

Item No. 6.2	Classification: Open	Date: 9 May 2012	Meeting Name: Bermondsey Community Council
Report title:	Development Management planning application: Application 11/AP/4364 for: Full Planning Permission Address: VALENTINE AND ORSON, 171 LONG LANE, LONDON, SE1 4PN Proposal: Demolition of existing building and erection of a 6 storey plus basement building to include 13 residential units and 2 levels of commercial accommodation A1 (shops), A2 (financial and professional), A3 (restaurant/cafe), A4 (drinking establishment), B1 (business) at ground and basement levels together with ancillary refuse and cycle parking.		
Ward(s) or groups affected:	Grange		
From:	Head of Development Management		
Application Start Date 23 December 2011		Application Expiry Date 23 March 2012	

RECOMMENDATION

- 1 Subject to the applicant first entering into an appropriate legal agreement by no later than 2nd July 2012, planning permission be granted subject conditions.
- 2 In the event that the requirements of 1) are not met by the 2nd July 2012, the Head of Development Management be authorised to refuse planning permission for the reasons set out in paragraphs 49-57 below.

BACKGROUND INFORMATION

- 3 This application has been referred to Bermondsey Community Council for determination due to the number of objections received from third parties.

Site location and description

- 4 The application site refers to the building located at 171 Long Lane, Borough, London. The existing building is a vacant public house, The Valentine and Orson, that has fallen into a state of disrepair. The existing public house is part single, part two storey in height with the main access located on the Long Lane elevation. To the rear of the site there is a disused courtyard area with gated vehicular access gained from Weston Street. The vacant public house is of late 1960's/early 1970's design featuring materials such as brown brick, timber panelling, timber windows and a flat roof.
- 5 The application site is located within an area characterised by residential and commercial use, however residential use is the predominant feature. The site is bounded to the north by the courtyard of the adjacent commercial premises and the residential properties of the Kipling Estate, to the east by Weston Street and the adjacent commercial premises occupied by Stage Electronics, to the south by Long

Lane and the adjacent new flatted residential dwellings and bounded to the west by a single storey building accommodating Council Offices.

The building is not listed and is not located within a conservation area. Bermondsey Street conservation area lies to the north east.

Details of proposal

- 6 Permission is sought for the erection of a six storey building comprising a commercial unit at basement and ground floor level to be used for A1, A2, A3, A4 or B1 purposes. Floors one to five will accommodate 13 self contained dwellings comprising 2 x 1-bed flats, 8 x two bed flats, 2 x three bed flats and 1 x four bed dwelling. The fifth floor will be set back and all dwellings will feature a balcony or roof terrace providing private amenity space. The residential entrance will be on Weston Street with the commercial entrance on Long Lane and a business entrance on Weston Street. Cycle and refuse storage is provided at ground floor level adjacent to the residential lobby. Materials to be employed include glass curtain walling at ground floor level and brickwork/glass at all upper levels

Planning history

7

System	Reg. No.	Type	Description	Summary	End Date
DC	08/AP/1342	FUL	External and internal refurbishment of disused Class A4 public house. Erection of 105sqm single storey infill extension to rear of site also to be for public house use.	REF	05/09/2008
DC	08/EQ/0097	ENQ	Development of an 8 storey ground floor plus 7 building into 9 no residential flats two levels of B1 commercial space and two levels of A4 bar accommodation all with ancillary refuse and cycle storage at ground level	UNK	04/12/2008
DC	08/AP/2653	FUL	Refurbishment of Class A4 public house with infill extension to rear ground floor to provide additional accommodation for the pub; associated alterations to elevations.	GRA	13/02/2009
DC	10/EQ/0171	ENQ	Development of a 6 storey plus basement building to include 9 no residential units and 2 levels of bar accommodation ground and basement. With ancillary refuse and cycle parking at ground floor level.	EQC	30/11/2010
DC	11/AP/4364	FUL	Demolition of existing building and erection of a 6 storey plus basement building to include 13 residential units and 2 levels of commercial accommodation A1 (shops), A2 (financial and professional), A3 (restaurant/cafe), A4 (drinking establishment), B1 (business) at ground and basement levels together with ancillary refuse and cycle parking.	BCC	
DC	11/AP/3492	FUL	Demolition of existing building and erection of a 6 storey plus basement building to include 13 residential units and two levels of A3 (restaurant/cafe) or A4 (drinking establishment) accommodation at ground and basement levels, together with ancillary refuse and cycle parking at ground floor level.	WDN	03/11/2011

Planning history of adjoining sites

- 8 None of relevance.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

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

- a] The principle of the development in terms of land use and conformity with strategic policies of The Core Strategy 2011, the saved policies of The Southwark Plan 2007 (July) and the provisions of The National Planning Framework.
- b] The impact on the visual, residential and commercial amenity of the area.
- c] The quality of residential accommodation to be provided.
- d] The design quality of the proposal.
- e] Transport impacts.
- f] All other relevant material planning considerations.

