

Item No. 7.1	Classification: OPEN	Date: 3 October 2017	Meeting Name: Planning Sub-Committee A
Report title:	Development Management planning application: Application 17/AP/1766 for: Full Planning Application Address: THE CLIPPER, 562 ROTHERHITHE STREET, LONDON, SE16 5EX Proposal: Redevelopment of the site to comprise a four storey building with commercial use (use class A1/A2) at ground floor and basement and 6 x 2 bed residential units on the first, second and third floors, with associated car and cycle parking.		
Ward(s) or groups affected:	Surrey Docks		
From:	DIRECTOR OF PLANNING		
Application Start Date 24/05/2017		Application Expiry Date 19/07/2017	
Earliest Decision Date 30/06/2017			

RECOMMENDATION

1. That planning permission is granted subject to conditions.

BACKGROUND INFORMATION

Site location and description

2. The site comprises an existing two storey public house building, formerly known as the Clipper. The property is currently empty and prior approval has been granted for its demolition. It is located at the corner of Rotherhithe Street (B205) at its junction with Silver Walk.
3. The site is located within a predominantly residential area. Timbrell Place, a four storey building comprising flats, is located directly to the south of the site. Existing residential properties are also located to the east and west, on the opposite sides of Patina Walk and Rotherhithe Street, along with further residential properties within Filigree Court to the south west. A public recreation area is located to the north of the site, on the opposite side of Silver Walk.
4. The site is located within the Suburban Density Zone, Air Quality Management Area, Archaeological Priority Zone and Canada Water Action Area. It is not within a Conservation Area.

Details of proposal

5. The application proposes the demolition of the existing building and the redevelopment of the site to provide a four storey building comprising a commercial unit of 238sqm at ground floor and basement level with six two-bedroomed flats above. It is proposed that the commercial unit be consented as flexible space capable of operating either as a shop (use class A1) or financial/professional service (use

class A2). The proposal includes a hard and soft landscaping scheme, including the provision of two car parking spaces to the rear of the site to be accessed from Patina Walk, and separate cycle storage for future residential and retail occupiers.

6. In comparison to the previously withdrawn application, this revised proposal has stepped the proposed building in from the southern boundary of the site above first floor level by a further 2m in order to reduce the impacts on outlook and daylight for residents at Timbrell Place. The design and appearance of the proposed building has also been amended, including the detailed design of the elevations and use of materials.

7. **Planning history**

86/AP/9125 Application type: Full Planning Application (FUL) - Proposed external works forming covered terrace and alterations to bars. (Old LDDC file ref; S/86/125) Decision date 19/02/1987 Decision: Granted (GRA)

01/AP/3025 Application type: Prior Approval (PRAP) - Prior approval application for the installation of antennae to each side of chimney and feeder cable route to side of building. (Old file ref; 0130025) Decision date 12/07/2001 Decision: Prior Approval not required (PANR)

14/EQ/0182 Application type: Pre-Application Enquiry (ENQ) - Demolition of former public house and erection of a mixed use building comprising retail unit and 6 flat (revised scheme following the withdrawal of previous planning application) Decision date 03/10/2014 Decision: Pre-application enquiry closed (EQC)

14/AP/4337 Application type: Full Planning Application (FUL) - Demolition of existing building and the erection of replacement four storey building comprising a retail unit (Use Class A1) at ground floor and basement level and 6 flats on first, second and third floors, associated car parking and amenity area.

Decision date 02/07/2015 Decision: Refused (REF)

Appeal decision date: 15/03/2016 Appeal decision: Planning appeal dismissed (DIS).

Reason(s) for refusal:

The proposed development, by reason of the height and width of the replacement building representing a significant increase in massing in relation to the existing building, coupled with the separation distance to the adjacent flats within Timbrell Place, would result in a significant loss of day light and be overbearing in appearance for the occupiers of these adjacent properties. The resulting harmful impacts upon neighbours' living conditions is contrary to saved policies 3.2 and 3.13 of the Southwark Plan 2007, Strategic Policies 12 and 13(8) of the Southwark Core Strategy, policy 7.6 of the London Plan 2015, Section 7 of the National Planning Policy Framework 2012 and the Southwark Residential Design Standards 2011.

The loss of the existing public house would amount to the loss of a valued community facility, contrary to Policy 3.1 of the London Plan 2015 and paragraph 70 of the National Planning Policy Framework 2012.

The proposed redevelopment of the site would result in the loss of a non-designated heritage asset which is of value to the surrounding townscape and the replacement building would not be of such quality to outweigh the harm resulting. The application is therefore contrary to paragraphs 128 to 135 of the National Planning Policy Framework 2012, Strategic Policy 12 of the Southwark Core Strategy 2011 and

policies 7.4 and 7.8 of the London Plan 2015.

