

Item No. 7.3	Classification: Open	Date: 24 January 2017	Meeting Name: Planning Sub-Committee A
Report title:	Development Management planning application: Application 16/AP/3020 for: Full Planning Permission Address: CAR PARK, 5-11 POPE STREET, LONDON SE1 Proposal: Change of use from a car park (Sui Generis) to residential (Use Class C3) involving the demolition of a 3 metre high boundary fence and the erection of a four storey terrace comprising six 3 bed terraced dwellinghouses		
Ward(s) or groups affected:	Grange		
From:	Director of Planning		
Application Start Date	23/07/2016	Application Expiry Date	17/09/2016
Earliest Decision Date	27/08/2016		

RECOMMENDATIONS

1. That the Planning Sub-Committee grant planning permission subject to conditions and the applicant entering into an appropriate legal agreement by no later than 10 March 2017.
2. That in the event that the requirements of paragraph 1 above are not met by 10 March 2017, the Director of Planning be authorised to refuse planning permission, if appropriate, for the reasons set out under paragraph 82 of this report.

BACKGROUND

Site location and description

3. The site is located on the east side of the southern end of Pope Street. Pope Street also bounds the southern side of the application site as it takes a 90 degree turn and continues eastward. The area once had a more industrial character, however the former Tower Bridge School which lies immediately to the east of the site, shows that it was not exclusively industrial.
4. The area today has a much more mixed-use character in which commercial and office uses are closely juxtaposed with residential accommodation. Building heights generally range from 1.5-5 storeys. The existing buildings which occupy land that shares a boundary with the application include 60-68 Tanner Street (residential - 1.5 storeys), 12 Pope Street (residential - 2 storeys) and 1-4 Pope Street (office - 3 storeys).
5. The site lies within the following designated areas:
 - Air Quality Management Area
 - Urban Density Zone
 - Archaeological Priority Zone
 - Bermondsey Street Conservation Area
 - Flood Zone 3

Details of proposal

6. The application proposes a four-storey terrace of six 3-bed dwellinghouses on a narrow rectangular site at the southern end of Pope Street, on its east side. The north flank wall of the proposed development would abut an existing building at 1-4 Pope Street. The proposed rear (east) elevation would abut the rear of No.s 64, 66 and 68 Tanner Street and the west flank wall of No.12 Pope Street. Directly opposite the site on the west side of Pope Street are 166 Tower Bridge Road and Export House (168 Tower Bridge Road).
7. The proposed development would have a 35m long frontage onto Pope Street and, like the site it sits on, it would taper from a depth of 9.7m at its northern end to a depth of 7.4m at its southern end. It would be 11.4m high.
8. Five of the six dwellings would be provided with a single-car integral garage with direct access to Pope Street (although annotations on the plans suggest that these garages could alternatively become multi-use studio spaces). A WC/shower room would also be provided on the ground-floor as well as a bin store. The southern-most dwelling (House F) would be provided with a combined open-plan kitchen/dining room on the ground-floor rather than the integral garage in the other five dwellings (Houses A-E).
9. At first floor level houses A-E would each have a single double-bedroom with an en-suite and dressing room while House F would have a double-bedroom, a single-bedroom and a bathroom. They would also have small rear terraces / lightwells whose floors would be glazed (below a metal grate or similar) to allow more natural daylight to penetrate into the garages/studios below.
10. At second floor level Houses A-E would have a double-bedroom, a single-bedroom and a bathroom while House F would have a double-bedroom with an en-suite.
11. At third floor level houses A-E would have a single open-plan combined kitchen/living/dining room with access to roof terraces at the rear. House F meanwhile would have a single open-plan lounge similarly with access to a roof terrace at the rear.
12. A mansard-style roof finished in dark-grey aluminium or zinc is proposed with front and rear dormer windows.
13. Cycle parking is shown as 2 cycles per dwelling kept within the integral garages/studios (Houses A-E) or in a space under the stairs on the ground-floor in house F.
14. The fenestration to the front elevation is arranged to read as a succession of three 'handed' pairs. The front elevation at second floor level would contain shallow square bay windows with the largest front pane being obscured. Narrower panes in the front (0.4m wide) and sides (0.6m wide) of the bay windows would be clear-glazed.
15. Proposed External Materials:
Elevations: Yellow stock or pale beige facing brick laid to stretcher bond (ground-floor to be 'rusticated', i.e., alternate horizontal protruding courses (25mm)).
Roof: Natural grey slate
Windows: All metal-framed (metal or finish not specified)
Other: Metal balustrades, laser-cut metal grille security gates at front entrances to dwellings, dormer window surrounds in dark-grey aluminium or zinc.

16. Comparison with previous scheme dismissed at appeal (15/AP/4317)

- The overall height of the terrace has been reduced by 0.6m, from 12m to 11.4m
- The bulk, massing and design of the top floor (roof structure) has been improved with a clearly legible Mansard-style roof form now adopted with dormer windows to the front and rear and with expressed party walls to distinguish the individual dwellings within the terrace.
- South-east corner of building (next to 12 Pope Street) now cut away at first-floor level
- An oriel window has been added to the exposed southern gable
- The width of the rear 'outrigger' part of houses E and F has been reduced by 0.6m, i.e., it has been inset from the south boundary of the application site by this additional distance
- In the dismissed appeal scheme at second-floor level at the rear clear-glazed sliding 'patio' doors behind Juliet balconies were proposed. In the current proposal these have been replaced by windows that would be part fixed and obscure-glazed (up to 0.8 above the finished floor level) with a clear-glazed openable casement part above. The Juliet balconies have been removed.
- The amount of clear-glazing in the front elevation at first-floor level has been reduced.
- Front dormer windows have replaced roof-lights but are also substantially obscure-glazed to avoid any significant loss of privacy

17. Planning history

16/AP/4753

Application type: Section 96a - Non-material changes: Non-material amendment to planning permission ref. 13/AP/0058 dated 26/03/2014 (Change of use from a car park (Sui Generis) to residential (Use Class C3) involving the demolition of the existing 3 metre high fence and the erection of a four storey terrace comprising 5 single dwellings.) in the form of a change in the facing brickwork from London yellow stock to 'Alaska Sintered Rustic'.

