

<b>Item No.</b>	<b>Classification:</b>	<b>Date:</b>	<b>Meeting Name:</b>
6.1	OPEN	2 June 2015	Planning Committee
<b>Report title:</b>	<b>Development Management planning application:</b> Application 15/AP/0627 for: Full Planning Permission  <b>Address:</b> 67-71 TANNER STREET, LONDON, SE1 3PL  <b>Proposal:</b> Demolition of existing two storey building followed by the erection of an eight storey mixed-use building providing nine residential dwellings and 400 sqms of flexible commercial floor space (A1, A2, B1), provision of cycle storage, refuse storage and landscaped outdoor space.		
<b>Ward(s) or groups affected:</b>	Grange		
<b>From:</b>	Head of Development Management		
<b>Application Start Date</b> 24/02/2015		<b>Application Expiry Date</b> 26/05/2015	
<b>Earliest Decision Date</b> 04/04/2015			

## RECOMMENDATION

- 1 That the Planning Committee grant planning permission subject to conditions and the completion of an appropriate legal agreement no later than 30 June 2015; and should a satisfactory legal agreement not be completed by 30 June 2015 that the Head of Development Management be authorised to refuse the application for the reasons set out in paragraph 63 of this report.

## BACKGROUND INFORMATION

### Site location and description

- 2 The site is broadly triangular shaped, located on the north side of Tanner Street between the railway viaduct (adjacent to the north east flank boundary) and the adjacent building (59-63 Tanner Street) to the west. The site currently contains a two storey building fronting directly onto Tanner Street. It is currently empty though was last used for the sale of furniture goods.
- 3 The existing seven storey building at 59-63 Tanner Street (The Leatherworks) located adjacent to the western boundary of the site comprises commercial uses at ground floor level and residential units above. A new development (The Arc) is currently under construction on the opposite side of Tanner Street, comprising residential and commercial floor space within a building of up to ten storeys in height.
- 4 The site is subject to the following Development Plan designations:
  - Air Quality Management Area
  - Flood Risk Zone 3
  - Archaeological Priority Zone

- Urban Density Zone

It is located just beyond the eastern boundary of the Central Activities Zone and the Bankside, Borough and London Bridge Opportunity Area. The Public Transport Accessibility Level (PTAL) rating for the site is 4 (good).

### Details of proposal

- 5 The application proposes the demolition of the vacant existing building, followed by the erection of a new building of a maximum eight storeys, comprising 400 sqms of flexible commercial floor space on the ground and first floors (A1 – retail, A2 financial and professional services, or B1 - office/light industry uses) with nine residential units above. Of the 9 residential units, there are 7x two-bedroom and 2x three-bedroom flats.
- 6 The proposed building includes a two storey ‘wing’ fronting onto Tanner Street adjoined to the south west flank wall of the main eight storey portion of the building.
- 7 No car parking is proposed. Covered and secure cycle storage spaces are proposed at ground floor level towards the rear of the development.

### Planning history

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|---|--|
| 8 | 10/EQ/0132 Application type: Pre-Application Enquiry (ENQ)<br>8 storey mixed-use development, with use classes A1-A3 / B1 or similar for ground floor, with residential above, for 25 flats on the upper floors.   |
|   | 14/EQ/0125 Application type: Pre-Application Enquiry (ENQ)<br>Demolition of existing building and redevelopment of site to provide a building of ground plus eight storeys, including 153m <sup>2</sup> of class A1,/A2/B1 floor space and 25 residential units on the upper floors (10 x 1 bed, 13 x 2 bed, 1 x 3 bed and 1 x penthouse). |
|   | 14/EQ/0251 Application type: Pre-Application Enquiry (ENQ)<br>Demolition of the existing (vacant) building and erection of new eight storey building to provide commercial floor space and nine residential units above  |

### Planning history of adjoining sites

- 9 Construction is nearing completion on the recently permitted ‘The Arc’ development, a large predominantly residential building of between seven and ten storeys located on the opposite side of Tanner Street to the application site.

## KEY ISSUES FOR CONSIDERATION

### Summary of main issues

- 10 The main planning issues to be considered in respect of this application are:
  - a) The acceptability in land use terms of the proposed development,
  - b) The design and appearance of the development and its relationship with the existing townscape character of the area,
  - c) The quality of the residential accommodation within the proposed development,
  - d) The impacts upon the residential living conditions of neighbouring properties,
  - e) Transport implications and the impact upon local highway conditions,
  - f) S106 implications,

- g) Affordable housing implications,
- h) The sustainability of the development proposals.