Appeal:

The application was subsequently dismissed at appeal, however the Inspector only agreed with the Council in regards to the impact on outlook from the 3 duplex flats occupying the upper storeys of Timbrell Place and the daylight/sunlight impacts to two ground floor properties and a single first floor property at Timbrell Place. The Inspector did not agree with the reasons for refusal in regards to the loss of the pub and loss of the heritage asset.

16/EN/0320 Enforcement type: Unauthorised building works (UBW) - Demolition of public house. Sign-off date 19/07/2016 Sign-off reason: Final closure - no breach of control (FCNB)

16/AP/3406

Demolition of the existing pub building and construction of a 4 storey building (plus basement) comprising 1x A1/A2/A3 unit at ground and basement levels and 6x 2 bedroom residential units over the upper three storeys.

Decision date: November 2016 Decision: Application withdrawn prior to determination

17/AP/0396 Application type: Prior Approval (PRAP) - Demolition of vacant public house The Clipper (Use Class A4) to facilitate redevelopment

Decision date 02/03/2017 Decision: Prior Approval Required - Approved (PARA)

17/EQ/0082 Application type: Pre-Application Enquiry (ENQ)

Redevelopment of the site to provide a 4 storey building comprising 1x Class Use A1/A2/ A3 unit at ground floor and 6 residential units above.

Decision date 18/04/2017 Decision: Pre-application enquiry closed (EQC)

Planning history of adjoining sites

8. No relevant planning history

KEY ISSUES FOR CONSIDERATION

Summary of main issues

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

Planning policy

10. National Planning Policy Framework (the Framework)
Section 1. Building a strong, competitive economy
Section 4. Promoting sustainable transport
Section 6. Delivering a wide choice of high quality homes
Section 7. Requiring good design

The 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.

11. The London Plan 2016
Policy 3.1 - Ensuring equal life chances for all
Policy 3.3 - Increasing Housing Supply
Policy 3.4 - Optimising Housing Potential
Policy 3.5 - Quality and Design of Housing Developments
Policy 3.8 - Housing Choice
Policy 3.9 - Mixed And Balanced Communities
Policy 3.16 - Social Infrastructure
Policy 4.7 - Retail and Town Centre Development
Policy 4.8 - Supporting a Successful and Diverse Retail Sector and Related Facilities and Services
Policy 4.12 - Improving Opportunities For All
Policy 5.3 - Sustainable Design and Construction
Policy 6.9 - Cycling
Policy 6.10 - Walking
Policy 7.1 - Lifetime Neighbourhoods
Policy 7.2 - An inclusive environment
Policy 7.4 - Local Character
Policy 7.6 - Architecture
12. Core Strategy 2011
Strategic Targets Policy 1 - Achieving growth
Strategic Targets Policy 2 - Improving places
Strategic Policy 1 - Sustainable development
Strategic Policy 2 - Sustainable transport
Strategic Policy 3 - Shopping, leisure and entertainment
Strategic Policy 5 - Providing new homes
Strategic Policy 7 - Family homes
Strategic Policy 10 - Jobs and business
Strategic Policy 11 - Open spaces and wildlife
Strategic Policy 12 - Design and conservation
Strategic Policy 13 - High environmental standards
13. Southwark Plan 2007 - saved policies
Policy 1.10 - Small scale shops and services
Policy 2.1 - Enhancement of community facilities
Policy 3.1 - Environmental effects
Policy 3.2 - Protection of amenity
Policy 3.4 - Energy efficiency
Policy 3.6 - Air quality

Policy 3.11 - Efficient use of land
Policy 3.12 - Quality in design
Policy 3.13 - Urban design
Policy 3.14 - Designing out crime
Policy 3.19 - Archaeology
Policy 3.28 - Biodiversity
Policy 4.2 - Quality of residential accommodation
Policy 5.1 - Locating developments
Policy 5.2 - Transport impacts
Policy 5.3 - Walking and cycling
Policy 5.6 - Car parking

14. New Southwark Plan - Preferred Option (October 2015)
DM34 - Pubs

15. Canada Water Area Action Plan 2015
Policy 4 - Small scale shops, restaurants and cafes outside the town centre
Policy 21 - New homes
Policy 24 - Density of developments

Consultation responses

16. 13 comments have been received through the public consultation: 9 objections, 3 offering support and a single comment querying the likelihood of the commercial unit being converted to residential accommodation at later date.

17. The objections raised include:

- Concerns about the overbearing presence of the building;
- Proposal is too tall at 4 storeys and represents an over-development of the site;
- Perceived failure to address the previous reasons for the dismissed appeal (impacts on outlook and daylight at Timbrell Place);
- Concerns about the accuracy of the daylight assessment and the potential impacts at Timbrell Place;
- Impacts on privacy of residents at Timbrell Place;
- Potential vehicular/pedestrian conflict at entrance to Filigree Court, Patina Walk;
- Insufficient car parking and potential for congestion;
- Potential impact on trees on Silver Walk;
- The need for excavation to form the basement and the potential impacts on the foundations of nearby buildings;
- Disruption during construction;
- Increased overlooking/enclosure of the neighbouring park.