AMENDMENT AGREED: 20/12/2016

15/AP/4317

Full Planning Permission: Change of use from a car park (Sui Generis) to residential (Use Class C3) involving the demolition of a 3 metre high boundary fence and the erection of a four-storey terrace comprising six 3-bed terraced dwellinghouses.

REFUSED: 02/03/2016

APPEAL DISMISSED: 15/08/2016

Reason(s) for refusal:

1. The proposed development, by reason of the combination of its excessive density, height, bulk, mass and poor design would create a monolithic, over-dominant and visually-obtrusive over-development of the site that would fail to respect the form, height and scale of adjoining and neighbouring buildings in the surrounding townscape and so would also fail to preserve the character and appearance of Bermondsey Street Conservation Area. As such the proposal is contrary to Sections 7 and 12 of the National Planning Policy Framework (2012), policies 7.4 (Local Character), 7.6 (Architecture) and 7.8

(Heritage Assets and Archaeology) of the London Plan (2015), strategic policy 12 (Design and Conservation) of the Southwark Core Strategy (2011) and saved policies 3.2 (Protection of amenity), 3.12 (Quality in design), 3.13 (Urban design), 3.15 (Conservation of the historic environment) and 3.16 (Conservation areas) of the Southwark Unitary Development Plan (2007).

2. The combination of the number, size, orientation, proximity, elevation above street-level and clear-glazed nature of the first-floor habitable room windows in the front (west) elevation of the proposed development would result in an unacceptably intrusive level of overlooking in both directions between the existing inhabitants of the flats within 166 and 168 Tower Bridge Road on the opposite side of Pope Street and the future occupiers of the proposed development to the detriment of the residential amenity of both. In addition, the combination of the proximity, elevation above street-level and alignment of the fully-glazed sliding patio door / Juliet balcony arrangement (to bedrooms) in the rear (east) elevation of the proposed development at second-floor level with clear-glazed conservatory 'rooflights' in the adjoining dwellinghouses at No. 64, 66 and 68 Tanner Street would result in an unacceptably intrusive level of overlooking of habitable rooms within these same dwellings, to the detriment of the residential amenity of their occupiers. The proposal is therefore contrary to Section 11 of the National Planning Policy Framework (2012), policy 7.6 (Architecture) of the London Plan (2015), strategic policy 12 (Design and conservation), strategic policy 13 (High Environmental Standards) of the Southwark Core Strategy (2011) and saved policy 3.2 (Protection of amenity) of the Southwark Unitary Development Plan (2007).
3. The proposed development would result in a four-storey (12m) high rear wall sited on the party boundary with No. 12 Pope Street projecting southwards past the front elevation of the nearest part of this neighbouring property by approximately 5.75m, thereby creating an overbearing sense of enclosure by unduly obstructing the immediate outlook from habitable room windows in its front (south-facing) elevation and from its front/side garden, to the detriment of the residential amenity of its occupiers. The proposal is therefore contrary to Section 11 of the National Planning Policy Framework (2012), policy 7.6 (Architecture) of the London Plan (2015), strategic policy 12 (Design and conservation), strategic policy 13 (High Environmental Standards) of the Southwark Core Strategy (2011) and saved policy 3.2 (Protection of amenity) of the Southwark Unitary Development Plan (2007).

16/AP/2305

Approval of details pursuant to Condition 6 (Implementation of a Programme of Archaeological Evaluation Works) of planning permission ref. 13/AP/0058 dated 26/03/2014 (Change of use from a car park (Sui Generis) to residential (Use Class C3) involving the demolition of the existing 3 metre high fence and the erection of a four storey terrace comprising 5 single dwellings.)

GRANTED: 11/07/2016

16/AP/2304

Approval of details pursuant to Condition 5 (Written Scheme of Investigation for a Programme of Archaeological Recording) of planning permission ref. 13/AP/0058 dated 26/03/2014 (Change of use from a car park (Sui Generis) to residential (Use Class C3) involving the demolition of the existing 3 metre high fence and the erection of a four storey terrace comprising 5 single dwellings.)

GRANTED: 11/07/2016

16/AP/2303

Approval of details pursuant to Condition 4 (Complete scope and arrangement of the

<p>foundation design and all ground works) of planning permission ref. 13/AP/0058 dated 26/03/2014 (Change of use from a car park (Sui Generis) to residential (Use Class C3) involving the demolition of the existing 3 metre high fence and the erection of a four storey terrace comprising 5 single dwellings.) GRANTED: 07/09/2016</p>
<p>16/AP/2279 Approval of details pursuant to parts a and b of Condition 3 (Investigation and Risk Assessment) of planning permission ref. 13/AP/0058 dated 26/03/2014 (Change of use from a car park (Sui Generis) to residential (Use Class C3) involving the demolition of the existing 3 metre high fence and the erection of a four storey terrace comprising 5 single dwellings.) GRANTED: 22/08/2016</p>
<p>16/AP/2281 Approval of details pursuant to Condition 3 (Construction Contract) of conservation area consent ref. 13/AP/0056 dated 26/03/2014 (Demolition of 3m boundary fence). GRANTED: 02/08/2016</p>
<p>16/EQ/0138 Pre-application enquiry: Redevelopment of the car park at 5-12 Pope Street to provide 6 dwellinghouses. PRE-APPLICATION ADVICE ISSUED: 27/06/2016</p>
<p>13/AP/0058 Full Planning Permission: Change of use from a car park (Sui Generis) to residential (Use Class C3) involving the demolition of the existing 3 metre high fence and the erection of a four storey terrace comprising five single dwellings. GRANTED: 26/03/2014</p>
<p>13/AP/0056 Conservation Area Consent: Demolition of 3m boundary fence. GRANTED: 26/03/2014</p>
<p>11/EQ/0153 Pre-Application Enquiry: Construction of five terrace houses. PRE-APPLICATION ADVICE ISSUED: 07/11/2011</p>
<p>92/00137: Erection of a 3m high fence around private car park together with the construction of light weight security cage. GRANTED: 1992</p>