Planning policy

Core Strategy 2011

- 10 SP1 - Sustainable development
- SP2 - Sustainable transport
- SP3 - Shopping leisure and entertainment
- SP5 - Providing new homes
- SP6 - Homes for people on different incomes
- SP7 - Family homes
- SP10 - Jobs and businesses
- SP12 - Design and conservation
- SP13 - High Environmental standards
- SP14 - Implementation and delivery

Southwark Plan 2007 (July) - saved policies

- 11 For 12 months from 27 March 2012 weight can continue to be given to relevant local planning policies adopted in accordance with the Planning and Compulsory Purchase Act 2004, and those in the London Plan, in making decisions on planning applications even if there is a limited degree of conflict with the National Planning Policy Framework (NPPF). The weight given to the saved policies of the Southwark Plan should be according to their degree of consistency with policies in the NPPF.
- 12 Policy 1.10 - Small scale shops and services outside the town and local centres and protected shopping frontages
- Policy 2.5 – Planning obligations
- Policy 3.1 – Environmental effects
- Policy 3.2 – Protection of amenity
- Policy 3.4 – Energy efficiency
- Policy 3.6 – Air quality
- Policy 3.7 – Waste management
- 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 3.31 - Flood defences
- Policy 4.2 – Quality of residential accommodation
- Policy 4.3 – Mix of dwellings
- Policy 4.4 – Affordable housing

- Policy 5.1 – Locating developments
- Policy 5.2 – Transport impacts
- Policy 5.3 – Walking and cycling
- Policy 5.6 – Car parking
- Policy 5.7 – Parking standards for disabled people and the mobility impaired

Supplementary Planning Documents

- Affordable Housing
- Residential Design Standards
- Section 106 Agreements
- Sustainable Design and Construction

London Plan 2011

- 13 Policy 2.10 - Central Activities Zone – strategic priorities
 Policy 3.3 - Increasing housing supply
 Policy 3.4 - Optimising housing potential
 Policy 3.5 - Quality and design of housing developments
 Policy 3.7 - Large residential developments
 Policy 3.8 - Housing choice
 Policy 3.9 - Mixed and balanced communities
 Policy 3.10 - Definition of affordable housing
 Policy 3.11 - Affordable housing targets
 Policy 3.12 - Negotiating affordable housing on individual private residential and mixed use schemes
 Policy 3.13 - Affordable housing thresholds
 Policy 3.14 - Existing
 Policy 4.3 - Mixed use development and offices
 Policy 4.10 - New and emerging economic sectors
 Policy 5.2 - Minimising carbon dioxide emissions
 Policy 5.3 - Sustainable design and construction
 Policy 5.7 - Renewable energy
 Policy 5.12 - Flood risk management
 Policy 6.5 - Funding Crossrail and other strategically important transport infrastructure
 Policy 6.9 - Cycling
 Policy 6.10 - Walking
 Policy 6.11 - Smoothing traffic flow and tackling congestion
 Policy 8.1 - Implementation
 Policy 8.2 - Planning obligations
 Policy 8.3 - Community infrastructure levy
- 14 National Planning Policy Framework (NPPF)
 The NPPF came into effect on 27 March 2012. It aims to strengthen local decision making and reinforce the importance of up-to-date plans. The policies in the NPPF are material considerations to be taken into account in making decisions on planning applications. The NPPF sets out the Government's commitment to a planning system that does everything it can do to support sustainable growth and a presumption in favour of sustainable development.
- 15 Relevant parts of the NPPF
1. Building a strong competitive economy
 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
 12. Conserving and enhancing the historic environment

Principle of development

- 16 The Council's housing needs survey was updated in 2006 and found that there is a significant shortfall of housing in the borough, a general need for more family housing, the greatest need in the private housing sector is for 1 and 2 bedroom properties and the greatest need in the affordable housing sector is for 3-bedroom properties. The proposal would be in accordance with the aims and objectives of The National Planning Policy Framework, in providing residential accommodation on a vacant, brown field site. There are no objections in principle to the redevelopment of the site to provide residential accommodation and there will be no conflict of use. The provision of residential accommodation and affordable housing will help meet the wider regeneration and housing needs of the borough whilst making a positive contribution to the area.
- 17 The development of the site will result in a net increase in the commercial floorspace available which is proposed for A1, A2, A3, A4 or B1 use. The increase in commercial floorspace is a positive move and is an acceptable proposal in principle. In land use terms there are no objections to the proposed development subject to compliance with relevant planning policies of The Southwark Plan 2007 (July), The Core Strategy 2011 (April and The London Plan (2011)). There will be no conflict of use detrimental to amenity.

Environmental impact assessment

- 18 The proposed development lies outwith the scope of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999 and as such will not warrant the completion of an environmental impact assessment. No significant environmental effects would arise.

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

- 19 There are concerns surrounding the impact on the residential amenity of the adjoining occupiers and the surrounding area, and this has been raised in letters of objection. The scale of the building is similar to that opposite on Long Lane and as such it is not considered that there will be an adverse impact in terms of the proposed building dominating its neighbours or being oppressive in size.

Daylight and sunlight

- 20 The daylight and sunlight study demonstrates that several properties will experience a loss of daylight and sunlight, particularly on Long Lane and Helder Court. For the purposes of the daylight and sunlight assessment the worst case scenario has been presented with the assessment taking place along the ground floor windows where shadowing will be most noticeable. In accordance with BRE guidance there is no sunlight requirement for windows facing within 90 degrees of due north.
- 21 The test locations are those closest to the application site and which face directly onto the proposed development. W1 refers to the window located on the south side ground floor of Helder Court closest to the application site, W2 refers to the window of 122 West Street, W3-W5 refers to the ground floor north facing windows of Tangerine House closest to the application site and W6 refers to the window at ground floor level on Dunkirk House closest to the development site. W2-W6 are north facing windows and in accordance with BRE guidance there is no sunlight requirement for windows facing within 90 degrees of due north. W1 at Helder Court will see a reduction in sunlight; however it will continue to receive high levels in both summer and winter and as such complies with BRE guidance. Whilst it is noted that there will be a noticeable reduction in sunlight to the properties of Helder Court, it is not considered that this

reduction will be so significantly detrimental to amenity that permission should be withheld.