18. The comments in support of the application include:

- That the public house is increasingly dilapidated and the provision of new homes welcome;
- That the new commercial unit would be welcome given the lack of local amenities;
- That potential impacts on daylight/outlook are over-estimated given that the mature trees between the proposed building and Timbrell Place will be retained.

Principle of development

19. The principle of development has been largely established through the planning history of the site. Though a previous application for the redevelopment of the public house was refused, at the subsequent appeal, the Planning Inspector determined that

the loss of the public house met the criteria outlined in Southwark Plan policy 1.10 and that the principle of its loss was acceptable. In addition, prior approval for the demolition of the public house was granted in March this year.

20. Emerging New Southwark Plan policy DM34 would confer additional protection to existing public houses unless more stringent criteria were met, including that it be demonstrated that the public house in question is no longer financially viable. The draft policy also notes that where a pub has been registered as an asset of community value this will be treated as a significant material consideration. The National Planning Policy Framework sets out that emerging policies can be given material weight in the decision making process depending on the stage of preparation, the levels of support/objection for the proposed policy and the consistency with the Framework. In this case, officers consider that the additional protection that this policy would provide to pubs is outweighed by the fact that the aforementioned prior approval means that the public house could be lawfully demolished at any point and that a previous application to have the public house listed as an Asset of Community Value was unsuccessful.
21. The introduction of new residential accommodation on the site is consistent with the prevailing character of the area and the retention of a small commercial (retail) use at ground floor level would provide some welcome animation at street level and a useful local facility. Both uses are supported by the Canada Water Area Action Plan and by guidance in the National Planning Policy Framework. The principle of development is therefore acceptable.

Environmental impact assessment

22. The nature and scale of the application does not warrant an environmental impact assessment, as per the criteria established in the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Density of development

23. The site is located in the suburban zone, in which the Core Strategy - and specifically the Canada Water Area Action Plan - state that densities of between 200 and 350 will be appropriate in order to protect local character.
24. The site is approximately 328sqm and - including the commercial floor space - the development would include 26.7 habitable rooms, equating to a density of 81.2 habitable rooms per hectare. Though well in excess of the upper density limit set out in policy, this is broadly consistent with earlier development proposals for the site.
25. Such a figure is indicative of an overdevelopment, but for small sites, density can often be misleading given that small changes in the amount of accommodation or site area can have a significant impact on the outcome of the calculation. A balance needs to be struck between making efficient use of land, respecting the character of the area and protecting the amenity of local residents. These issues are explored in greater detail below.

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

Outlook and privacy

26. One of the reasons for the previously dismissed appeal was the impact outlook on the three duplex units occupying the third and fourth floors at Timbrell Place. These three units are single aspect and directly face the application site.

27. The separation distance between Timbrell Place and the existing public house is approximately 8.8m and 11.8m. Though a boundary wall would be retained, the proposed building would step-away from Timbrell Place by between 1.4m and 2.2m at ground level. Though the second and third floor levels represent an increase in the height and massing of the building, when considered relative to the previously refused application, the building line is set-back from Timbrell Place by an additional 1.5m to 2.5m. A series of images have been presented to indicate the reduction in massing and the consequent changes in outlook from different vantage points at Timbrell Place.
28. It is also noted that the mature trees that just beyond the southern boundary of the application site will continue to provide some screening between the two sites, though more successfully during spring/summer months. It is recommended that a planning condition is included as part of any planning permission to ensure that measures are instigated to protect the root protection areas of these trees where they extend into the application site.
29. Although the upper storeys will undoubtedly appear in immediate views from existing properties at Timbrell Place, the increased set-back and slanted roof profile create a more slender building that will be less imposing than earlier iterations of the scheme. Officers are satisfied that these design changes, coupled with the protection of the existing trees, are sufficient to overcome previous concerns related to the impact on outlook. It is considered that the proposal would be consistent with Southwark Plan policy 3.2 in this regard.
30. The limited separation distance between the two buildings and single aspect nature of many of the Timbrell Place flats raises the potential for overlooking and inadequate amounts of privacy for existing and future occupiers. To address this, windows in the south elevation facing Timbrell Place will have opaque/obscure glazing and be fixed shut. A planning condition is recommended to this effect. This measure adequately addresses any concern about loss of privacy.