## **Planning policy**

- 11 The planning application is considered against the development plan and other material matters, of which the following policies are of particular relevance to the proposal:

### National Planning Policy Framework (NPPF) 2012

- 1 Building a strong competitive economy
- 4 Promoting sustainable development
- 6 Delivering a wide choice of good quality homes
- 7 Requiring good design
- 11 Conserving and enhancing the natural environment
- 12 Conserving and enhancing the historic environment

### The London Plan 2015 Consolidated with Alterations since 2011

- Policy 3.3 Increasing Housing Supply
- Policy 3.4 Optimising Housing Potential
- Policy 3.5 Quality and Design of Housing Developments
- Policy 3.6 Children and Young People's Play and Informal Recreation Facilities
- Policy 3.8 Housing Choice
- Policy 3.9 Mixed And Balanced Communities
- Policy 3.11 Affordable Housing Targets
- Policy 3.12 Negotiating Affordable Housing On Individual Private Residential And Mixed Use Schemes
- Policy 4.9 Small Shops
- Policy 4.12 Improving Opportunities For All
- Policy 5.1 Climate Change Mitigation
- Policy 5.2 Minimising Carbon Dioxide Emissions
- Policy 5.3 Sustainable Design And Construction
- Policy 5.7 Renewable Energy
- Policy 5.11 Green Roofs And Development Site Environs
- Policy 5.12 Flood Risk Management
- Policy 5.13 Sustainable Drainage
- Policy 5.15 Water Use And Supplies
- Policy 6.3 Assessing Effects of Development on Transport Capacity
- Policy 6.9 Cycling
- Policy 6.10 Walking
- Policy 6.13 Parking
- Policy 7.1 Building London's Neighbourhoods And Communities
- Policy 7.2 An Inclusive Environment
- Policy 7.3 Designing Out Crime
- Policy 7.4 Local Character
- Policy 7.5 Public Realm
- Policy 7.6 Architecture
- Policy 7.8 Heritage Assets and Archaeology
- Policy 7.13 Safety, Security And Resilience To Emergency
- Policy 7.14 Improving Air Quality
- Policy 7.15 Reducing Noise And Enhancing Soundscapes
- Policy 7.19 Biodiversity and Access to Nature
- Policy 8.2 Planning obligations
- Policy 8.3 Community Infrastructure Levy

### Core Strategy 2011

- 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 6 - Homes for people on different incomes  
Strategic Policy 7 - Family homes  
Strategic Policy 10 - Jobs and business  
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 2.5 Planning obligations  
Policy 3.1 Environmental effects  
Policy 3.2 Protection of amenity  
Policy 3.3 Sustainability assessment  
Policy 3.4 Energy efficiency  
Policy 3.6 Air quality  
Policy 3.7 Waste reduction  
Policy 3.9 Water  
Policy 3.11 Efficient use of land  
Policy 3.12 Quality in design  
Policy 3.13 Urban design  
Policy 3.14 Designing out crime  
Policy 3.18 Setting of listed buildings, conservation areas and world heritage sites  
Policy 3.19 Archaeology  
Policy 3.22 Important local views  
Policy 3.28 Biodiversity  
Policy 4.2 Quality of residential accommodation  
Policy 4.3 Mix of dwellings  
Policy 4.4 Affordable housing  
Policy 4.5 Wheelchair affordable housing  
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

Supplementary planning documents

Residential Design Standards (2011)  
S106 & CIL (2015)  
Sustainable Design and Construction (2009)

**Environmental impact assessment (EIA)**

- 12 The proposal is below the threshold for requiring a Screening Opinion to determine whether it amounts to EIA development. The development is not of the size,

magnitude, intensity or location to require the submission of an Environmental Statement. However, the key planning impacts arising from the development are considered below.

### **Principle of development**

- 13 The existing two storey building is currently vacant though was last used as a furniture retail store which closed in 2014 and is therefore assumed to have a lawful use of Class A1 (retail).
- 14 The building appears to be in fairly poor structural condition and the applicant has stated that its retention within any redevelopment scheme is unviable and would be unsuitable for a modern retail or office use. The building is neither listed nor within a conservation, and whilst it has some limited townscape merit, taking account of its existing condition and the limitations of it being retained in any redevelopment scheme, no objections are raised to its loss, provided it is replaced by a new building of an appropriate use and design.
- 15 In an accessible location just outside of both the Central Activities Zone and the Bankside, Borough and London Bridge Opportunity Area, the general principle of a mixed use development comprising commercial use on the lower two floors with residential above is considered to be acceptable, providing new homes as sought by Strategic Policy 5 of the Core Strategy and providing a small flexible commercial unit of 400 sqms, which would replace the existing vacant A1 premises.
- 16 The proposed density of the scheme amounts to 1044 habitable rooms/hectare which is higher than the range of 200-700 habitable rooms per hectare required in the Urban Zone by Strategic Policy 5. It is noted that the site is located close to the boundary with the Central Activities Zone where a density of between 650 to 1100 dwellings per hectare is appropriate. There are also other examples of similar or higher densities within the vicinity of the site, including the newly constructed 'Arc' on the opposite side of Tanner Street. Density is a general measure of the appropriateness of new development and given the particular location of this site as described above, a density above the stated range it not considered to be necessarily harmful in its own right. However, it is important to assess whether the proposed density would result in other harmful impacts including how it relates to the surrounding townscape, the impacts upon the living conditions of neighbouring residents and the standard of the new residential accommodation proposed. Such assessments are reported below.

### **Design issues**

- 17 The NPPF stresses the importance of good design and states in paragraph 56 that: "*Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.*" Policy SP12 of the Core strategy states that "*Development will 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.*" Saved Policy 3.13 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. The site is located outside and to the east of the Bermondsey Street Conservation Area.
- 18 In general, the surrounding architectural character is very mixed, but there is a strong industrial character woven through much of the townscape. Whilst the existing building on the site is of some architectural interest as an example of the industrial aesthetic mentioned above, it is not considered to be of significant merit enough to justify

retention on heritage grounds and it is clear that the site could be used more efficiently through redevelopment.

