in the local area proposing the loss of public houses
 - Impact upon daylight and sunlight received by neighbouring properties, located in close proximity to the development. Single aspect flats face the development and will be badly affected. Applicant's day/sun light assessment does not properly reflect the existing trees.
 - Adverse impact upon outlook from neighbouring properties.
 - Loss of privacy and overlooking of neighbouring properties.
 - The size and scale of the development is out of keeping with surrounding development. Four storeys are too high for this location. Too dominant.
 - Overdevelopment of the site.
 - Proposed design of the building is inappropriate in this location.
 - Proposed balconies will be used for storage and will be unsightly.
 - Impact upon the adjacent trees which are important for the amenity of the area.
 - Impact of the size of the proposed building upon the adjacent park.
 - Parking provision is inadequate resulting in further on street parking, leading to disruption and safety concerns. Increase in congestion.
 - Vehicular access is inappropriate and will lead to safety implications with passing pedestrians, cyclists and vehicles at rear of site. Vehicles will have to reverse out.
 - No parking has been provided for the retail premises.
 - Refuse store is inappropriately sited result in smell visual impacts.
 - A new retail store will detrimentally impact upon the existing retail store near to the site.
 - Implications of new development upon the foundations of existing properties.
 - Noise and disturbance from construction works.
 - Impact upon property values.

An additional letter has also been received on behalf of Silver Walk Management Limited in their capacity as the management company for 68 properties within Timbrell Place, Filigree Court and Patina Walk. This raised the following issues:

- Excessive density: The proposed density of 862 habitable rooms per hectare exceeds the range of 200-350 for the Suburban Zone. It gives rise to a number of significant detrimental effects relevant to existing residents and the wider area.
- Loss of sunlight and daylight: Principal concern is in relation to the impact on the 4 storey property in close proximity including single aspect flats and flats that directly face the application site. The applicant's day/sun light assessment has been independently tested, concluding that the proposal will cause adverse impacts on the daylight amenity to the neighbouring property at Timbrell Place. using VSC the results show a number of major and moderately adverse impacts. Room layouts are not reflective of all flats within Timbrell Place. The report does not consider the No Sky Line method. Whilst the Average Daylight Factor (ADF) results make the scheme appear to be compliant, the BRE guidelines stipulate that the use of ADF for loss of light to existing buildings is not generally recommended. Additional testing is

required.

- Urban design: Four storey building would appear dominant in the street, would appear as incongruous, at odds with the overall character and grain of the area, and the excessive density would be quite apparent by the bulk and form of the proposals. Issues with site access, servicing and ease of movement. Parking provision inadequate for this site with very poor public transport accessibility. No disabled parking. Spaces poorly positioned close to private gated access serving properties in Patina Walk.
- Overbearing impacts and loss of outlook: Four storey flank elevation of the proposed new building is a little over 10m from the flank elevation of Timbrell Place and adjoining the private garden area. There are six main properties facing the site. Other properties within Filigree Court also face the proposed building. Presence of such as large mass of building will be extremely oppressive and unacceptably affect the outlook of these flats, seriously impinging the normal living conditions for residents.
- Impact upon trees: Risk that excavation for foundations will affect the roots of trees. Not clear that the trees will be preserved. Regular crown reduction also required. The loss of trees will heighten the dominance of the four storey building when viewed from properties in Timbrell Place to an unacceptable degree.
- In conclusion, the proposal is fundamentally flawed and results in a development impacting significantly upon the amenity of surrounding residents and upon the character and appearance of the area. Impacts largely result from the high density of the development which far exceeds the adopted policy.

Human rights implications

71. 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.
72. This application has the legitimate aim of providing a replacement building comprising retail and commercial floorspace. 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/271-562 Application file: 14/AP/4337 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 4351 Council website: www.southwark.gov.uk

APPENDICES

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

AUDIT TRAIL

Lead Officer	Gary Rice, Head of Development Management	
Report Author	David Cliff, Team Leader (Major Applications)	
Version	Final	
Dated	14 April 2015	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Finance & Corporate Services	No	No
Strategic Director of Environment and Leisure	Yes	Yes
Strategic Director of Housing and Community Services	No	No
Director of Regeneration	No	No
Date final report sent to Constitutional Team		16 April 2015

APPENDIX 1

Consultation undertaken

Site notice date: 23/12/2014

Press notice date: n/a

Case officer site visit date: 19/01/2015

Neighbour consultation letters sent: 23/12/2014

Internal services consulted:

Environmental Protection Team Formal Consultation [Noise / Air Quality / Land Contamination / Ventilation]

Statutory and non-statutory organisations consulted:

Environment Agency
Thames Water - Development Planning

Neighbour and local groups consulted:

11 Filigee Court London SE16 5HL	279a Rotherhithe Street London SE16 5EY
15 Filigree Court London SE16 5HL	273a Rotherhithe Street London SE16 5EY
By Eform	275a Rotherhithe Street London SE16 5EY
20 Timbrell Place Rotherhithe Street SE16 5HU	285a Rotherhithe Street London SE16 5EY
19 Timbrell Place Rotherhithe Street SE16 5HU	287a Rotherhithe Street London SE16 5EY
22 Timbrell Place Rotherhithe Street SE16 5HU	281a Rotherhithe Street London SE16 5EY
21 Timbrell Place Rotherhithe Street SE16 5HU	283a Rotherhithe Street London SE16 5EY
16 Timbrell Place Rotherhithe Street SE16 5HU	273 Rotherhithe Street London SE16 5EY
15 Timbrell Place Rotherhithe Street SE16 5HU	275 Rotherhithe Street London SE16 5EY
18 Timbrell Place Rotherhithe Street SE16 5HU	18 Pattina Walk London SE16 5HT
17 Timbrell Place Rotherhithe Street SE16 5HU	19 Pattina Walk London SE16 5HT
28 Timbrell Place Rotherhithe Street SE16 5HU	285 Rotherhithe Street London SE16 5EY
27 Timbrell Place Rotherhithe Street SE16 5HU	287 Rotherhithe Street London SE16 5EY
29 Timbrell Place Rotherhithe Street SE16 5HU	277 Rotherhithe Street London SE16 5EY
24 Timbrell Place Rotherhithe Street SE16 5HU	279 Rotherhithe Street London SE16 5EY
23 Timbrell Place Rotherhithe Street SE16 5HU	Room 2 15 Pattina Walk SE16 5HT
26 Timbrell Place Rotherhithe Street SE16	Room 4 17 Pattina Walk SE16 5HT