Daylight and sunlight

31. The reduction in daylight for residents at Timbrell Place formed a reason for refusal of the previous application. The impacts on the two ground floor units (Flats 6 and 7) and one of the first floor units (Flat 15) were cited by the Planning Inspector in dismissing the subsequent appeal.
32. The submitted daylight assessment considers the impacts on all of the residential properties around the perimeter of the Clipper site: Timbrell Place (564 Rotherhithe Street), 269-279 Rotherhithe Street, 1-3 Filigree Court and 14-16 Patina Road.
33. The impacts at Filigree Court, 269-279 Rotherhithe Street and 14-16 Patina Road have previously been assessed against the BRE guidelines and considered to be within acceptable parameters and this remains the case with the current, smaller iteration of the scheme.
34. 43 windows in the northern elevation of Timbrell Place, directly facing the Clipper, have been assessed using the Vertical Sky Component (VSC) test. Crudely, this test assesses the amount of skylight falling on the centre point of a window before and after a nearby development has taken place. The BRE advise that where the VSC value is reduced by more than 20% and the resulting level is lower than 27%, this will represent a noticeable impact to occupants.
35. The report states that only 2 windows experience reductions in excess of 20% - windows 63 and 70. Window 63 serves a first floor bedroom in Flat 14 and window 70

is one of three windows serving the ground floor living room of Flat 6, the other two windows experience reductions of 16% and 18%, both within the parameters described by the BRE as being acceptable.

36. The results of the VSC test shows almost total compliance with the BRE guidelines. Though two individual windows do experience slightly higher reductions of around 25%, this is not unusual in an urban environment. It is also important to note that the BRE guidance is very much a guide and that the results need to be considered in their context. It is not considered that these minor transgressions against the BRE guidelines are sufficient to warrant a refusal of planning permission.
37. With specific reference to the flats previously highlighted by the Inspector when dismissing the appeal in 2016, only window 70 (referenced above) would fail to meet the BRE guideline.
38. A further No Sky Line (daylight distribution) test was undertaken for the one room that failed to achieve the recommended VSC level. This showed a reduction in no sky line of 31-37% depending on whether the balcony above the window is included in the calculation. The applicant points to the fact that this is a bedroom, with less need for daylight compared to a living room or kitchen, which is a relevant consideration.
39. The results of the VSC test suggest that the reduction in the massing of the proposed development has satisfactorily addressed previous concerns raised about daylight impacts at Timbrell Place.

Impacts during construction

40. The proposal only represents a modest amount of development and it is considered that the potential disturbance that might arise during the construction process, such as noise, dust or highway safety concerns, can be adequately dealt with under existing environmental and highways legislation, respectively. The applicant is encouraged to contact the Highway Authority prior to implementing any planning permission and an informative is added to this effect.

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

41. The site is surrounded by residential uses that will not exert any influence on the site that would be harmful to the amenity of future occupiers.

Design

42. The proposal is for a 4 storey building that includes a series of steps to reduce the massing on the upper floors. The roof profile on the southern elevation is purposely sloped to reduce the bulk of the building at this level when viewed from Timbrell Place. The result is a development with a relatively slender profile - certainly relative to previous iterations of this development that have been refused or withdrawn - and a building that, in terms of height, is largely consistent with the surrounding area.
43. The architecture of the building imitates the wharf/warehouse typology that is characteristic of the Rotherhithe peninsula. The materials palette is restrained, comprising a yellow/stock brick with dark grey powder-coated aluminium window frames and balcony balustrades. The shopfront will similarly use aluminium frames, with each expanse of glazing broken down into a series of smaller windows to reflect the vertical rhythm of windows above. The design relies on brick detailing including recessed brick panels, inset windows, soldier courses to separate the individual floors and dogtooth cornices to provide interest and articulate the facade. Initial section

details have been provided to indicate that this detailing can be achieved and a more comprehensive set of detailed technical drawings at an appropriate scale should be secured via planning condition.

44. It is considered that the design makes an appropriate contextual response to the site and that subject to conditions relating to materials samples and the design details referenced above, is consistent with the urban design policies set out in the Core Strategy and saved Southwark Plan.

Quality of accommodation

45. Accommodation is arranged with two units per floor served by a central circulation core. This allows all units to achieve dual aspect without relying on an outlook to the south towards Timbrell Place. Units are generally stacked with repeating layouts, which will limit the potential for disruption in terms of noise transfer between the floors when units are occupied.
46. Each unit would have two bedrooms (4x 2B4P and 2x 2B3P), though the stepping in of the building at second and third floor level means that the two units on the corner of Rotherhithe Street can only accommodate a single sized bedroom as their second. All units would achieve the overall size standards set out in the Nationally Described Space Standards, including making appropriate provision for bulk storage, and individual rooms achieve the minimum standards set out in the Residential Design Standards SPD. All units would have level, step-free access to their threshold and it should be possible to achieve the M4(2) standard set out in Building Regulations, which is broadly equivalent to the former Lifetime Homes Standard.
47. Each flat would have access to an inset balcony of either 6 or 8sqm, which provides adequate private amenity space. A further 36sqm communal garden is proposed at ground level adjacent to the boundary with Timbrell Place, alongside other incidental planting and hard landscaping that contribute to the main residential access. Though the amount of communal amenity space falls short of the 50sqm set out in the residential design standards SPD, this is considered acceptable given the need to balance this provision other alongside car parking, cycle and refuse storage. The layout of the site is practical and sensible response to the context.