- 22 In terms of daylight, the Vertical Sky Component (VSC) has been measured and it is clear that of the six windows tested, four (W1, W2, W3 and W6) will continue to exceed the minimum of 27% VSC. W4 and W5 would fall below the 27% criteria by 0.38% and 1.7% respectively and in this instance is not considered to be an excessive reduction in daylight for an inner London location. Due to the reduction in daylight an average daylight factor ADF test has been undertaken on windows W4 and W5 which has shown that these rooms will still receive high levels of daylight post development.

Overall, whilst there will be some negative impacts on day and sunlighting, on balance, these are considered insufficient to lead to a loss of amenity for existing residents that would justify a refusal of planning permission.

In terms of overlooking distances, those to front and rear comply with the guidance in the Residential Design Standards SPD.

23 **Density**

The site lies within the Central Activities Zone and strategic policy 5 - Providing New Homes of The Core Strategy 2011 requires developments within this zone to achieve a density of between 600 and 1,100 habitable rooms per hectare. The proposal would achieve a density of 1,350 habitable rooms per hectare which exceeds the upper limit of the density range. However, given the sustainable location, the envelope of the building reflecting many others along Long Lane and the quality of accommodation being provided, this minor excess is considered acceptable. No significant harm is arising from the slight breach in density.

24 **Housing Tenure/Mix and quality of accommodation**

The proposal would provide the following mix of dwelling sizes:

- 2 x 1-bed flats (15%)
- 8 x 2-bed flats (62%)
- 2 x 3-bed flats (15%)
- 1 x 4-bed dwelling (8%)

- 25 Saved policy 4.3 of the Southwark Plan 'Mix of dwellings' states that all major residential developments should provide a mix of dwelling sizes and types to cater for the range of housing needs in the area. Core Strategy Policy 7 Family Homes requires at least 20% of dwellings to have 3 or more bedrooms.

- 26 Further guidance is contained within the draft Residential Development Standards SPD which states that for major residential schemes, the majority of units should have two or more bedrooms, in developments of 15 or more dwellings at least 10% should have direct access to private outdoor space and at least 10% should be suitable for wheelchair users. The proposed development will provide 85 % of units with two or more bedrooms including 23% with three or more bedrooms, One dwelling as a wheelchair unit (approximately 8% of units) and 100% of units with access to private outdoor amenity space.

- 27 The standard of residential accommodation provided is considered to be high with 77% of units being dual aspect with cross ventilation. The remaining units will be single aspect (flats 1, 5 and 8). All units exceed the Councils requirements regarding minimum room size as specified within the SPD: Residential Design Standards and exceed the requirements of The London Plan 2011.

- 28 Saved policy 4.4 of the Southwark Plan 'Affordable Housing' states that within the

Urban Density Zone at least 35% of all new housing must be affordable for developments capable of providing 15 or more additional dwellings; a tenure mix of 70:30 social rented to intermediate housing is required. In schemes of 13 units, policy 4.4 requires 4 of those units to be affordable.

In this instance, 4 affordable housing units are provided (on the first floor, 2x1 bed and 2x2 bed) in compliance with saved policy 4.4.

- 29 The affordable housing is all being provided as intermediate with no social rented and as such will not meet the 70:30 split . However, the proposed building has a single lift/stair core and in these circumstances it is not possible to provide dedicated circulation space for social rented units. Housing associations normally do not take small numbers of flats for social rent without having their own core. As such, in this case, given the limited number of affordable units, there are no objections to them all being intermediate and this approach is supported by the Council's Housing Regeneration Initiatives officers.

30 **Amenity Space**

The proposed development will provide an adequate level of amenity space for all dwellings in the form of balconies. In this instance all dwellings either meet or exceed the private amenity space requirements outlined in the SPD: Residential Design Standards. Communal amenity space for flatted developments is also a requirement of the SPD: Residential Design Standards which states that 50 square metres of communal amenity space should be provided per development. In this instance due to site constraints it is not possible for the applicant to provide an area of communal amenity space. Given that a good level of private amenity space is being provided for each residential unit the development is considered acceptable. To reflect the lack of communal amenity space and resulting pressure on local open spaces arising from this development, it is recommended that an additional financial contribution is sought towards open space and this should be included within the S106 Agreement for this application. A sum of £7500 has been agreed. There are local open spaces - Mary Magdalene, Leathermarket Gardens, where there are on going improvement projects to which the sum could contribute.

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

- 31 The proposed development will be a combination of residential use and commercial use at ground floor level fronting Long Lane. The majority of the site will be occupied by residential use and as such conforms to the generally residential nature of the locality, particularly with regards to the adjacent building on the opposite side of Long Lane. As such it is considered that there will be no conflict of use detrimental to the amenity of the occupiers of the proposed development.

Traffic issues

- 32 The Transport team have been consulted on the proposed development and have raised no objections subject to planning conditions. The travel plan that has been submitted is of good quality and is acceptable. It is recommended that the travel plan is secured by Section 106 agreement and through this, commitment to travel surveys at one (within three months of occupation), three and five years, commitment to updating the travel plan following each of the surveys, and commitment to measures identified within the travel plan, are also sought.