Planning history of adjoining / neighbouring sites

68 Tanner Street

18. 03/AP/0039 - Extensions and associated alterations at first floor level to provide better headroom in the bathroom and an additional bedroom.
GRANTED: 21/02/2003

64 Tanner Street

19. 11/AP/3322 - Rear first floor extension to provide an additional bedroom in place of part glazed rear roof; and a rear dormer roof extension.
GRANTED: 01/12/2011

60 Tanner Street

20. 15/AP/4611 - Erection of rear extension at first floor level; rear dormer roof extension; and first floor roof terrace.
GRANTED: 11/01/2016

FACTORS FOR CONSIDERATION

Main Issues

21. The main issues in this case are considered to be:
- a. The principle of development (in terms of land use and conformity with strategic policies).
 - a) The impact of the development on the amenity of adjoining land/property
 - b) The acceptability of the car / cycle parking, servicing and refuse arrangements
 - c) The design of the proposal and its impact on the character and setting of a listed building and/or conservation area.
 - d) Quality of residential accommodation
 - e) All other relevant material planning considerations.

Relevant Planning Policy

National Planning Policy Framework (Published 27 March 2012)

22. Of specific relevance are the following sections:
4. Promoting sustainable transport
 6. Delivering a wide choice of high quality homes
 7. Requiring good design.
 10. Meeting the challenge of climate change, flooding and coastal change
 11. Conserving and enhancing the natural environment
 12. Conserving and enhancing the historic environment

23. The London Plan (2016)

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 5.3 Sustainable Design And Construction
Policy 5.13 Sustainable Drainage
Policy 5.17 Waste Capacity
Policy 6.3 Assessing the impacts 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 7.6 Architecture
Policy 7.8 Heritage assets and archaeology
Policy 7.14 Improving Air Quality
Policy 7.15 Reducing Noise And Enhancing Soundscapes

Southwark Core Strategy (Adopted 6 April 2011)

Strategic Policy 1 - Sustainable development
Strategic Policy 2 - Sustainable transport
Strategic Policy 5 - Providing new homes
Strategic Policy 7 - Family homes
Strategic Policy 12 - Design and conservation
Strategic Policy 13 - High environmental standards

Southwark Unitary Development Plan (Adopted 28 July 2007) (Saved Policies)

24. 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 3.1: Environmental Effects
Policy 3.2: Protection of Amenity
Policy 3.6: Air Quality
Policy 3.7: Waste Reduction
Policy 3.9: Water
Policy 3.11: Efficient use of Land
Policy 3.12: Quality in Design
Policy 3.13: Urban Design
Policy 3.14: Designing out Crime
Policy 3.15: Conservation of the historic environment
Policy 3.16: Conservation Areas
Policy 3.19: Archaeology
Policy 4.2 Quality of residential accommodation
Policy 5.2: Transport Impacts
Policy 5.3: Walking and Cycling
Policy 5.6: Car Parking
Policy 5.7 Parking Standards for Disabled People

25. Supplementary Planning Document: Sustainable Design and Construction (2009)
Supplementary Planning Document: Residential Design Standards (2011)
Supplementary Planning Document: Sustainable Transport (2008)
Supplementary Planning Document: Bermondsey Street Conservation Area Character Appraisal (January, 2003)

26. **Summary of neighbour consultation responses – First consultation**

Total number of representations:	8				
In favour:	2	Against:	6	Neutral:	0
Petitions in favour:	0	Petitions against:	0		

27. **Summary of neighbour consultation responses – Re-consultation on current plans**

Total number of representations:	5				
In favour:	0	Against:	5	Neutral:	0

Petitions in favour:	0	Petitions against:	0
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Summary of other statutory and non-statutory consultation responses

Southwark Design and Conservation Team

28. Windows in front elevation should be quite deeply recessed to follow the established character. In many respects the proposal is not radically different to the previous scheme and is still quite bulky. It is a matter of judgment and careful consideration of the differences between the two schemes. It would be helpful for the differences to be more clearly shown through the use of section overlays.

The principle of development

29. The principle of replacing a car park with a residential development is acceptable in this location as there are no policies protecting a car park in this part of the borough and the area itself is predominantly residential already.

Environmental Impact Assessment

30. The proposal lies outside the scope of the Town and Country Planning (Environmental Impact Assessment Regulations) 2011 (as amended) and as such there is no requirement for an EIA.

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

31. Saved policy 3.2 (Protection of amenity) of the Southwark UDP (2007) and strategic policy 13 (High environmental standards) of the Core Strategy (2011) states that the Council will not allow development where it leads to an unacceptable loss of amenity to neighbouring land and occupiers.

Privacy / overlooking

32. The degree of overlooking of neighbouring residential properties that the proposed development would create is considered to be unacceptable. There are issues across Pope Street to flats opposite in 166 and 168 Tower Bridge Road and between windows in the rear (east) facing elevation of the proposed development and the rear of dwellings at 64 and 66 Tanner Street.
33. Pope Street is a narrow single-lane street ranging from 6-7m wide. The windows on the upper floors of the eastern elevation of 166 Tower Bridge Road provide openings to eight single-aspect flats, four either side of a central staircase facing the site and similarly there are also habitable room windows on the upper floors in the eastern elevation of the 168 Tower Bridge Road (Export House) which adjoins No.166 to the north.
34. A number of residents have raised concerns regarding the impact of the proposed development on their privacy. Southwark's Residential Design Standards SPD states that developments should retain a distance of at least 12m across highways and 21m to the rear between residential blocks.
35. To mitigate for the lack of an adequate separation distance between the front elevations of the proposed development and the existing flats opposite at 166 Tower Bridge Road the proposal would apply obscure-glazing to most parts of the square bay bedroom windows at second floor level and the narrow dressing-room windows at first and second floor level would also be completely obscure-glazed. Through a reduction

in window size and the introduction of obscure-glazing (in part), the size of the clear-glazed windows serving the first-floor front bedrooms would also be significantly reduced (a reduction of more than half from 3.65sqm to 1.6sqm) in comparison to the earlier scheme that was dismissed at appeal.