Archaeology

48. An archaeological desk-based assessment (DBA) has been provided, which concludes that the archaeological potential of the site is low based on available records and the results of investigations undertaken in the broader area. The council's archaeologist advises the archaeological potential of the site cannot be dismissed and is presently unknown. It is recommended that planning conditions are attached to the permission to allow for a suitable archaeological evaluation to be undertaken.

Transport issues

Car parking

49. Plans indicate that two car parking spaces would be provided, with an access from Patina Walk. This is similar to previous proposals for the site, though the vehicular entrance has been move slightly further north away from Filigree Court. Though the Core Strategy and Southwark Plan make clear that car parking should be minimised, it is acknowledged that the site has relatively poor public transport accessibility (1b) and is not located within a Controlled Parking Zone. An absence of car parking could therefore lead to additional pressure on kerbside parking. The provision of two car parking spaces is considered a reasonable response. It is not considered that the

inclusion of two car parking spaces would generate a high number of vehicle movements such that highway safety would be compromised.

Cycle parking

50. Separate long-stay cycle parking storage areas are provided for residents and retail staff. In both cases, the quantity meets the requirements of London Plan policy 6.9 (12 for residents and 2 for staff). Storage combines horizontal Sheffield stands and double-stackers and fulfils the Southwark Plan requirements of being secure, convenient and weatherproof. On-street cycle storage is proposed for customers of the retail unit, though this would require separate approval from the Highways Authority.

Servicing

51. Six residential units and a small retail unit are only likely to generate very modest trip generation for servicing and this can be adequately dealt with at the kerbside. Separate refuse storage areas are proposed for the residential/commercial operations with stores sensibly located so that bins are within acceptable drag distances to the kerbside.

Impact on trees

52. Though there are no trees within the application site, a number of trees exist just beyond the southern boundary of the site, particularly the two prominent Norwegian Maple trees between the site and Timbrell Place. These trees provide important screening for residents and through their size and maturity have amenity value that warrants their protection. The root protection areas for these trees extends into the development site and it is recommended that a planning condition is included to secure appropriate protection measures during demolition/construction.

Planning obligations (Section 106 undertaking or agreement) and Community Infrastructure Levy

53. No specific planning obligations are required, though the retail and residential components of the development would attract both Mayoral and Southwark CIL. Mayoral CIL in Southwark is charged at £35 per sqm and Southwark's CIL is charged at £125 per sqm for retail use and £200 per sqm for residential use at this location, though all charges are index linked. The chargeable floorspace has been calculated based on the floorplans provided. Mayoral CIL equates to £33,486 and Southwark CIL to £143,966.

Sustainable development implications

Flood Risk

54. A flood risk assessment has been prepared that responds to the latest Environment Agency modelling. The Environment Agency (EA) note that the ground floor commercial unit would be deemed a 'less vulnerable' use, as per the existing situation, and that the finished floor levels of the residential accommodation will be above the modelled breach level in 2065. The EA raise no objections to the proposal. The design and access statement refers to the introduction of soft landscaping and permeable paving to reduce surface water runoff. Both measures are appropriate and can be considered in further detail as part of a landscaping condition.

Contamination

55. The proposal utilises the existing basement and requires only limited amounts of piling and/or excavation. The council's environmental protection team are content to require only a condition that requires remediation in the event that contamination is discovered rather than a full survey and ground investigations at this stage.

Other matters

56. Though Core Strategy Policy 13 establishes a target that commercial developments achieve a BREEAM "Excellent" accreditation, this would not be a feasible or proportional requirement to impose on a commercial unit of less than 250sqm. No condition is proposed to address this issue. It is however noted that the roof will host a number of photovoltaic panels to improve the sustainability credentials of the development and this is welcomed.
57. The potential for structural problems to arise due to the excavation of the basement has been raised by objectors. The proposal actually represents a reduction in the size of the basement relative to the existing situation and these issues would need to be further explored under separate consent regimes and processes, outside of the planning system.

Conclusion on planning issues

58. The proposal includes an appropriate mix of land uses. The loss of the public house is considered acceptable in this instance and the provision of a small shop and new residential units is supported by the Development Plan. The reduction in the massing of the building and increased set-back from the northern facade of Timbrell Place reduce the impacts of this proposal on existing residents, to the extent that officers are satisfied that the proposal is consistent with saved Southwark Plan policy 3.2. Although the development exceeds the recommended density range for this location, the building height is consistent with neighbouring blocks, a sufficiently high quality of accommodation is created and, as described above, the impacts on local amenity are considered to be acceptable. As a result, it is recommended that planning permission is granted subject to appropriate conditions.