Cycle Parking

- 33 Table 15.4 in the Southwark Plan, states that for residential developments the secure parking standard for cycles is a minimum of 1.1 spaces per unit. This is in line with

saved Policy 5.3 - Walking and Cycling. For this development of 13 units there is a minimum requirement for cycle storage with capacity for 14 cycles. However, given that the mix includes 3 and 4 bedroom units, and there is no vehicle parking spaces associated with the site a higher than minimum level of cycle parking should be secured. The applicant has provided plan 229 GA(01)01 which shows an area for 14 residential cycles within a shared cycle and bin store. The storage system used appears to be a two level rack which is not considered one of the recommended styles within best practice guidance; however this can be altered by way of condition in order to secure a higher level of cycle parking.

- 34 For A Class and B1 Class developments the secure parking standard is one space per 250 square metres of floorspace (minimum of two spaces) and as such for this development there will be a requirement for two cycle parking spaces. Plan 229 GA(01)01 shows a Sheffield stand located on the footway. Whilst this would be beneficial to visitors to the commercial area (especially if it came under A1 or A3 use), some provision of covered and secure cycle parking for staff within the building would be required and this should be secured by condition. The applicant is required to submit to the Council, for written approval, detailed and scaled drawings to demonstrate the provision of secure, convenient and weather proof cycle storage.

Car Parking

- 35 This proposed development is located in an area with a TfL PTAL rating of 4 reflecting the area's medium level of access to all forms of public transport. Developments in areas with this PTAL rating are required to provide on site parking in order to minimise overspill parking on the road network. However, the site is also in the Central Activities Zone and is therefore expected to be car-free. This application is proposed as car free and as such is in accordance with Saved Southwark Plan Policy 5.6 - Car Parking.
- 36 The proposal site is situated in a CPZ. Therefore, in order to prevent possible overspill parking from the development, the development will not be eligible for parking permits and an amendment to the traffic order should be secured through the S106.

Servicing

- 37 Servicing for new developments is usually required to take place off street. However, given the size of this development and site constraints, this is not possible. It is therefore recommended that an informative be added to the decision notice, making the applicant aware that any servicing which takes place on street, is subject to any loading waiting and restrictions that operate in the area and that any contraventions will be enforced accordingly. A Service Management Plan and Construction Logistics Plan will also be required by condition in order to minimise the impact on the local road network.

Refuse Collection

- 38 Refuse collection will be undertaken from Weston Street, given the nature of the proposed development and the central location of the bin stores it is not thought there will be refuse vehicles stationary in the highway for an extended period.

Design issues

- 39 The proposal is for prominent corner site and proposes a six storey mixed use building. In terms of scale, massing and bulk this is considered acceptable and will respond well to the surrounding townscape, most notably Tangerine House on the opposite side of Long Lane which is only slightly lower in height.
- 40 The materials to be used are acceptable. This is a predominantly brick environment and the finish would be appropriate to the surrounding context on Long Lane. The southern elevation is characterised by the long horizontal lines of balconies which will

contextualise with the traditional blocks along Long Lane. The building includes some very large expanses of brickwork which will need a high quality brick and good quality of brick detailing in order to provide visual interest and as such a condition will be imposed in order to secure satisfactory materials and finishes. The west elevation is lacking in detailed design which only serves to increase the perception of bulk on this elevation and vistas from the west. The applicant has deliberately left this elevation blank in order to preserve the development potential of the adjoining site and this is a sensible approach. At ground floor level the frontage is open and active and should provide a positive presence on the street. In this instance it is considered appropriate to impose an amending condition in order that the design and appearance of the west elevation may be enhanced. Brickwork detailing and articulation of materials can be used on this elevation to soften its appearance and improve the design quality of the building when viewed from the west.

- 41 Subject to details of materials, the design approach is considered to be acceptable.

Impact on character and setting of a listed building and/or conservation area

- 42 The building's most unrelieved elevation faces west towards the grade II* listed 142 - 148 Long Lane. From in front of the listed building looking east the largest building visible would be this one and as it is proposed it would show six storeys of blank wall. However, these are oblique views and any harm to the setting of the listed buildings is not considered sufficient to lead to a refusal of permission.
- 43 To the north of the site lies the Bermondsey Street Conservation Area and further heritage assets such as the Leathermarket and the Grade II* listed building on Weston Street. It is not considered that the development will have an adverse impact on the Bermondsey Street Conservation Area or the heritage assets on Weston Street or the Leathermarket.

Impact on trees

- 44 Although there are no trees within the application site, a semi-mature street tree on Long Lane and one other small street tree on Weston Street will be affected by development. A condition is therefore required for tree protection details to be provided. The tree on Long Lane in particular will require sensitive pruning in order to facilitate development and the specifications need to be agreed in advance of demolition. As such, planning conditions are recommended for tree protection measures and landscaping.

Planning obligations (S.106 undertaking or agreement)

- 45 Saved Policy 2.5 of the Southwark Plan states that the Council will seek to enter into planning obligations to avoid or mitigate the adverse impacts of development which cannot otherwise be adequately addressed through conditions; further guidance is contained within the Section 106 planning obligations SPD.
- 46 As the proposed development will provide more than 10 dwellings it is considered a major development and as such will be subject to a comprehensive Section 106 Agreement. A planning obligations statement submitted with the application offers contributions however the Council would seek the contributions outlined below in line with the standard charge formula.
- 47 Education £19,592
Employment during construction £9,345
Employment Management Fee - £758
Public open space, children's play equipment and sports development £16,953

Transport strategic £6,899
Transport site specific £6,500
Public realm £9,750
Health £14,221
TMO Amendment £2,750
Additional open space contribution £7500
Admin charges £1,885
TOTAL: £96,153
This would provide £7,396 per unit.