36. Although at roof level front dormer windows are now proposed where previously roof lights were proposed, again an appropriate proportion of each window would be obscurely-glazed leaving only two small clear-glazed openings (65cm x 65cm) to either side. Given the modest size of these clear-glazed openings and the fact that the rooms they serve are principally orientated to take advantage of longer views available on the opposite east side of the site (as there are no such privacy constraints at this level and hence the third floor rear windows can remain clear-glazed), it is considered that they would not cause a significant loss of privacy to the occupiers of the flats opposite (to the west) in 166 Tower Bridge Road.
37. The reason for the refusal of the previous scheme (15/AP/4317) also cited an unacceptable loss of privacy to the occupiers of the dwellinghouses at No. 64, 66 and 68 Tanner Street. This was considered to be caused as a result of the combination of the proximity, elevation above street-level and alignment of the fully-glazed sliding patio doors and associated Juliet balconies serving second-floor bedrooms in the rear (east) elevation of the proposed development with the clear-glazed conservatory 'rooflights' in these adjoining dwellinghouses. The current proposal has sought to address this objection. While the windows would be approximately the same size and in the same position as before, the Juliet balconies have been removed and the lower parts of the windows (up to 0.8m above the finished floor level) made both fixed-shut and obscure-glazed. While this is an improvement it is considered that it is considered that it does not go quite far enough in addressing the loss of privacy identified, particularly given the lack of lateral separation between the proposal and the three Tanner Street dwellings. It is considered that a suitably effective level of mitigation would require the fixed-shut and obscure-glazed parts to be no lower than 1.5m above the internal finished floor level. This would still leave clear-glazing between a height of 1.5m and 2.2m above the floor of the bedrooms affected which would still allow a decent standard of outlook. This enhanced level of privacy has been specified within a suggested planning condition.
38. Subject to this condition it is considered that the proposed development would satisfactorily address the privacy grounds on which the previous application was refused and would now comply with saved policy 3.2 (Protection of amenity) of the Southwark Plan (2007).

Daylight / sunlight

39. The previous scheme which was dismissed at appeal was found to have an acceptable impact on the levels of daylight and sunlight received by neighbouring residential properties. It therefore stands to reason that the current revised proposal which is less tall and bulky would be even less impactful in this regard and would again satisfy the recommendations in the BRE guidance.

Enclosure

40. It is also considered that the combination of the overall reduction in height of the development by 0.6m, the setting away of the rear outrigger of Houses E and F from the south boundary by a further 0.6m, the reduction in bulk of the top-floor roof structure and the reduction in bulk and mass at the south-east corner at first-floor level is sufficient to address the third of the reasons for the refusal of the earlier application, i.e., the creation of an over-bearing enclosing effect on the adjoining property at No.12 Pope Street.

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

41. The surrounding area comprises a mix of uses and it is considered that the adjoining and nearby uses would not have a detrimental impact on the proposed development.

Traffic issues

42. Strategic Policy 2 (Sustainable Transport) of the Core Strategy and Saved Policies 5.2 (Transport Impacts) and 5.3 (Walking) of the Southwark Plan aim to ensure that developments do not have harmful traffic impacts and make provision for sustainable forms of movement.
43. The London Plan allows for up to 1 on-site car parking space per residential unit in the Urban Zone in areas with a PTAL rating of 5-6 and developments within the range of 200-700 HR/Ha. At the same time it advises that all developments in areas of good public transport accessibility should aim for significantly less than 1 space per unit.
44. The transport impacts that could potentially arise from this development are increased pressure on on-street parking, impact on the highway network and pedestrian safety.
45. The site is in a location which has a Public Transport Accessibility Level (PTAL) of between 4 (good) and 6b (the best) and is located in the Grange Controlled Parking Zone (CPZ).
46. Existing and proposed vehicular and pedestrian access to the site is from Pope Street. The proposal would alter vehicular access to the site from the highway by introducing five new dropped kerbs to serve the proposed development.
47. The footways on the relevant section of Pope Street are very narrow and there is no possibility of widening the footways as the physical distances between the opposite properties are minimal.
48. In this context the proposed development is not able to provide adequate driver visibility and pedestrian visibility. Drivers must be able to see 25m to the left and right from a point 2.4m back from the carriageway which in all cases would be a point inside the garages and therefore obscured by walls. The access points to the garages have been amended by moving it forward, flush with the facade and increased in width to 2.5m. To generally manoeuvre into a garage of that size would require at least 6m of carriageway width (in this case from opposite the kerb), which is not achievable on the very narrow Pope Street.
49. Vehicles speeds on this section of highway are however very slow and both pedestrians and vehicle drivers will be aware of the narrow widths of the roads and the pavement. Highway users will also be aware of the possible hazards which may arise from the existing highway conditions. In this case, it is considered that on balance, notwithstanding the identified danger to highway and pedestrian safety users, it would not justify refusing the application on this issue alone.
50. It is considered that vehicular trip generation by the proposed development is unlikely to have a significant impact on the surrounding highway network. The trip generation by the existing car park use is likely to be higher on a daily/ weekly level than the proposed residential use (although it is appreciated that the site has not actually operated as a working car park for a long time).
51. In the event of a grant of planning permission a condition preventing any occupiers of

this development being eligible for on-street parking permits could reasonably be imposed given the site's location in a CPZ in order to prevent possible overspill parking from the development.

52. The extant consent is a material consideration and in comparison with it the current proposal would only result in one additional on-site parking space / dropped kerb access. As such, in line with the reasoning set out above, it is considered that the refusal of the application on the basis of highway impacts and/or level of on-site parking would not be justified.
53. As noted above cycle parking is shown as two cycles per dwelling kept within the ground-floor integral garages/studios (houses A-E) or in a space under the stairs on the ground-floor in House F. This provision would comply with London Plan policy 6.9 (Cycling) and saved Southwark Plan policy 5.3 (Walking and Cycling).