- 19 Given the height and mass of the surrounding existing buildings as well as the emerging new development in the area, it is considered that this site could accommodate a significantly taller building than the two storey warehouse that currently occupies it. The adjacent building to the west (59-63 Tanner Street) is of seven storeys, and 'The Arc' development opposite the site ranges from seven to ten storeys. The proposed eight storey building including a step back top storey of lighter appearance to the remainder of the building, whilst higher than the immediately adjoining building, would not appear as being visually obtrusive or incongruous within the surrounding townscape. Therefore, subject to design quality and other impacts (i.e. the new building will be expected to represent an enhancement to the street scene), it is considered that the proposals would result in more efficient use of land and are therefore to be encouraged.
- 20 Revisions have been made to the scheme during pre-application discussions that have ensured that the building is well grounded in the surrounding townscape. Of particular note is the introduction of a lower wing of development wrapping along the Tanner Street façade, where previously an open (but potentially private) courtyard was proposed. This is considered a significant enhancement to the scheme as it ensures that the building line along Tanner Street is respected, creates a greater sense of enclosure to the street and contributes to natural surveillance of the street via active/well animated frontages. The lower wing of development also serves to unite the taller proposed building with the existing 59-63 Tanner Street and provides a counterpoint to the railway viaduct on the north eastern side of the site. It also serves to 'ground' this relatively tall building ensuring that it relates well to its surroundings, particularly at street level, creating a clear and legible commercial entrance. During the pre-application process the winter gardens proposed on the Tanner Street elevation were removed and replaced with balconies, and the elevations were given a more vertical emphasis to create a base, middle and top.
- 21 An open space is proposed to the east of proposed building marking the entrance to the residential element of the building and grounding the vertical circulation core which would be expressed externally. This would ensure that the relatively tall buildings makes a positive contribution to the landscape. It is intended that this space would be framed by two trees, further details of which are secured by condition.
- 22 The building fabric proposed is intended to articulate the 'tripartite' design approach, i.e. a composition made up of a base, middle and top. The base would be formed of frameless glazing revealing the exposed structural members. Frameless glazing at ground floor is not always encouraged as it is often considered to lack the robustness and character of a more traditionally inspired street frontages. However, in this case, it is considered acceptable as it is an integral part of the design concept allowing visibility across the site, particularly of the structural elements.
- 23 The middle would be much more solid and clad in industrial-looking bronze copper cladding. This would contrast with the base and visually link the building to viaduct and the wider context of the site. Different tones of bronze cladding and perforations are proposed to give a greater vertical rhythm and sense of articulation to the middle of the building. The top would be clad in a light coloured zinc with glazing. It is intended to appear visually 'light', which is welcomed. It is also noted that revisions have been made following discussions with officers, including changing the material from aluminum cladding to zinc and a reduction in the overall mass. The infill building between the tall elements and 59-63 Tanner Street would be finished in brick, selected to link the proposals into the existing surroundings and the brick railway viaduct. Brick is also proposed for the lower two floors of the north east elevation fronting onto

viaduct. Brick is considered a material appropriate to the local context.

- 24 The overall appearance would have an industrial character, enhanced by exposed functional elements of the building such as drain pipes, stairs and structural elements. This is considered appropriate for the context of this site, but will rely to a significant degree on the specific materials proposed and the manner in which they are detailed. It is recommended that the materials and details are controlled by condition.
- 25 In conclusion on design, height, scale and massing are considered to be appropriate for this site and represent an efficient use of land. No adverse impacts would result upon the setting of the nearby Bermondsey Street Conservation Area. The design relates well to the surroundings, particularly at street level, and has the potential to deliver a well composed contemporary building.

### **Standard and quality of residential accommodation within the scheme**

- 26 The site is constrained through its triangular shape, its location between the railway viaduct on one side, the flank wall of adjacent development on the other, and the new 'The Arc' development on the opposite side of Tanner Street. Careful design is consequently required in order to provide for an appropriate standard of residential accommodation within the development.
- 27 The bottom two floors of the development are proposed for commercial use with the residential units gaining greater access to levels of out and outlook on the upper floors. Each of the residential units has been designed as dual aspect which, along with the use of duplexes, is helpful in providing for appropriate amenity standards given the site constraints. The lowest residential floor (second floor) will contain only bedrooms allowing the living and kitchen/dinner areas to achieve better light, outlook and day/sun light levels above. The levels of day light, sun light and outlook are considered to be acceptable for the development in this urban location, particularly taking account of the constraints of the site.
- 28 The nine residential units comprise 7x two-bedroom and 2x three-bedroom flats. The requirements of Strategic Policy 7 regarding dwelling mix only apply to schemes of ten or more units, although this scheme would be compliant in this respect.
- 29 Each of the residential units complies with, or in most cases exceeds the minimum dwellings and room sizes. Indeed, two of the two-bedroom apartments (106 and 112 sqms) and the two three-bedroom apartments (133 and 148 sqms) exceed the minimum requirements by a significant amount.