Community impact statement

59. 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.

Consultations

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

Consultation replies

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

Human rights implications

62. 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.
63. This application has the legitimate aim of providing details of the redevelopment of the former Clipper Public House to create a mixed-use development. The rights potentially engaged by this application, including the right to a fair trial and the right to respect for private and family life are not considered to be unlawfully interfered with by this proposal.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/271-562 Application file: 17/AP/1766 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 5416 Council website: www.southwark.gov.uk

APPENDICES

No.	Title
Appendix 1	Consultation undertaken
Appendix 2	Consultation responses received
Appendix 3	Pre-Application response - 17/EQ/0082
Appendix 4	Recommendation

AUDIT TRAIL

Lead Officer	Simon Bevan, Director of Planning	
Report Author	Michael Glasgow, Team Leader - Major Applications	
Version	Final	
Dated	20 September 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, Environment and Social Regeneration	No	No
Strategic Director of Housing and Modernisation	No	No
Director of Regeneration	No	No
Date final report sent to Constitutional Team	21 September 2017	

APPENDIX 1

Consultation undertaken

Site notice date: 07/06/2017

Press notice date: n/a

Case officer site visit date: n/a

Neighbour consultation letters sent: 25/05/2017

Internal services consulted:

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

Statutory and non-statutory organisations consulted:

Environment Agency

Neighbour and local groups consulted:

22 Russia Dock Road London SE16 5NL

Email X

By Email

176 Simms Road Bermondsey SE1 5QJ

11 Filigree Court London SE16 5HL

15 Filigree Court London SE16 5HL

By Eform X

20 Timbrell Place Rotherhithe Street SE16 5HU

19 Timbrell Place Rotherhithe Street SE16 5HU

22 Timbrell Place Rotherhithe Street SE16 5HU

21 Timbrell Place Rotherhithe Street SE16 5HU

16 Timbrell Place Rotherhithe Street SE16 5HU

15 Timbrell Place Rotherhithe Street SE16 5HU

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3 Timbrell Place Rotherhithe Street SE16 5HU

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4 Timbrell Place Rotherhithe Street SE16 5HU

1a Timbrell Place Rotherhithe Street SE16 5HU

1 Timbrell Place Rotherhithe Street SE16 5HU

2a Timbrell Place Rotherhithe Street SE16 5HU

2 Timbrell Place Rotherhithe Street SE16 5HU

11 Timbrell Place Rotherhithe Street SE16 5HU

10 Timbrell Place Rotherhithe Street SE16 5HU

14 Timbrell Place Rotherhithe Street SE16 5HU

12 Timbrell Place Rotherhithe Street SE16 5HU

7 Timbrell Place Rotherhithe Street SE16 5HU

6 Timbrell Place Rotherhithe Street SE16 5HU

9 Timbrell Place Rotherhithe Street SE16 5HU

8 Timbrell Place Rotherhithe Street SE16 5HU

5 Filigree Court London SE16 5HL

6 Filigree Court London SE16 5HL

18 Pattina Walk London SE16 5HT

19 Pattina Walk London SE16 5HT

285 Rotherhithe Street London SE16 5EY

287 Rotherhithe Street London SE16 5EY

277 Rotherhithe Street London SE16 5EY

279 Rotherhithe Street London SE16 5EY

Room 2 15 Pattina Walk SE16 5HT

Room 4 17 Pattina Walk SE16 5HT

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Room 6 17 Pattina Walk SE16 5HT