Refuse / recycling storage

54. Two standard 240L wheeled bins for each house, one for standard refuse and one for recycling, would be provided. This is acceptable and would meet the volumes required by Southwark's guidance.
55. Refuse collection will be undertaken from Pope Street. Given that each dwelling would be served by two standard 240L wheeled bins, one for refuse and one for recycling, and the proximity of the storage areas to the highway, refuse/recycling collection vehicles are not likely to be stationary in the highway for an extended period.

The design of the proposal and its impact on the character and setting of listed buildings and the conservation area.

Policy context

56. The policies set out in Section 12 (Conserving and enhancing the historic environment) of the NPPF are reinforced by those in Section 7 (Requiring good design).
57. Paragraph 56 states that: 'the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.'
58. Paragraph 58. '...decisions should aim to ensure that developments: respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation.'
59. Paragraph 64 states that, 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.'
60. In respect to the council's local plan policies, Strategic Policy 12 (Design and Conservation) of the Southwark Core Strategy (2011) states that all development will achieve the highest possible standard of design for buildings and public spaces to help create attractive distinctive places which are safe, easy to get around and a pleasure to be in.
61. The Core Strategy policies are reinforced by the saved policies of the Southwark Unitary Development Plan (2007). Saved policy 3.12 (Quality in design) states that: developments should achieve a high quality of both architectural and urban design,

enhancing the quality of the built environment in order to create attractive, high amenity environments people will choose to live in, work in and visit. New buildings and alterations to existing buildings should embody a creative and high quality appropriate design solution, specific to their site's shape, size, location and development opportunities and where applicable, preserving or enhancing the historic environment. The use of design features and materials should be carefully considered.

62. Saved policy 3.13 (Urban design) of the Southwark UDP (2007) states that principles of good urban design must be taken into account in all developments. Urban design is the relationship between different buildings and streets, squares, parks and waterways and other spaces that make up the public domain; the nature and quality of the public domain itself; the relationship of one part of an urban area to another; and the pattern of movement and activity. In designing new developments, consideration must be given to: height, scale and massing of buildings, designing a building that is appropriate to the local context and which does not dominate its surroundings inappropriately.
63. Saved policy 3.16 (Conservation areas) of the Southwark UDP (2007) states that within conservation areas, development should preserve or enhance the character or appearance of the area. Planning permission will be granted for new development, including the extension or alteration of existing buildings provided that the proposals: respect the context of the conservation area, and do not involve the loss of existing traditional features of interest which make a positive contribution to the character or appearance of the conservation area.

Appraisal

64. Strategic Policy 5 (Providing New Homes) of the Core Strategy states that residential density will be expected to comply with the relevant density range in each of the three identified zones. The site lies within the Urban Density Zone and as such the density of the scheme should fall within a range of 200-700 habitable rooms per hectare.
65. The scheme has a total of 25 habitable rooms on a site of 0.0306 hectares and thus has a density of 817 HR/Ha which is above the upper limit of the range.
66. The amendments listed above at paragraph 16 are considered to be sufficient to address the first of the three reasons cited for the refusal of the previous scheme, i.e., *'that the combination of its excessive density, height, bulk, mass and poor design would create a monolithic, over-dominant and visually-obtrusive over-development of the site that would fail to respect the form, height and scale of adjoining and neighbouring buildings in the surrounding townscape and so would also fail to preserve the character and appearance of Bermondsey Street Conservation Area'*.
67. The development now proposed would be slightly less high than in the previous scheme, but perhaps the most significant change is that to the top attic floor. In the refused scheme the top floor was unduly bulky. At the rear its design and size was such that it was indistinguishable in any way from the floors below and failed to convey any sense that it was the roof of the development or indeed that the proposal was comprised of a traditional row of terraced dwellinghouses. Rather, it was a contrived and visually-jarring hybrid design comprised of a traditional roof slope at the front but which then continued the height of the ridge all the way to the rear to terminate in a sheer vertical elevation thus creating both an excessively boxy, top-heavy mass and a very odd, indeed alien, side profile at the south gable end.
68. In contrast the revised proposal now under consideration has adopted a much more legible mansard-style roof and which fits much more comfortably with the original

typology or composition of the development, i.e., a traditional terrace. The roof displays a much more pleasing symmetry particularly where its cross-sectional form is most readily evident, i.e., the south end gable. It is clearly smaller in scale with its principal front and rear roof slopes set behind the brick-clad elevations below. The openings within the Mansard roof are generally smaller in scale and convincingly take on the guise of dormer windows. Although the width of the development broadly follows the shape of the site, increasing in regular stages from south to north, the Mansard-style roof would remain a visually coherent feature as it is laterally subdivided into six equal portions by the detail of the raised party parapet walls which separates one dwellinghouse from another and therefore collectively helps to identify the development as a row of six terraced dwellinghouses. This is continued into the front elevation where the combination of the fenestration and the recessed downpipe detail convey clear patterns of, foremost, six dwellinghouses and within that, a series of three 'handed' pairs of dwellings. The clear distinction between a legible, traditional roof form and the floors below would be reinforced by the clear contrast between the different colour and tone of the roof and wall materials and this also acts to reduce the visual massing of the development

69. The rear elevation also has a clear order and rhythm to it with the three deeper 'outrigger' elements displaying a consistent width and separation from each other and overwhelmingly (apart from a subtle divergence in respect of the southernmost dwelling) exhibiting an ordered arrangement of windows here too. The rear elevation is considered to be suitably well-designed and visually-coherent to ensure that it would no longer appear obtrusive or over-dominant in its immediate townscape context, i.e., as forming the immediate backdrop to the 1.5 storey terrace of dwellings in Tanner Street.