### *Amenity space*

- 30 Each of the proposed flats has a private balcony or terrace. Both three-bed flats have terraced amenity space of 22sqm and 17 sqms respectively, well above the 10sqm minimum requirement. Each of the two-bedroom flats also have private amenity space in the form of balconies and/or enclosed winter gardens where immediately adjacent to the railway line, with each flat having at least 10sqm of private amenity space. The private amenity space for each flat therefore either meets or exceeds the Residential Design Standards requirements.
- 31 Given the constraints of this small site adjacent to the railway viaduct, it has not been practicably possible to provide the 50 sqms of communal amenity space required by the Design Standards. Though some open space is provided at ground level, this would not be practicably suitable for amenity space given its location adjacent to Tanner Street and the railway viaduct. However, the site is in close proximity to other areas of open space such as Tanner Street Park and, in accordance with the Council's S106 Supplementary Planning Document, a contribution of £10,250 has

been proposed towards improvements to existing public open spaces within the vicinity of the site. This will form part of the s106 provisions for the scheme. The amenity space provision is therefore considered to be acceptable for this scheme.

- 32 Overall, it is considered that through careful design, the scheme provides a good standard of residential accommodation for this location.

*Wheel chair accommodation*

- 33 As the site is capable of providing ten residential units, the applicant has agreed to one adaptable wheelchair unit being provided.

*Affordable Housing*

- 34 Saved policy 4.4 of the Southwark Plan requires affordable housing provision for all schemes capable of providing 10 or more dwellings. The policy requires that schemes capable of providing 10 units should provide one affordable unit and those capable for providing 11 units should provide two affordable units. In this case, nine dwellings are proposed, which is below the threshold. However, seven of the proposed dwellings have floor areas which are significantly greater than the Council's minimum dwelling size standards. Even allowing for a 10% uplift above the minimum standards which might be reasonably expected, the total floor space of all nine residential units amounts to 164 sqms more than the minimum standards, broadly equivalent to two additional units.

- 35 It is recognised that, owing to the particular constraints of the site including the adjacent railway viaduct, larger units are generally appropriate in order to provide a suitable quality of living accommodation including dual aspect units. However, even taking this into account, the scheme appears to be capable of delivering more than nine units, most notably on the less constrained upper two floors where two very large three bedroom duplex units of 133sqm and 148 sqms are proposed, well above the minimum standards of 95 sqms. The applicant agrees that the site could deliver a development of up to ten units, though there is disagreement between officers and the applicant as to whether this additional unit would be capable being of one or two bedrooms.

- 36 The applicant recognises the pressing need for affordable housing in the borough and has agreed to make a contribution of £300,000 in this case towards the provision of affordable housing within the Borough. This would broadly amount to cost of three habitable rooms (providing a two bedroom dwelling) and is considered to reasonably reflect the particular circumstances of this proposal with regard to affordable housing.

- 37 An in-lieu contribution secured through the s106 agreement is considered to be appropriate in this instance given the small quantum of affordable housing provision needing to be provided and the practical difficulties with such a small provision being physically provided on or off site.

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

- 38 The proposed eight storey building is of significantly greater height and massing than the existing two storey building and there is consequently potential for additional impacts upon the living conditions of neighbouring residential properties. Representations have been received from residents in this regard, including from flats within the adjacent building at 'The Leatherworks', 61 Tanner Street (to the west of the application site) where concerns have been raised to the impact upon residential amenity including loss of day light/sun, overlooking and overbearing impacts from the new development.



- 39 The applicant has submitted a day/sun light assessment which has been updated to take account of further information gained about affected neighbouring flats.
- 40 There are two flats with 61 Tanner Street which will be affected by the proposed development. Flat 11 is located at fifth floor level at the front right hand corner of the building. Flat 14 is located at sixth floor level with windows at the front, side and rear of the building.
- 41 Flat 11 is a three bedroom flat, which has a dual aspect open plan living, kitchen and dining room at the corner of the building with windows in its south (facing Tanner Street) and east (facing the application site) elevations. A bedroom window also has an east facing window looking towards the application site although this is set back further from the living dining room window. An outdoor terrace wraps around the two sides of the open plan living room. Whilst the resulting day light to the easterly facing window to the open plan living room/kitchen would be below recommended BRE Guidance levels (a VSC ratio reduction of 0.43), this room is dual aspect with the other south facing windows to this room not being significantly affected by the development. The applicant has also carried out a *daylight distribution* test which finds there would be a reasonable amount of daylight reaching this room and, taking into account these considerations, officers conclude that there would not be significant harm resulting upon the overall level of daylight received by this room. Taking account of the orientation of the windows, the sunlight impacts would not be significant. Whilst the new building would be prominent when viewed from the east facing window and terrace of Flat 11, the new building would be splayed away from the boundary of the site with the separation distance widening towards the front edge of the site, and taking account of the urban context of the site, it is not considered that such significant overbearing or overshadowing impacts would result that would cause serious harm to the living conditions of this property.
- 42 In terms of overlooking to this flat, amended drawings have also been received from the applicant removing the previously proposed 5<sup>th</sup> floor balcony from the scheme which was located in close proximity and adjacent to the balcony of Flat 11. There will be some existing overlooking from the newly constructed flats on the opposite side of Tanner Street, and taking account of the measures proposed in the application to fix angled perforated copper shutters to the facing bedroom windows in the proposed development along with the use of fritted glazing and glazed screening at 7<sup>th</sup> floor level, it is not considered that a significant increase in overlooking would occur.
- 43 In relation to flat 14 at 6<sup>th</sup> floor level of the adjacent 'Leatherworks', the most affected window is a side facing window, however this serves a lobby for lift access and is not considered to amount to a principal living room within the flat. The adjacent hallway would experience a loss of day light to one of its skylights but the other would retain satisfactory levels in accordance with BRE guidance. The main living and bedrooms, which do not have their main windows directly facing the development, would continue to receive appropriate levels of day light. Whilst the impact upon the east facing top skylight to the dining/living room would be below BRE guidelines (VSC ratio reduction of 0.73) this room is also served by other windows and would continue to receive appropriate levels of day light. Taking account of the orientation of the terraces and their relationship with the proposed development, these are also not considered to be significantly affected. Whilst the proposed development would be prominent in the outlook from some windows, given the relationships between the respective properties and the positioning of the main windows, it is not considered that significant overbearing or overshadowing impacts would result.
- 44 In respect of overlooking, the applicant has proposed screening to the external terrace which, provided it is of an appropriate height and form (which can be secured by condition), will ensure that there is no significant over looking of the adjacent