- 48 As it stands the total value of the S106 agreement at present (excluding legal fees) will be £96,153 and all the contributions would be in accordance with the adopted SPD. As detailed in the Amenity Space section above, a further contribution towards open space will be sought in light of the lack of communal amenity space being provided on site.
- 49 In the absence of a legal agreement being completed by 2nd July 2012, the applicant would have failed to adequately mitigate against the impacts of the development and, in accordance with Article 22 of the Town and Country Planning (General Development Procedure) (England) (Amendment) Order 2003, it is recommended that the application be refused for the following reasons:
- 50 1. The development fails to adequately mitigate against the adverse impacts of the development in accordance with London Plan policy 8.1 - Implementation, Policy 8.2 - Planning obligations, Southwark Plan saved policy 2.5 - Planning Obligations, Core Strategy policy 14 - Implementation and delivery and the Section 106 Planning Obligations Supplementary Planning Document (July 2007).
- 51 2. The development fails to contribute towards increasing accessibility to employment through training and other schemes in accordance with London Plan policy 3.1 - Ensuring equal life chances for all, Southwark Plan saved policies 1.1 - Access to Employment Opportunities and 2.5 - Planning Obligations, Core Strategy policy 14 - Implementation and delivery and the Section 106 Planning Obligations Supplementary Planning Document (July 2007).
- 52 3. The development fails to contribute towards increasing the quality and quantity of open spaces and associated facilities in accordance with London Plan policy 2.18 - Green infrastructure: the network of open and green spaces , Southwark Plan saved policies 2.5 - Planning Obligations and 3.2 - Protection of Amenity, Core Strategy policies 13 - High environmental standards and 14 - Implementation and delivery and the Section 106 Planning Obligations Supplementary Planning Document (July 2007).
- 53 4. The development fails to contribute towards increasing the capacity of public transport provision and improving accessibility to the development in accordance with London Plan policy 6.4 - Enhancing London's transport connectivity , Southwark Plan policies 2.5 'Planning Obligations' and 5.2 'Transport Impacts', Core Strategy policies 2 - Sustainable transport and 14 - Implementation and delivery and the Section 106 Planning Obligations Supplementary Planning Document (July 2007).
- 54 5. The development fails to contribute towards increasing the quantity of health facilities in accordance with London Plan policy 3.2 - Improving health and addressing health inequalities and policy 3.16 - Protection and enhancement of social infrastructure, Southwark Plan saved policy 2.5 - Planning Obligations, Core Strategy policy 14 - Implementation and delivery and the Section 106 Planning Obligations Supplementary Planning Document (July 2007).
- 55 6. The development fails to contribute towards increasing the quality and quantity of

community and leisure facilities, in accordance with London Plan policy 3.2 - Improving health and addressing health inequalities and policy 3.16 - Protection and enhancement of social infrastructure, Southwark Plan saved policy 2.5 - Planning Obligations, Core Strategy policy 14 - Implementation and delivery and the Section 106 Planning Obligations Supplementary Planning Document (July 2007).

- 56 7. The development fails to contribute towards the provision of affordable housing in accordance with London Plan policies 3.11 - Affordable housing targets, Southwark Plan policies 2.5 - Planning Obligations and 4.4 - Affordable Housing, Core Strategy policies 6 - Homes for people on different incomes and 14 - Implementation and delivery and the Section 106 Planning Obligations Supplementary Planning Document (July 2007).

Sustainable development implications

- 57 Saved policy 3.4 - Energy efficiency of the Southwark plan 2007 (July)' states that all developments must be designed to maximise energy efficiency and minimise and reduce energy consumption and carbon dioxide emissions; major developments for residential use are required to provide an eco-homes assessment. Strategic policy 13 - High Environmental Standards of the Core Strategy 2011 requires major developments to achieve the highest possible environmental standards including targets based on the Code for Sustainable Homes and BREEAM. London Plan 2011 Policy 5.2 - Minimising carbon dioxide emissions states that for residential buildings from 2010 - 2013, a 25% reduction in CO2 emissions will be required and Code for Sustainable Homes Level 4 must be reached.
- 58 The proposed development will incorporate a combined heat and power scheme and solar thermal panels units to provide domestic hot water and electricity. The incorporation of the CHP system and the solar thermal panels will reduce CO2 emissions by 17% and 3% respectively.
- 59 The proposed development will also feature energy saving measures such as efficient lighting systems, efficient ventilation hot water and heating systems which will provide a further reduction in CO2 emissions of 10%. The total CO2 reduction for this development will therefore be in the region of 30% which meets the requirements of The London Plan 2011 and is equivalent to Code for Sustainable Homes Level 4.

Noise and air quality

- 60 The development will introduce residents into an air quality management area where there are likely to be measurable levels of particulates and nitrogen dioxide. This was confirmed in the air quality assessment submitted with the planning application. In cases where this impact is likely the developer should consider mitigating measures in particular to the first and second floor. In this case it is considered that mitigating measures can be secured by condition along with suitable conditions regarding land contamination, noise and the submission of an Environmental Management Plan.

Flood risk

- 61 As noted within the FRA, the application site is shown on the Environment Agency Flood Map as being located in Flood Zone 3a (high risk), within an area benefiting from the Thames Tidal flood defences. Assuming a breach in the defences (in combination with a 1 in 200 and 1 in 1000 year flood event), the site lies within an area at risk of residual flooding. Given the proximity of the site to the River Thames any breach in the defences would result in rapid inundation of the site and its environs. The Environment Agency have raised no objections subject to compliance with relevant conditions.