Quality of proposed residential accommodation

70. Policy 3.5 of the London Plan (2011) requires new residential development to be of a high quality with convenient and efficient layouts. Saved policy 4.2 (Quality of residential accommodation) of the Southwark UDP (2007) states that planning permission will be granted for residential accommodation provided that they achieve good quality living conditions; and include high standards of accessibility; privacy and outlook; natural sunlight and daylight; ventilation; space including suitable outdoor/green space; safety and security; protection from pollution, including noise and light pollution. These policies are consistent with the NPPF which promotes the delivery of a wide choice of high quality homes. More detailed guidance within the council's Residential Design Standards SPD (2011) sets out minimum room and unit floorspace standards as well as standards in relation to sunlight, daylight and external amenity space.
71. The 2015 Technical Update to the Residential Design Standards SPD adds the new Nationally Described Space Standard (NDSS) to the council's own more detailed guidance on the layout and quality standards for all new residential developments. Where necessary the SPD has been updated to remove any conflicts with the new NDSS.
72. The houses proposed would be four-storey, 3-bed/5-person dwellings. The nearest equivalent dwelling type in minimum unit space standards table is 99sqm (for 3-storey, 3-bed, 5-person dwellings). However, considering the additional floor and the additional circulation space therefore required it is considered that the new dwellings should provide at least 108sqm (99sqm plus 9sqm). All of the units would exceed this minimum gross internal floor area requirement. Net internal area figures for all of the dwellings range from 128sqm to 156sqm. The main habitable rooms within the dwellings would also comply. The open-plan kitchen/living/dining rooms on the top floor would range in size from 28.8-31sqm.

External amenity space

73. The council's adopted Supplementary Planning Document: Residential Design Standards (2011) sets out advised minimum standards for the provision of external amenity space for new residential development. New dwellinghouses are expected to be provided with private rear gardens of at least 50sqm and that any gardens should be at least 10m in length. The table below shows the outdoor amenity space provision for each of the dwellings. The amenity spaces are a combination of balconies and roof terraces mostly located at the first and third floor levels.

	First floor	Second floor	Third floor	Total
House A	5.3	-	6.2	11.5
House B	5.2	-	6.3	11.5
House C	4.7	-	4.5	9.2
House D	4.0	-	5.1	9.1
House E	3.6	-	3.7	7.3
House F	-	-	6.6	6.6

74. While it is clear that the provision does not accord with the guidance in the SPD, it is considered that substantial weight should be given to the character, predominant dwelling type (mainly flats) and density of the area. Such relatively generous private rear gardens as espoused by the SPD are not typical features of development in this inner London locality. The provision of a total of 10sqm (more or less) would still be in general accordance with what would be expected in the context of a flatted development. Also, the provision is not significantly different to that provided as part of the extant consent and no issue was raised to it then. The only issue (non compliance with the SPD) with the amenity space provision has been highlighted above already and that is the unacceptable overlooking of several of the Tanner Street dwellings situated immediately to the east of the site. Allowing for the character of the area it is therefore considered that the proposed outdoor amenity spaces are acceptable in terms of their individual and combined sizes for each dwelling.

Archaeology

75. Saved policy 3.19 of the Southwark Plan requires all applications within Archaeological Priority Zones to be accompanied by a desk-based assessment and an archaeological evaluation.
76. Archaeological work at the nearby Century House Site has revealed remains in this area dating from the 12th century onwards, presumably associated, in some way, with Bermondsey Priory, as was. Significant features relating to post-medieval water management, presumably tanning, were also noted. This work has been undertaken too recently to be included in the desk-based assessment. However the broad conclusions of the document are still accurate.
77. In the event of a grant of planning permission a programme of archaeological evaluation works will need to be undertaken on site prior to the commencement of development works. If any site investigation works are proposed these should be archaeologically monitored. These matters should be secured through planning conditions.

Flood risk

78. No issues raised and the Environment Agency has no objection as there is no sleeping

accommodation on the ground floor.

Impact on trees

79. None.

Planning obligations (S.106 undertaking or agreement)

80. A financial contribution is required in lieu of the failure of the development to comply with the minimum standard for private amenity space for dwellinghouses (50sqm per dwelling) in the Technical update to the Residential Design Standards SPD (2015). The required contribution has been calculated in accordance with the figures in the Planning Obligations and CIL SPD (2015).

Total of external amenity space provided = 55.2sqm

Amount that should be provided as required by the SPD = (6 x 50sqm) 300sqm

Shortfall = 300 – 55.2 = 244.8sqm

Financial contribution towards local open space = 244.8sqm x £205 = £50,184

81. The applicant has agreed to these Heads of Terms which will be secured within a s.106 agreement.
82. However, in the event that the legal agreement has not been signed by 10 March 2017, it is recommended that the Director of Planning be authorised to refuse planning permission, if appropriate, for the following reason:

In the absence of a signed s106 legal agreement there is no mechanism in place to secure mitigation against the adverse impacts of the development through contributions and it would therefore be contrary to saved policy 2.5 planning obligations of the Southwark Plan 2007, strategic policy 14 Delivery and Implementation of the Core Strategy (2011) policy 8.2 planning obligations of the London Plan (2015) and the Southwark section 106 planning obligations and Community Infrastructure Levy SPD (2015).

Sustainable development implications

83. There are no over-arching sustainable development implications which require consideration.

Other matters – Mayoral and Southwark Community Infrastructure Levies (CIL)

84. S143 of the Localism Act 2011 states that any financial sum that an authority has received, will, or could receive in the payment of CIL as a material 'local financial consideration' in planning decisions. The requirement for Mayoral CIL is a material consideration. However, the weight to be attached to a local finance consideration remains a matter for the decision-maker. Mayoral CIL is to be used for strategic transport improvements in London, primarily Crossrail. As the proposal would result in the creation of new self-contained residential units it would be CIL Liable because it constitutes a chargeable development under the CIL Regulations 2010 (as amended).

Mayoral CIL

85. Based on the figures in the submitted CIL information form it is estimated that the development would be liable to pay £39,569 (881.5sqm x £35 x 286/223) on commencement of development.