residential windows and terraces. Further details of screening will be provided by the applicant prior to the meeting of the Planning Committee. As noted above for Flat 11, the angled shutters, glazing and screening will ensure that there is not a significant increase in overlooking to the balcony at the front of Flat 14.

- 45 There are no other flats within the adjacent 'Leatherworks' building which would be significantly affected in terms of day/sun light, overbearing appearance or overlooking.
- 46 A newly constructed six to nine storey development 'The Arc' is located to the south of the application site on the opposite side of Tanner Street with residential windows facing the proposed development at first floor level and above. At the closest point, the two developments are 11m apart, but for the most part the separation distance between the two developments are greater than this as both developments curve/taper away from the street edge. The applicant's daylight testing shows that there are several instances where the impacts upon daylight do not meet the BRE guidance, although the majority of those are for bedrooms rather than living rooms/kitchens/dinners. The applicant has gone on to apply further testing, discounting the impacts of the balconies and utilising alternative targets based upon a hypothetical 'mirror image' building of the same height, size and distance to the site boundary as 'the Arc' upon the application site. Using this testing, the impacts upon each room would meet the targets. The relationship between the two respective buildings is not untypical of or out of character with that which is expected in a central urban area.
- 47 In addition, given the proposals siting to the north of this neighbouring building, no adverse sunlight impacts would result. Whilst there would be some mutual overlooking between respective properties, this would not be untypical of similar relationships across streets between residential buildings in an urban area and would not lead to unreasonable impacts.
- 48 Whilst the proposed development is located in close proximity to existing neighbouring residential development, it is not considered that the proposed uses are such to give rise to significant issues with noise and disturbance. A condition is recommended to control noise levels from external plant. To prevent unreasonable disruption from deliveries to the commercial unit, a condition is also recommended restricting delivery times to between 8.00am and 8.00pm Monday to Saturday and 9.00am to 6.00pm on Sundays and Bank Holidays. This is in line with a similar condition imposed for development opposite, with the exception that deliveries would be allowed on Sundays and Bank Holidays in this case, albeit with more constrained hours than other days of the week.
- 49 Representations have also been received from neighbouring residents concerning disturbance during construction works. Whilst some short term disruption is an inevitable consequence of demolition and construction works, this would be expected to comply with the Council's usual construction works protocol and would be subject to separate controls under the Environmental Protection Act and Highways legislation. It is not considered that there are any particularly unusual or exceptional impacts that would arise from demolition and construction for this proposal.
- 50 To conclude on residential amenity issues, the site is located in an urban area with residential properties in close proximity to the site on two sides of the development. The proposed development has sought to limit the impacts upon neighbouring properties through both its overall siting and massing and through the use of mitigation to prevent overlooking impacts. Whilst some limited impacts would result upon residential amenity of neighbouring properties, the relationships are typical of those with an urban area such as this and are not considered to result in significant and unreasonable harm upon the living conditions of neighbouring residents.

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

- 51 The railway viaduct leading into/out of London Bridge station is located immediately adjacent to the north east flank boundary of the site. The proposed development contains windows looking onto the railway line. Therefore, a condition is recommended in this case to provide appropriate noise levels within the flats.
- 52 Although the development will be close to neighbouring buildings containing flats, the overlooking is not considered to be unreasonable or out of character for the urban area in which it is located. There are no other uses which would significantly impact upon the future occupiers of the development. The other implications, in terms of quality of living accommodation provided within the development, are considered earlier in this report.

## **Transport & highway issues**

- 53 The site is in an accessible location (PTAL rating of 4) and a car free development as proposed is supported. A condition will be attached to prevent occupiers from applying for on street parking permits.
- 54 Covered and secure storage for twelve cycles to serve the residential units is proposed within the scheme and is considered to be appropriate for this development. Space has also been set aside within the commercial use for cycle parking along with showers and changing facilities.
- 55 A Delivery and Service Management Plan has been submitted. Given the constrained nature of the site servicing and deliveries will be from the street. This is acceptable in this instance taking account of the size of development proposed which will not generate significant vehicular activity in this regard. A refuse holding area is proposed to be provided within the site in order to prevent any obstruction of the pavement by refuse container. Permanent refuse storage areas are provided within the development itself for the commercial and residential uses.
- 56 Highway works including the re-paving of the pavement will be required through a s278 highway agreement.
- 57 In conclusion, the proposal is not considered to result in any significant impacts upon highway safety or local highway conditions and will promote sustainable forms of transport.