Community Infrastructure Levy

- 62 Section 143 of the Localism Act 2011 states the 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. CIL is payable on this application. The applicant has completed the relevant form.

Conclusion on planning issues

- 63 The proposed development to provide commercial floorspace at ground floor and basement level and 13 residential units on upper floors is considered acceptable with regards to the impact on residential, commercial and visual amenity. The design and materials proposed are appropriate for the location and will have no adverse impact. The development complies with the relevant saved policies of The Southwark Plan 2007 (July), the strategic policies of The Core Strategy 2011, The policies of The London Plan 2011 and the provisions of the National Planning Framework 2012. As such it is recommended that detailed planning permission be granted subject to conditions and the satisfactory completion of a comprehensive Section 106 Agreement.

Community impact statement

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

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

b) There are no issues relevant to particular communities/groups.

c) There are no likely adverse or less good implications for any particular communities/groups.

65 Consultations

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

66 Consultation replies

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

67 Summary of consultation responses

All comments received in response to the proposed development have been summarised and addressed below;

- 68 Archaeology - The applicant's archaeologists, in paragraph 2.9 of the archaeological assessment have incorrectly stated that the site is not located within an archaeological priority zone. The site is located in the Archaeological priority zone of Borough, Bermondsey and Rivers. The document supplied also contains no details of the impact of the proposal or evidence that this has been considered in any way. As such this is not adequate as an archaeological assessment of the proposal. The proposal includes a basement level which will prevent the preservation of archaeological

remain, in situ, should they be present on site. The documentation supplied to enable the determination of the archaeological impacts of this proposal is not adequate and requires revision.

Response - In light of the comments above it is recommended that comprehensive Archaeological conditions be imposed on any consent issued.

69 Environmental Protection - No objections subject to conditions.

Response - Noted and agreed, the relevant conditions will be attached to any consent issued.

70 Planning Policy - Concerns regarding density and the shortfall in floorspace of one of the bedrooms within the building.

Response - Given the quality of accommodation being provided and the sustainable location, the excess in density is considered acceptable.

71 Transport - No objections subject to conditions regarding cycle parking and refuse.

Response - Noted and agreed, the relevant conditions will be attached to any consent issued.

Urban Forester – No objection subject to conditions to protect trees on Long Lane.

72 **Response** – Noted and agreed, the relevant conditions will be imposed on any consent issued.

73 External Consultees;

74 Environment Agency - No objections subject to conditions.

Response - Noted and agreed, the relevant conditions will be attached to any consent issued.

Thames Water – No response.

75 **Response** - Noted.

Transport for London - No response.

Response - Noted.

76 Following neighbour consultation, two letters of support and six letters of objection have been received. The main points of the letters of objection have been summarised and addressed below;

77 Objection – Flat 21 at Tangerine House (first floor) may experience a loss of daylight and sunlight due to the height of the building – this will impact upon quality of life and the value of the property.

Response – Issues surrounding the impact on the value of property are not valid material planning considerations. The daylight and sunlight study completed together with the orientation of Flat 21 will ensure that no detrimental loss of daylight or sunlight will occur.

78 Objection – The commercial property at ground floor level may result in a disturbance to properties in the area in terms of noise and as such relevant conditions will need to be imposed regarding noise levels and opening hours.

Response – Noted and agreed. Whilst it is not considered that the ground floor commercial premises will cause an undue disturbance to local residents, conditions regarding noise and opening hours will be imposed on any consent issued.

79 Objection – The height of the building will have an impact on the section of Weston Street between the Leathermarket and Long Lane due to forming a clutter of towers. This will also have an impact on the Bermondsey Street Conservation Area.

Response – The height of the proposed building is considered acceptable in this location and is only slightly taller than the neighbouring six storey building opposite the site on Long Lane. It is not considered that the conservation area or the streetscape will be compromised visually.

80 **Objection** – The building will have an adverse impact on the visual amenity of the flats at Tangerine House which currently enjoy a high degree of space and separation from surrounding buildings.

Response – The proposed building will be approximately 18 metres away from the face of Tangerine House and as such there will be no impact on residential amenity in terms of a loss of privacy or a sense of enclosure. It has been established in Planning Law that nobody is entitled to a view over a third parties land.

81 **Objection** – There will be a loss of privacy to the flats at Tangerine House due to the close proximity of bedrooms and terraces across the road.

Response - The proposed building will be approximately 18 metres away from the face of Tangerine House and as such there will be no impact on residential amenity in terms of a loss of privacy or a sense of enclosure.

Objection - The proposal does not include any vehicular parking and as such will impact on parking in surrounding streets.

82 **Response** – The site lies within a Controlled Parking Zone and all future occupiers will be exempted from obtaining parking permits. This will reduce parking dependency and overspill parking on surrounding streets. The car-free nature of the proposal is supported in this location.

83 **Objection** – There is no provision for an outdoor smoking area and this will cause a disturbance on Long Lane as well as blocking the pavement.

Response – This is an Environmental Health concern and as such any issues with regards to smoking on the street should be directed to the Councils Environmental Protection Team.

84 **Objection** – Flat 14 at Tangerine House (fourth floor), will experience a loss of daylight and sunlight.

Response - The daylight and sunlight study completed together with the orientation of Flat 14 will ensure that no detrimental loss of daylight or sunlight will occur.