Southwark CIL

86. As the site lies within CIL Charging Zone 2 and is a residential development (Use Class C3) it is estimated that it would be liable to pay £194,679 (881.5sqm x £200 x 286/259) on commencement of development.

Conclusion

87. The proposed development is considered to be a substantial improvement over the previous six-dwelling scheme that was refused and dismissed at appeal. The bulk and massing have been reduced, the visual quality of the design is much improved and it is now considered to be of a standard that would preserve and enhance the character and appearance of Bermondsey Street Conservation Area. Furthermore, it is considered that the unacceptable amenity impacts of the previous scheme, i.e., loss of privacy to neighbouring residents and future occupiers of the proposed development and the over-bearing enclosure of 12 Pope Street would now be adequately mitigated by the revised design now presented. A planning obligation would secure a financial contribution towards the maintenance and improvement of local parks and open spaces in the vicinity of the site as compensation for the inadequate size of the private outdoor amenity spaces and the applicant has agreed to the principle of the planning obligation. This is considered to be an acceptable and appropriate solution that would unlock the ability of the site to deliver new family housing for which there is an acute need in the borough. It is also noted that the character of the area is quite densely urban and that it would be somewhat unrealistic to expect conventional private rear gardens in the order of 5m x 10m in this location. The quality of the proposed accommodation would be very good. There are no significant flooding risk or archaeological impact concerns. In general terms the development would represent an efficient re-use of a brownfield site in a sustainable location and should be supported. For these reasons the application is recommended for GRANT.

Community impact statement

88. 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) There are no issues relevant to particular communities/groups likely to be affected by the proposal, and,
 - c) There are no likely adverse or less good implications for any particular communities/groups.

Consultations

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

Consultation replies

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

Summary of consultation responses: (13)

91. 10 letters of objection and 3 letters of support were received from local residents. The following issues were raised:
- Pope Street is a narrow, one-lane street with inadequate footways such that it will not be able to accommodate the additional foot and vehicular traffic created by the development. It is unclear how cars will pass along this already busy road. *(Officer comment: These concerns are understood and are not downplayed. However, it is considered that the resulting harm is not so great as to warrant the refusal of the application on these terms).*
 - Car trips as a result of the inclusion of on-site parking will lead to further noise, pollution and congestion. Recent developments nearby have already exacerbated the number of vehicles using Pope Street and at weekends it is often impossible to pass through Pope Street due to the number of cars parked on the street. This will also significantly impede the ability of the emergency services to access nearby housing in the event of an emergency. *(Officer comment: see comment above).*
 - The development will overshadow flats in the adjacent 168 Tower Bridge Road building (Export House), in particular causing a significant loss of sunlight to flats at the first and second floor level. *(Officer comment: It is agreed that these properties will suffer a loss of daylight and sunlight as compared to the existing situation. However, as explained above the applicant has commissioned a Daylight and Sunlight Impact Assessment which has found that the degree of loss would remain within good practice guidelines and therefore should not be unduly noticeable).*
 - The development will result in unacceptable overlooking across Pope Street into the existing flats opposite. *(Officer comment: The proposal incorporates sufficient mitigation and so satisfactorily addresses this concern).*
 - The development does not comply with design guidance in terms of separation distances between the front facades of dwellings. *(Officer comment: This point is agreed, however it does not automatically mean that a development is unacceptable).*
 - Pope Street is not an attractive environment given the number of commercial waste bins located along it. The development would look onto the rear of a pizza delivery business where delivery motorcycles are typically parked outside and where deliveries typically occur up to and beyond midnight causing much noise and disturbance to future occupiers. *(Officer comment: The concern is understood, however there are already flats near/ above commercial businesses, the development would not have any primary habitable rooms at ground-floor level and the delivery hours of the hot food takeaway business referred to can be monitored and appropriate action taken if in consistent breach of the planning condition which limits its hours of use.)*
 - The development is too high and bulky. *(Officer comment: The revised design satisfactorily addresses this concern.)*
 - There is no confidence, based on recent works on the site, that the development will be constructed in a manner sympathetic to the amenities of neighbouring residents. *(Officer comment: This matter could be satisfactorily dealt with through a condition requiring details of a Construction Management*

Plan if necessary and or through other environmental protection legislation. However, given the scale of the development a Construction Management Plan is not considered to be necessary).

- The plans fail to show the development in the context of the properties at 60, 62, 64, 66 and 68 Tanner Street. *(Officer comment: This point is not accepted).*
- The applicant's Daylight and Sunlight Impact Assessment fails to acknowledge the possibility of any impact on the properties at 60, 62, 64, 66 and 68 Tanner Street. *(Officer comment: This point is not accepted).*
- A living room and terrace on the third floor and openable fully-glazed doors set behind Juliet balconies on the second floor will overlook 68 Tanner Street. *(Officer comment: The proposed development has addressed this concern).*
- The development may prejudice the otherwise reasonable development potential of 68 Tanner Street. *(Officer comment: This point is not accepted).*
- The development will ruin the view from flats in 166 Tower Bridge Road. *(Officer comment: This is not a relevant planning consideration. There is no such thing as a 'right to a view' in planning, only protection against developments that would create an overbearing sense of enclosure resulting in the obstruction of a reasonable immediate outlook).*
- The development will have a detrimental impact on the value of neighbouring properties. *(Officer comment: This is not a relevant planning consideration.)*
- The development's height and bulk and siting at the back of the footway will make Pope Street feel especially cramped, dark and miserable. *(Officer comment: The daylight and sublight impact assessment has demonstrated that this impact would be acceptable. Development up to the back of the footway is also an established part of the character of the area and so this is not objectionable in principle.)*

Southwark transport planning team

92. While there is history on the site I still have concerns about the proposed car parking, size of the refuse units and impact on the footways.
93. Car Parking: The site is located in a PTAL 4 area. Sites in these locations have good accessibility and as such we should be resisting car parking associated with residential units. In addition the parking layout does not comply with design standards and no visibility is possible. The existing situation is different as there is only one access and the access is wide giving pedestrian splays.
94. The breakup of the footway does not comply with SSDM and therefore Highways would not support the works.
95. The site is located in a CPZ and therefore all residents should be committed from on-street permits.
96. The site in general gives nothing to the public realm and builds right up to the site boundary. It would be beneficial to widen the footways around the site. The overhanging balconies would need approval from the Public Realm team.
97. Cycle parking within individual dwellings is usually left if adequate space appears. In this instance there is space within the garages to provide this cycle parking. If the

garages were removed cycle parking should be conditioned at 2 spaces per unit.