## **Trees and Landscaping**

- 58 There are no trees of significance that would be affected by the proposals. The application includes two trees on the frontage of the site which will add visual amenity to the street scene. A condition is recommended requiring details of any hard and soft landscaping.

## **Planning obligations (S.106 undertaking or agreement)**

- 59 A s106 agreement is being prepared for the application to include the following:
- In-lieu affordable housing contribution of £300,000
  - Archaeological contribution of £3,389 towards the Council's monitoring and advice on archaeological works
  - Public open space contribution of £10,250

- Highway works
- Provision of a wheelchair unit

- 60 Should a satisfactory s106 agreement not be completed by 30 June 2015, it is recommended that the Head of Development Management be authorised as appropriate to refuse the application as there would be no mechanism in place to provide for affordable housing and wheelchair housing provision, and to avoid or mitigate the impact of the proposed development on public open space and archaeology, contrary to the relevant development plan policies including saved policies 2.5, 3.19, 4.4, 4.5 of the Southwark Plan, strategic policies 6 and 11 of the Southwark Core Strategy and Policy 8.2 of the London Plan.
- 61 The scheme will also be liable for both the Southwark and Mayoral Community Infrastructure Levy.

### **Sustainable development implications**

- 62 The proposed development will provide for new residential and commercial floor space in a sustainable location with good access by public transport. Travel by the private car will be discouraged through no provision of on-site parking and preventing occupiers from applying for on-street parking permits.
- 63 The applicant has demonstrated that the commercial element of the scheme is capable of at least a BREEAM 'Very Good' rating. This will be secured through a planning condition. Though Strategic Policy 13 requires an 'Excellent' rating for commercial development, for a relatively small unit of 400 sqms such as this a minimum 'Very Good' rating is considered to be acceptable.
- 64 For the residential element, the Government has recently withdrawn the application of the Code for Sustainable Homes requirements for planning applications for new developments, with energy efficiency matters being largely transferred to the Building Regulations. However several of the code's criteria are still enshrined in the relevant planning policies on energy and sustainability and the application, in showing that the scheme would be able to achieve Code Level 4, has demonstrated a high level of sustainability and energy efficiency including that the scheme would reduce the site wide total regulated carbon dioxide emissions by a total of 53% exceeding the London Plan target, provide residual site wide emission reductions of 47% and seek to limit water use to no more than 105 litres per person per day. This is considered to be generally in accordance with the requirements of Strategic Policy 13 and acceptable for this scheme.

### **Other matters**

#### *Archaeology*

- 65 The site is located within the Borough, Bermondsey and Rivers Archaeological Priority Zone. The applicants have submitted a desk-based assessment that adequately summarises the archaeological potential of the site. This site is to the east of Tower Bridge Road, near to a site where excavation revealed significant post medieval remains and some medieval archaeology potentially related to the occupation and use of Bermondsey Abbey.
- 66 It is recommended that following the demolition of the buildings presently occupying the site an archaeological evaluation is undertaken. Depending upon the results of this evaluation further archaeological work may well be necessary. Should material worthy of preservation in situ be present on the site the foundation design should be secured by condition to achieve this. The archaeological evaluation, further archaeological works, details of a suitable foundation design and the submission of a timely

archaeological report should be secured by conditions. Suitable conditions to achieve this have been recommended.

*Flood risk*

- 67 The site is located in Flood Zone A. The more vulnerable residential accommodation is proposed on the upper floors of the development with commercial on the lower two floors. The applicant's flood risk assessment demonstrates that the development would have a low probability of flooding, can be occupied safely in the unlikely event of a breach on the River Thames defences and passes the flooding sequential and exception tests. The Environment Agency raises no objections on flooding grounds and the proposal is considered to be acceptable in flood risk terms.

*Contamination*

- 68 Following the applicant's preliminary Environmental Risk Assessment, further site investigations are required to fully assess the contamination risks at the site and a condition is recommended in order to secure this further site assessment along with remediation as required.

*Air Quality*

- 69 The site is located within an Air Quality Management Area and an Air Quality Assessment has been provided with the application. The assessment recommends that to protect residents from poor air quality, the proposed residential accommodation will require controlled ventilation systems to provide an alternative to opening windows on the elevations overlooking the railway and Tanner Street. A condition is recommended to ensure this is provided. There are no long term air quality impacts arising from the development itself.

*Ecology*

- 70 The applicant's ecology assessment has found there to be significant ecological impacts arising from the development. The Council's Ecology Officer is satisfied with this assessment and has no objections subject to the provision of a brown roof in order to provide ecological enhancements. In response, the applicant has provided this on the two storey element of the building.

*Construction and demolition impacts*

- 71 Concerns have been raised in representations regarding noise and other disturbance during demolition and construction works. Whilst some noise and disturbance will be inevitable during such works; these works will be for a temporary period and subject to controls under separate Environmental Protection legislation. Temporary diversions and obstruction of the footpath and the highway will also require separate approval from the Highways Authority. The impacts and inconvenience likely to result from the works is not considered to result in any significant harm within the locality of the site.