Room 1 18 Pattina Walk SE16 5HT

Room 2 16 Pattina Walk SE16 5HT

Room 3 16 Pattina Walk SE16 5HT

Living Accommodation 562 Rotherhithe Street SE16 5EX

Room 1 16 Pattina Walk SE16 5HT

Room 6 16 Pattina Walk SE16 5HT

Room 1 17 Pattina Walk SE16 5HT

Room 4 16 Pattina Walk SE16 5HT

Room 5 16 Pattina Walk SE16 5HT

Room 2 14 Pattina Walk SE16 5HT

Room 3 14 Pattina Walk SE16 5HT

Room 6 19 Pattina Walk SE16 5HT

Room 1 14 Pattina Walk SE16 5HT

Room 6 14 Pattina Walk SE16 5HT

Room 1 15 Pattina Walk SE16 5HT

Room 4 14 Pattina Walk SE16 5HT

Room 5 14 Pattina Walk SE16 5HT

Room 6 18 Pattina Walk SE16 5HT

Room 1 19 Pattina Walk SE16 5HT

Room 4 18 Pattina Walk SE16 5HT

Room 5 18 Pattina Walk SE16 5HT

Room 4 19 Pattina Walk SE16 5HT

Room 5 19 Pattina Walk SE16 5HT

Room 2 19 Pattina Walk SE16 5HT

Room 3 19 Pattina Walk SE16 5HT

By Email X

3 Filigree Court London SE16 5HL
4 Filigree Court London SE16 5HL
16 Pattina Walk London SE16 5HT
17 Pattina Walk London SE16 5HT
14 Pattina Walk London SE16 5HT
15 Pattina Walk London SE16 5HT
Room 5 15 Pattina Walk SE16 5HT
Room 6 15 Pattina Walk SE16 5HT
Room 3 15 Pattina Walk SE16 5HT
Room 4 15 Pattina Walk SE16 5HT
1 Filigree Court London SE16 5HL
2 Filigree Court London SE16 5HL
281 Rotherhithe Street London SE16 5EY
283 Rotherhithe Street London SE16 5EY
277a Rotherhithe Street London SE16 5EY
279a Rotherhithe Street London SE16 5EY
273a Rotherhithe Street London SE16 5EY
275a Rotherhithe Street London SE16 5EY
285a Rotherhithe Street London SE16 5EY
287a Rotherhithe Street London SE16 5EY
281a Rotherhithe Street London SE16 5EY
283a Rotherhithe Street London SE16 5EY
273 Rotherhithe Street London SE16 5EY
275 Rotherhithe Street London SE16 5EY

9 Filigree Court SE16 5HL
232 Burrage Road London SE18 7JU
Email
Email
27 Timbrell Place London SE16 5HU
6 Timbrell Place London se16 5hu
14 Filigree Court London SE16 5HL
By Email
Email
By Eform X
Copenhagen Court London
13 Filigree Court London SE16 5HL
Timbrell Place 28 se16 5hu
1 Filigree Court London SE16 5HL
Timbrell Place London Se16 5hu
29 Timbrell Place Rotherhithe Street SE16 5HU
York House 45 Seymour Street W1H 7JX
232 Burrage Road London SE18 7JU
Timbrell Place London se16 5hu
11 Harwood Point 307 Rotherhithe Street SE16 5HD
7 Filigree Court London SE16 5HL
Timbrell Place London se16 5hu
4 Sovereign Crescent London SE16 5XH
Timbrell Place London se16 5hu

Re-consultation: n/a

APPENDIX 2

Consultation responses received

Internal services

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

Statutory and non-statutory organisations

None

Neighbours and local groups

Timbrell Place London se16 5hu
Timbrell Place London se16 5hu
1 Filigree Court London SE16 5HL
1 Filigree Court London SE16 5HL
11 Harwood Point 307 Rotherhithe Street SE16 5HD
14 Filigree Court London SE16 5HL
2 Filigree Court London SE16 5HL
27 Timbrell Place London SE16 5HU
27 Timbrell Place Rotherhithe Street SE16 5HU
28 Timbrell Place Rotherhithe Street SE16 5HU
28 Timbrell Place Rotherhithe Street SE16 5HU
29 Timbrell Place Rotherhithe Street SE16 5HU
4 Sovereign Crescent London SE16 5XH
6 Timbrell Place London se16 5hu
7 Filigree Court London SE16 5HL
7 Filigree Court London SE16 5HL



Chief executive's department
Planning division
Development management (5th floor - hub 2)
PO Box 64529
LONDON SE1P 5LX

Ms Mairead Murphy
RPS CgMS
140 London Wall
London
EC2Y 5DN

Your Ref:
Our Ref: 17/EQ/0082
Contact: Alex Cameron
Telephone: 020 7525 5416
E-Mail: alexander.cameron@southwark.gov.uk
Web Site: <http://www.southwark.gov.uk>

Date: 21/09/2017

Dear Ms M Murphy

TOWN & COUNTRY PLANNING ACT 1990 (as amended) PRE-APPLICATION ENQUIRY

At: THE CLIPPER, 562 ROTHERHITHE STREET, LONDON, SE16 5EX
Proposal: Redevelopment of the site to provide a 4 storey building comprising 1x Class Use A1/ A2/ A3 unit at ground floor and 6 residential units above.

I write in connection with your pre-application enquiry received on 27/02/2017 regarding a scheme to redevelop the site above. This letter summarises the council's written advice on your proposal and whether, based on the details submitted, it meets local planning requirements

Planning Policy

The statutory development plan for the borough comprises The London Plan consolidated with further alterations (March 2016); The Canada Water Area Action Plan (November 2015); The Core Strategy (2011) and saved policies from the Southwark Plan (2007).

The site is located within the:

- g) Suburban Density Zone,
- h) Air Quality Management Area,
- i) Archaeological Priority Zone,
- j) Canada Water Action Area.

There are no heritage assets within the site boundary area and none within the wider setting of the building.