98. Refuse for individual units usually consists of three bins in Southwark. The space provided with swing door looks insufficient.

Archaeology Officer

99. The site is located within the Borough, Bermondsey and Rivers Archaeological Priority Zone. The applicants have supplied a desk-based assessment. It is not considered necessary to re-impose the same conditions as were recently discharged in respect of the extant consent for the five dwellinghouse scheme.

Southwark Environmental Protection Team

100. No response received to date

Environment Agency

101. No response received to date (but no objection stated previously in response to planning permission ref. 13/AP/0058).

Human rights implications

102. This planning application engages certain human rights under the Human Rights Act 2008 (the HRA). The HRA prohibits unlawful interference by public bodies with conventions rights. The term 'engage' simply means that human rights may be affected or relevant. This application has the legitimate aim of seeking to develop a mixed use building providing self-contained residential accommodation and a commercial premises. 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/79-B Application file: 16/AP/3020 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 3602 Council website: www.southwark.gov.uk

APPENDICES

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

AUDIT TRAIL

Lead Officer	Simon Bevan, Director of Planning	
Report Author	Ciaran Regan, Senior Planning Officer	
Version	Final	
Dated	11 January 2017	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Finance and Governance	No	No
Strategic Director of Environment and Leisure	No	No
Strategic Director of Housing and Modernisation	No	No
Director of Regeneration	No	No
Date final report sent to Constitutional Team		11 January 2017

Consultation undertaken

Site notice date: 03/08/2016

Press notice date: 04/08/2016

Case officer site visit date: 03/08/2016

Neighbour consultation letters sent: 27/07/2016

Internal services consulted:

n/a

Statutory and non-statutory organisations consulted:

n/a

Neighbour and local groups consulted:

Flat 4 Export House SE1 3LS	Flat 9 166 Tower Bridge Road SE1 3LZ
Flat 3 Export House SE1 3LS	Flat 7 166 Tower Bridge Road SE1 3LZ
Flat 2 Export House SE1 3LS	166b Tower Bridge Road London SE1 3LZ
Flat 7 Export House SE1 3LS	166a Tower Bridge Road London SE1 3LZ
Flat 6 Export House SE1 3LS	Flat 8 166 Tower Bridge Road SE1 3LZ
Flat 5 Export House SE1 3LS	Flat 12 166 Tower Bridge Road SE1 3LZ
66 Tanner Street London SE1 3DR	Flat 11 166 Tower Bridge Road SE1 3LZ
64 Tanner Street London SE1 3DR	Flat 10 166 Tower Bridge Road SE1 3LZ
62 Tanner Street London SE1 3DR	Flat 5 166 Tower Bridge Road SE1 3LZ
Flat 1 Export House SE1 3LS	60 Tanner Street London SE1 3DR
168a Tower Bridge Road London SE1 3LS	12 Pope Street London SE1 3PR
68 Tanner Street London SE1 3DR	Flat 6 166 Tower Bridge Road SE1 3LZ
Flat 8 Export House SE1 3LS	Flat 1 166 Tower Bridge Road SE1 3LZ
168b Tower Bridge Road London SE1 3LS	Flat 14 166 Tower Bridge Road SE1 3LZ
Flat 16 Export House SE1 3LS	Ground Floor Tanner Place SE1 3PH
Flat 15 Export House SE1 3LS	Flat 16 166 Tower Bridge Road SE1 3LZ
Second Floor 1-4 Pope Street SE1 3PR	Flat 2 166 Tower Bridge Road SE1 3LZ
First Floor 1-4 Pope Street SE1 3PR	87 Lower Camden Chislehurst BR7 5JD
Ground Floor 1-4 Pope Street SE1 3PR	14 Lumia Lofts 160 Tower Bridge Road SE1 3FG
Flat 11 Export House SE1 3LS	18 Parkview Court Dash Wood Road
Flat 10 Export House SE1 3LS	Flat 14 166 Tower Bridge Road SE1 3LZ
Flat 9 Export House SE1 3LS	12 Pope Street London SE1 3PR
Flat 14 Export House SE1 3LS	Flat 14, 166 Tower Bridge Road London Se1 3lz
Flat 13 Export House SE1 3LS	2 Shad Thames London se12yu
Flat 12 Export House SE1 3LS	Flat 2 115 Tower Bridge Road SE1 3NE
Flat 4 166 Tower Bridge Road SE1 3LZ	Email
Flat 3 166 Tower Bridge Road SE1 3LZ	164 Tower Bridge Road London SE1 3FG
Flat 13 166 Tower Bridge Road SE1 3LZ	Unit 1, First Floor 166 Tower Bridge Road SE1 3LZ
Flat 15 166 Tower Bridge Road SE1 3LZ	By Email

Re-consultation: 25/10/2016

APPENDIX 2

Consultation responses received

Internal services

None

Statutory and non-statutory organisations

None

Neighbours and local groups

By Email

Email representation

Email representation

Email representation

Flat 3 Export House SE1 3LS

Flat 5 166 Tower Bridge Road SE1 3LZ

Flat 6 Export House SE1 3LS

Unit 1, First Floor 166 Tower Bridge Road SE1 3LZ

12 Pope Street London SE1 3PR

12 Pope Street London SE1 3PR

164 Tower Bridge Road London SE1 3FG

18 Parkview Court Dash Wood Road

60 Tanner Street London SE1 3DR

66 Tanner Street London SE1 3DR

66 Tanner Street London SE1 3DR

68 Tanner Street London SE1 3DR