*Security*

- 72 Neighbouring residents have raised security and access related concerns arising from the proposed development, including risks from people gaining access via the proposed roof terraces and winter gardens. The roof of the winter garden on the 5<sup>th</sup> floor is not accessible, hence, access could not easily be gained to the terrace of the neighbouring flat this way. In addition, the height of the screen on the rear terrace of our building is 2.0m high with the drop on the other side to the neighbours terrace being between 5m and 6m. It is not considered that this arrangement or the development generally, would lead to any particular security or access considerations.

**Conclusion on planning issues**

- 73 The proposed development is concluded to constitute a sustainable form of development providing new residential accommodation and commercial floor space in

an accessible location. The massing, scale and design of the building represents an appropriate response to the surrounding townscape. Taking account of the constrained position of the site adjacent to the railway viaduct, the proposal has been carefully designed in order to provide for a suitable quality of living conditions for future occupiers. The site is located in close proximity to existing residential properties and whilst resulting in some affects upon the living conditions of neighbouring residents, these affects are not considered to be such to result in unreasonable levels of harm. After taking account of all relevant planning matters, including those raised in representation, there are no matters arising which are considered to weigh significantly against the granting of planning permission for this development.

### **Community impact statement**

74 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) No issues relevant to particular communities/groups likely to be affected by the proposal have been identified.

### **Consultations**

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

### **Consultation replies**

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

#### *Summary of consultation responses*

##### Environmental Protection Team

No objection subject to conditions relating to:

- Residential internal noise levels.
- Sound transmission between residential properties and between commercial and residential.
- Restriction of noise from plant
- Air quality control for residential property
- Contamination investigation and remediation

##### Southwark Ecological Officer

The preliminary ecological appraisal is fine and recognises that the site is buildings and hard standing. The ecological recommendations are a bit thin and the development proposes to install a PV array on top of an asphalt roof. Biodiversity and the performance of the PV array could be enhanced by installing a biodiverse brown roof. A condition is therefore recommended requiring details of a brown roof.

##### Southwark Flood and Drainage Team

The Flood Risk Assessment is of good quality and covers both flood risk and drainage satisfactorily.

##### Southwark Highways (Development Management)

S278 agreement will be required for highway works including resurfacing of the pavement at the front of the site. There is concern that deliveries are from the site given the narrow width of Tanner Street and the nearby sharp right turn onto Maltby Street. A Servicing and Delivery Management Plan is requested prior to consent being granted.

Environment Agency

No objections. Note that the more vulnerable residential accommodation is located at second floor level and above.

Thames Water

No objections raised subject to a condition being recommended to protect existing sewer infrastructure from impact piling.

Network Rail

No objections or comments.

*Representations from neighbours*

77 Representations have been received from and on behalf of five local residents. A summary of the issues raised is provided below:

- Development is too tall for the site, it will be dominant in comparison to 55-63 Tanner Street
- Development will be overbearing and out of scale with adjacent properties
- Out of proportion with other developments in the vicinity
- Damage to the character of the area.
- Loss of day/sun light to neighbouring properties
- The development would breach the 25 degree test in relation to side windows of flats in No.61 Tanner Street and would breach Vertical Sky Component Tests to several windows including those to habitable rooms
- Overlooking and loss of privacy for neighbouring properties including flats at No 61 Tanner Street
- Overbearing appearance for neighbouring properties, sense of enclosure, overshadowing
- Mitigation proposed in the application is not sufficient to safeguard neighbouring amenity
- The applicant has misrepresented neighbours position in the planning application by suggesting their actions were 'sufficient in addressing the concerns expressed'
- The further daylight information provided by the applicant does not address for neighbouring properties. The fact that light is available through the front of the building (61 Tanner Street) is of little consolation when a full length window in the entrance hall leading to the dining/living room is completely blocked as well as a top sky light being subject to significant overshadowing
- Refute the applicant's claims that the east facing window in Flat 11 of 61 Tanner Street is 'far higher than values typically seen in urban areas'
- Incremental noise and disturbance due to the very close proximity of the proposed development to neighbouring properties
- Loss of access to rear elevations of neighbouring properties
- Security implications by creating east access to 61 Tanner Street
- Further deterioration of street, remodelling of the street will be necessary
- Exacerbate existing shortfall of parking in the area
- Damage and disruption during construction works
- Pleased to see the redevelopment of this building, but the proposed building is too tall, overbearing and out of scale with other properties

### **Human rights implications**

- 78 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.
- 79 This application has the legitimate aim of providing for the redevelopment of the site for a mixed use development comprising residential units 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.

### **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

- 80 None.



## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/79-59  Application file: 15/AP/0627  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: <a href="mailto:planning.enquiries@southwark.gov.uk">planning.enquiries@southwark.gov.uk</a> Case officer telephone: 020 7525 4351 Council website: <a href="http://www.southwark.gov.uk">www.southwark.gov.uk</a>

## APPENDICES

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

## AUDIT TRAIL

<b>Lead Officer</b>	Gary Rice, Head of Development Management	
<b>Report Author</b>	David Cliff, Team Leader (Major Applications)	
<b>Version</b>	Final	
<b>Dated</b>	21 May 2015	
<b>Key Decision</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Strategic director, finance & corporate services	No	No
Strategic director, environment and leisure	Yes	Yes
Strategic director, housing and community services	No	No
Director of regeneration	No	No
<b>Date final report sent to Constitutional Team</b>		21 May 2015

**Consultation undertaken**

**Site notice date:** 10/03/2015

**Press notice date:** 12/03/2015

**Case officer site visit date:** 10/03/2015

**Neighbour consultation letters sent:** 05/03/2015

**Internal services consulted:**

Ecology Officer  
Environmental Protection Team Formal Consultation [Noise / Air Quality / Land Contamination / Ventilation]  
Flood and Drainage Team  
HIGHWAY LICENSING  
Highway Development Management

**Statutory and non-statutory organisations consulted:**

Environment Agency  
Metropolitan Police Service (Designing out Crime)  
Network Rail (Planning)  
Thames Water - Development Planning

**Neighbour and local groups consulted:**

59 Tanner Street London SE1 3PL  
51b Tanner Street London SE1 3PL  
Flat 11 51 Tanner Street SE1 3PL  
First Floor To Third Floor 1 Fellmongers Path SE1 3LY  
7 Coxson Way London SE1 2XB  
Osteopathy House 176 Tower Bridge Road SE1 3LU  
5 Coxson Way London SE1 2XB  
6 Coxson Way London SE1 2XB  
Flat 10 61 Tanner Street SE1 3PP  
Flat 11 61 Tanner Street SE1 3PP  
Flat 8 61 Tanner Street SE1 3PP  
Flat 9 61 Tanner Street SE1 3PP  
Flat 14 61 Tanner Street SE1 3PP  
Flat 12 51 Tanner Street SE1 3PL  
Flat 12 61 Tanner Street SE1 3PP  
Flat 13 61 Tanner Street SE1 3PP  
62 Riley Road London SE1 3DG  
Flat 8 51 Tanner Street SE1 3PL  
Flat 9 51 Tanner Street SE1 3PL  
Flat 6 51 Tanner Street SE1 3PL  
Flat 7 51 Tanner Street SE1 3PL  
Railway Arch 48 Druid Street SE1 2HH  
Flat 10 51 Tanner Street SE1 3PL  
51a Tanner Street London SE1 3PL  
55-57 Tanner Street London SE1 3PL  
Flat 1 51 Tanner Street SE1 3PL  
53 Tanner Street London SE1 3PL  
67-73 Tanner Street London SE1 3PL  
Flat 4 51 Tanner Street SE1 3PL  
Flat 5 51 Tanner Street SE1 3PL  
Flat 2 51 Tanner Street SE1 3PL  
Flat 3 51 Tanner Street SE1 3PL  
Flat 12 55 Tanner Street SE1 3PN  
Railway Arch 80 Druid Street SE1 2HQ  
Flat 1 55 Tanner Street SE1 3PN  
Flat 2 55 Tanner Street SE1 3PN  
Railway Arches 76 To 80 And 84 44 45 46 47 Druid Street SE1 2HH  
34-35 Maltby Street London SE1 3PA  
63 Tanner Street London SE1 3PL  
Ground Floor 1 Fellmongers Path SE1 3LY  
1 Bevington Path London SE1 3PW  
Railway Arch 78 Druid Street SE1 2HQ  
36 Maltby Street London SE1 3PA  
71 Tanner Street London SE1 3PL  
Flat 3 55 Tanner Street SE1 3PN  
Flat 2 61 Tanner Street SE1 3PP  
Flat 3 61 Tanner Street SE1 3PP  
Flat 14 55 Tanner Street SE1 3PN  
Flat 1 61 Tanner Street SE1 3PP  
Flat 6 61 Tanner Street SE1 3PP  
Flat 7 61 Tanner Street SE1 3PP  
Flat 4 61 Tanner Street SE1 3PP  
Flat 5 61 Tanner Street SE1 3PP  
Flat 6 55 Tanner Street SE1 3PN  
Flat 7 55 Tanner Street SE1 3PN  
Flat 4 55 Tanner Street SE1 3PN  
Flat 5 55 Tanner Street SE1 3PN  
Flat 11 55 Tanner Street SE1 3PN  
Flat 13 55 Tanner Street SE1 3PN  
Flat 8 55 Tanner Street SE1 3PN  
Flat 9 55 Tanner Street SE1 3PN  
Email Via David Cliff X  
Email - Via Co Flat 14 61 Tanner St SE1  
Burley House 15-17 High Street SS6 7EW  
By Email  
By Email

**Re-consultation:** n/a

## APPENDIX 2

### Consultation responses received

#### Internal services

Ecology Officer  
Environmental Protection Team Formal Consultation [Noise / Air Quality / Land Contamination / Ventilation]  
Flood and Drainage Team  
Highway Development Management

#### Statutory and non-statutory organisations

Environment Agency  
Network Rail (Planning)  
Thames Water - Development Planning

#### Neighbours and local groups

Burley House 15-17 High Street SS6 7EW  
By Email X  
Email - Via Co Flat 14 61 Tanner St SE1  
Email representation  
Email representation  
Email Via David Cliff X  
Flat 11 61 Tanner Street SE1 3PP  
Flat 14 61 Tanner Street SE1 3PP  
Flat 14 61 Tanner Street SE1 3PP  
Flat 2 55 Tanner Street SE1 3PN  
Flat 3 55 Tanner Street SE1 3PN  
Flat 3 55 Tanner Street SE1 3PN