5HU	Room 5 17 Pattina Walk SE16 5HT
25 Timbrell Place Rotherhithe Street SE16 5HU	
3a Timbrell Place Rotherhithe Street SE16 5HU	Room 2 17 Pattina Walk SE16 5HT
3 Timbrell Place Rotherhithe Street SE16 5HU	Room 3 17 Pattina Walk SE16 5HT
5 Timbrell Place Rotherhithe Street SE16 5HU	Room 2 18 Pattina Walk SE16 5HT
4 Timbrell Place Rotherhithe Street SE16 5HU	Room 3 18 Pattina Walk SE16 5HT
1a Timbrell Place Rotherhithe Street SE16 5HU	Room 6 17 Pattina Walk SE16 5HT
1 Timbrell Place Rotherhithe Street SE16 5HU	Room 1 18 Pattina Walk SE16 5HT
2a Timbrell Place Rotherhithe Street SE16 5HU	Room 2 16 Pattina Walk SE16 5HT
2 Timbrell Place Rotherhithe Street SE16 5HU	Room 3 16 Pattina Walk SE16 5HT
11 Timbrell Place Rotherhithe Street SE16 5HU	Living Accommodation 562 Rotherhithe Street SE16 5EX
10 Timbrell Place Rotherhithe Street SE16 5HU	Room 1 16 Pattina Walk SE16 5HT
14 Timbrell Place Rotherhithe Street SE16 5HU	Room 6 16 Pattina Walk SE16 5HT
12 Timbrell Place Rotherhithe Street SE16 5HU	Room 1 17 Pattina Walk SE16 5HT
7 Timbrell Place Rotherhithe Street SE16 5HU	Room 4 16 Pattina Walk SE16 5HT
6 Timbrell Place Rotherhithe Street SE16 5HU	Room 5 16 Pattina Walk SE16 5HT
9 Timbrell Place Rotherhithe Street SE16 5HU	Room 2 14 Pattina Walk SE16 5HT
8 Timbrell Place Rotherhithe Street SE16 5HU	Room 3 14 Pattina Walk SE16 5HT
By Email	Room 6 19 Pattina Walk SE16 5HT
5 Filigree Court London SE16 5HL	Room 1 14 Pattina Walk SE16 5HT
6 Filigree Court London SE16 5HL	Room 6 14 Pattina Walk SE16 5HT
3 Filigree Court London SE16 5HL	Room 1 15 Pattina Walk SE16 5HT
4 Filigree Court London SE16 5HL	Room 4 14 Pattina Walk SE16 5HT
16 Pattina Walk London SE16 5HT	Room 5 14 Pattina Walk SE16 5HT
17 Pattina Walk London SE16 5HT	Room 6 18 Pattina Walk SE16 5HT
14 Pattina Walk London SE16 5HT	Room 1 19 Pattina Walk SE16 5HT
15 Pattina Walk London SE16 5HT	Room 4 18 Pattina Walk SE16 5HT
Room 5 15 Pattina Walk SE16 5HT	Room 5 18 Pattina Walk SE16 5HT
Room 6 15 Pattina Walk SE16 5HT	Room 4 19 Pattina Walk SE16 5HT
Room 3 15 Pattina Walk SE16 5HT	Room 5 19 Pattina Walk SE16 5HT
Room 4 15 Pattina Walk SE16 5HT	Room 2 19 Pattina Walk SE16 5HT
1 Filigree Court London SE16 5HL	Room 3 19 Pattina Walk SE16 5HT
2 Filigree Court London SE16 5HL	By Email
281 Rotherhithe Street London SE16 5EY	9 Filigree Court SE16 5HL
283 Rotherhithe Street London SE16 5EY	176 Simms Road Bermondsey SE1 5QJ
277a Rotherhithe Street London SE16 5EY	C/O Silver Walk Management Ltd 34b York Way N1 9AB

Re-consultation: n/a

APPENDIX 2

Consultation responses received

Internal services

Environmental Protection Team Formal Consultation [Noise / Air Quality / Land Contamination / Ventilation]

Statutory and non-statutory organisations

Environment Agency

Neighbours and local groups

C/O Silver Walk Management Ltd 34b York Way N1 9AB

Email representation

Email representation

Email representation

Email representation

Email representation

1 Filigree Court London SE16 5HL

14 Timbrell Place Rotherhithe Street SE16 5HU

15 Filigree Court London SE16 5HL

15 Filigree Court London SE16 5HL

176 Simms Road Bermondsey SE1 5QJ

19 Timbrell Place Rotherhithe Street SE16 5HU

2 Filigree Court London SE16 5HL

2a Timbrell Place Rotherhithe Street SE16 5HU

232 Burrage Road London SE18 7JU

26 Timbrell Place Rotherhithe Street SE16 5HU

27 Timbrell Place Rotherhithe Street SE16 5HU

279a Rotherhithe Street London SE16 5EY

5 Timbrell Place Rotherhithe Street SE16 5HU

6 Timbrell Place Rotherhithe Street SE16 5HU