Objection - There will be an increase in crime due to the proposed bar.

85 **Response** – There is no evidence to suggest that the A4 use will result in an increase in perceived or actual crime.

86 **Objection** – Current infrastructure will not be able to cope with the increased flow of traffic (cars and foot).

Response – The current street level infrastructure is more than sufficient to cope with 13 residential units and a commercial use at ground floor. The Councils Transport Team has been consulted on the proposal and have raised no objections.

87 **Objection** – The development will result in increased congestion on the adjoining highways and disruption to the free flow of traffic and particularly the legitimate movement of vehicles to and from the Stage Electronics site at 175 Long Lane. The scale of the development is also likely to dominate the premises at 175 Long Lane.

Response – Servicing of the development will take place on street in line with local restrictions. This has been accepted by the Councils Transport Team subject to a condition regarding a Service Management Plan. It is not considered that the servicing for a commercial unit and 13 dwellings will compromise the commercial operations at Stage Electronics and the development is unlikely to have an adverse impact on local highway conditions. The scale of the development is acceptable and will not

compromise the amenity of the commercial premises at 175 Long Lane.

88 **Objection** – The proposed development will have a significant adverse impact on the dwellings at Helder Court in terms of a loss of daylight and sunlight. The daylight and sunlight study submitted is misleading as it refers to only one property.

89 **Response** – The daylight and sunlight study takes the worst affected window and presents a worst case scenario. In this instance the report notes that the affected window will continue to receive daylight and sunlight throughout winter and summer. Whilst it acknowledges that there will be a reduction in sunlight hours in winter it will not be a detrimental reduction nor is it significant enough to warrant refusal of the application. In terms of daylight the dwellings at Helder Court will continue to receive levels in line with BRE guidance. In the view of this department, the reduction in sunlight to the properties at Helder Court in the winter months is not considered detrimental to amenity or the quality of the living accommodation and in itself does not render the application unacceptable given the Central London location of the application site.

Human rights implications

90 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.

91 This application has the legitimate aim of providing mixed use commercial and residential 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

92 **Strategic Director of Communities, Law & Governance**

N/A

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/147-E Application file: 11/AP/4364 Southwark Local Development Framework and Development Plan Documents	Deputy Chief Executive's Department 160 Tooley Street London SE1 2TZ	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 020 7525 5365 Council website: www.southwark.gov.uk

APPENDICES

No.	Title
Appendix 1	Consultation undertaken
Appendix 2	Consultation responses received
Appendix 3	Neighbour Consultee List

AUDIT TRAIL

Lead Officer	Gary Rice, Head of Development Management	
Report Author	Terence McLellan, Senior Planning Officer	
Version	Final	
Dated	9 May 2012	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Communities, Law & Governance	N/A	N/A
Director of Planning	Yes	Yes
Strategic Director of Environment and Leisure	N/A	N/A
Date final report sent to Constitutional Team	27 April 2012	

Consultation undertaken

Site notice date: 16/01/2012

Press notice date: 12/01/2012

Case officer site visit date: 16/01/2012

Neighbour consultation letters sent: 16/01/2012

Internal services consulted:

Environmental protection
Planning Policy
Transport
Urban Forester

Statutory and non-statutory organisations consulted:

Environment Agency
Thames Water
Transport for London

Neighbours and local groups consulted:

As detailed in Appendix 3

Re-consultation:

Re-consultation not required.

Consultation responses received

Internal services

Design and conservation
Environmental protection
Planning Policy
Transport
Urban Forester

Statutory and non-statutory organisations

Environment Agency

Neighbours and local groups

Heldar Court No. 5
Long Lane Nos. 175 (Stage Electronics) and 197 (Flat 45).
Tangerine House Nos. 14, 17 and 21.
Weston Street No. 119 (Flat 11).

APPENDIX 3

Neighbour Consultee List for Application Reg. No. 11/AP/4364

TP No	TP/147-E	Site	VALENTINE AND ORSON, 171 LONG LANE, LONDON, SE1 4PN
App. Type	Full Planning Permission		

Date Printed	Address
16/01/2012	by email
16/01/2012	FLAT 5 HELDAR COURT KIPLING ESTATE WESTON STREET LONDON SE1 3RH
16/01/2012	FLAT 6 HELDAR COURT KIPLING ESTATE WESTON STREET LONDON SE1 3RH
16/01/2012	FLAT 3 HELDAR COURT KIPLING ESTATE WESTON STREET LONDON SE1 3RH
16/01/2012	FLAT 4 HELDAR COURT KIPLING ESTATE WESTON STREET LONDON SE1 3RH
16/01/2012	122 WESTON STREET LONDON SE1 4XE
16/01/2012	122A WESTON STREET LONDON SE1 4XE
16/01/2012	FLAT 7 HELDAR COURT KIPLING ESTATE WESTON STREET LONDON SE1 3RH
16/01/2012	106A WESTON STREET LONDON SE1 3QB
16/01/2012	FLAT 13 HELDAR COURT KIPLING ESTATE WESTON STREET LONDON SE1 3RH
16/01/2012	FLAT 14 HELDAR COURT KIPLING ESTATE WESTON STREET LONDON SE1 3RH
16/01/2012	FLAT 11 HELDAR COURT KIPLING ESTATE WESTON STREET LONDON SE1 3RH
16/01/2012	FLAT 12 HELDAR COURT KIPLING ESTATE WESTON STREET LONDON SE1 3RH
16/01/2012	FLAT 17 HELDAR COURT KIPLING ESTATE WESTON STREET LONDON SE1 3RH
16/01/2012	FLAT 2 HELDAR COURT KIPLING ESTATE WESTON STREET LONDON SE1 3RH
16/01/2012	FLAT 15 HELDAR COURT KIPLING ESTATE WESTON STREET LONDON SE1 3RH
16/01/2012	FLAT 16 HELDAR COURT KIPLING ESTATE WESTON STREET LONDON SE1 3RH
16/01/2012	171 LONG LANE LONDON SE1 4PN
16/01/2012	UNIT TR 1 1 TROWBRAY HOUSE 108 WESTON STREET LONDON SE1 3QB
16/01/2012	UNIT TR G1 TROWBRAY HOUSE 108 WESTON STREET LONDON SE1 3QB
16/01/2012	UNIT TR B 3 TROWBRAY HOUSE 108 WESTON STREET LONDON SE1 3QB
16/01/2012	UNIT TR 1 2 TROWBRAY HOUSE 108 WESTON STREET LONDON SE1 3QB
16/01/2012	UNIT TR G2 TROWBRAY HOUSE 108 WESTON STREET LONDON SE1 3QB
16/01/2012	UNIT TR G3 TROWBRAY HOUSE 108 WESTON STREET LONDON SE1 3QB
16/01/2012	160-162 LONG LANE LONDON SE1 4BS
16/01/2012	154 LONG LANE LONDON SE1 4BS
16/01/2012	158 LONG LANE LONDON SE1 4BS
16/01/2012	156 LONG LANE LONDON SE1 4BS
16/01/2012	UNIT TR B 1 TROWBRAY HOUSE 108 WESTON STREET LONDON SE1 3QB
16/01/2012	UNIT TR B 2 TROWBRAY HOUSE 108 WESTON STREET LONDON SE1 3QB
16/01/2012	MANAGEMENT OFFICE 169 LONG LANE LONDON SE1 4PN
16/01/2012	175 LONG LANE LONDON SE1 4PN
16/01/2012	FLAT 23 TANGERINE HOUSE 176 LONG LANE LONDON SE1 4BS
16/01/2012	FLAT 21 TANGERINE HOUSE 176 LONG LANE LONDON SE1 4BS
16/01/2012	FLAT 22 TANGERINE HOUSE 176 LONG LANE LONDON SE1 4BS
16/01/2012	FLAT 3 TANGERINE HOUSE 119 WESTON STREET LONDON SE1 4XE
16/01/2012	FLAT 4 TANGERINE HOUSE 119 WESTON STREET LONDON SE1 4XE
16/01/2012	FLAT 1 TANGERINE HOUSE 119 WESTON STREET LONDON SE1 4XE
16/01/2012	FLAT 2 TANGERINE HOUSE 119 WESTON STREET LONDON SE1 4XE
16/01/2012	UNIT TR 3 01 TROWBRAY HOUSE 108 WESTON STREET LONDON SE1 3QB
16/01/2012	UNIT TR B 4 TROWBRAY HOUSE 108 WESTON STREET LONDON SE1 3QB
16/01/2012	UNITS TR 2 1 TO TR 2 3 TROWBRAY HOUSE 108 WESTON STREET LONDON SE1 3QB
16/01/2012	FLAT 19 TANGERINE HOUSE 176 LONG LANE LONDON SE1 4BS
16/01/2012	FLAT 18 TANGERINE HOUSE 176 LONG LANE LONDON SE1 4BS
16/01/2012	FLAT 5 TANGERINE HOUSE 119 WESTON STREET LONDON SE1 4XE
16/01/2012	FLAT 16 TANGERINE HOUSE 119 WESTON STREET LONDON SE1 4XE
16/01/2012	FLAT 17 TANGERINE HOUSE 119 WESTON STREET LONDON SE1 4XE
16/01/2012	FLAT 14 TANGERINE HOUSE 119 WESTON STREET LONDON SE1 4XE
16/01/2012	FLAT 15 TANGERINE HOUSE 119 WESTON STREET LONDON SE1 4XE
16/01/2012	UNIT TR G4 108 WESTON STREET LONDON SE1 3QB
16/01/2012	FLAT 1 HELDAR COURT KIPLING ESTATE WESTON STREET LONDON SE1 3RH
16/01/2012	FLAT 8 TANGERINE HOUSE 119 WESTON STREET LONDON SE1 4XE
16/01/2012	FLAT 9 TANGERINE HOUSE 119 WESTON STREET LONDON SE1 4XE
16/01/2012	FLAT 6 TANGERINE HOUSE 119 WESTON STREET LONDON SE1 4XE
16/01/2012	FLAT 7 TANGERINE HOUSE 119 WESTON STREET LONDON SE1 4XE
16/01/2012	FLAT 12 TANGERINE HOUSE 119 WESTON STREET LONDON SE1 4XE
16/01/2012	FLAT 13 TANGERINE HOUSE 119 WESTON STREET LONDON SE1 4XE
16/01/2012	FLAT 10 TANGERINE HOUSE 119 WESTON STREET LONDON SE1 4XE
16/01/2012	FLAT 11 TANGERINE HOUSE 119 WESTON STREET LONDON SE1 4XE
16/01/2012	FLAT 20 TANGERINE HOUSE 176 LONG LANE LONDON SE1 4BS
20/06/1837	by email
20/06/1837	FLAT 45 197 LONG LANE LONDON SE1 4PD
20/06/1837	Pembroke House 15 Pembroke Road Bristol BS8 3BA