Other key material considerations

The National Planning Policy Framework

Land Use

The proposed land use principles have previously been accepted via the previous planning application and subsequent appeal decision. The demolition of the building - the Clipper Public House - has gained consent via the Prior Approval process (ref:17/AP/0396) and as such the principle of the demolition is also established.

Amenity impacts

The reasons for the appeal being dismissed for ref:14/AP/4337 related to the impacts of the development on daylight/sunlight and outlook from the adjacent residential units within Timbrell Place. Similar concerns were also raised in relation to the previous application (ref:16/AP/3406), which was subsequently withdrawn to allow

for additional revisions to the design to overcome the outlook concerns and to allow time for the preparation of an additional, more thorough, daylight and sunlight assessment.

In terms of the daylight and sunlight impacts, the submitted daylight assessment outlines that all main windows would pass the Vertical Sky Component (VSC) test, with the exception of one window (no.63 at 564 Rotherhithe Street), which would result in a reduction equivalent to 0.74 of the existing value, marginally below the recommended level of 0.8 outlined within the BRE guidance. The assessment proceeds to suggest that this window is hampered by the overhanging balcony above and that, in line with BRE guidance, if the test is repeated without the overhang, it would pass the relevant VSC test. Two other windows would fall under the recommended levels, however, these are angled windows within a projecting bay and the main window (directly adjacent to these affected windows) passes the relevant tests.

Whilst the above is noted, no Daylight Distribution test has been undertaken. Every effort should be made to establish the rooms layouts of the adjoining properties in order to undertake this study, in order to demonstrate that the scheme would not impact on any rooms within the adjoining properties beyond the BRE guidelines. This approach would be consistent with that outlined in the BRE guidance, see specifically *Figure 20* of the 2011 guidance.

The daylight/sunlight assessment should outline exactly what inputs have gone into the modelling presented in the report and clearly identify the methodology, not merely repeat the guidance. The report should include all 3D modelling so that the Council can be confident that the assessment relates to the current scheme. The report should also aim to outline more clearly which flats each of the windows assessed relate to.

In terms of outlook, sectional drawings and floor plans were provided in the meeting that indicated the proposed scheme relative to the previously refused and withdrawn schemes. These drawings indicated that the upper floors would be further recessed in order to reduce the impacts of the scheme on the outlook of existing neighbours. Officers are satisfied that the concerns regarding outlook from the adjoining properties would appear to have been sufficiently overcome.

No details of any plant machinery or extraction equipment are provided which would be required for the commercial use, these should be provided at application stage.

Scale, height and massing and detailed design

The proposed height and massing is generally considered appropriate and is largely consistent with the surrounding context. The revised massing further improves the overall massing of the building and relationship with the adjacent buildings, which are of a similar scale to the proposed development. The proposed design of the building reflects the predominant wharf building architecture along Rotherhithe Street and would also reflect the previous schemes, for which officers did not raise concerns in relation to design. As such no concerns are raised in relation to the overall design of the building.

Density

In the absence of a detailed accommodation schedule it has not been possible to establish the likely density range of the proposal. As the site is within the Suburban Zone, a density range of 200 to 350 habitable rooms per hectare is expected in accordance with Core Strategy Policy 5.

Maximum densities may be exceeded where developments achieve the highest standard of design, exceeding minimum internal space standards as well as providing an acceptable standard of daylight and sunlight, privacy, good outlook and amenity space. It is considered that the scheme does not exhibit the usual aspects of over-development and so in this respect the standard of design achieved would appear to be acceptable.

Housing Quality

In the absence of detailed accommodation layouts it has not been possible to assess the proposal against the internal space standards. However the overall unit sizes would appear to suggest that the quality of residential accommodation would be acceptable in terms of size, access to outdoor amenity space and being dual aspect.

Trees

The submission would be located close to a number of trees within the adjacent site. These provide a clear amenity value to residents and are highly visible from the street. A full arboricultural assessment and method statement should be provided with any future application, taking into account previous comments from officers.

Transport and servicing issues

Car parking

Plans indicate that 2x car parking spaces are provided, as per previous proposals for the site. The Core Strategy (Policy 2) and saved Southwark Plan (Policy 5.6) make clear that private car parking should be minimised. However, it is acknowledged that this site lies outside of a Controlled Parking Zone and has a poor PTAL level (1b) and that in such circumstances some on-site car parking is warranted. The inclusion of car parking should be justified through the design and access statement accompanying any future planning application with consideration given to the potential impacts on existing kerbside parking, but officers would suggest that this level of provision is likely to be acceptable.

Cycle parking

The submitted proposal would provide shows an area for bins and bike storage. These storage areas should be separated and have independent access arrangements. Residential cycle parking spaces should be provided for at least 1 cycle space per 1 bed unit and 2 spaces for all other dwellings to be in accordance with the London Plan (2016). No commercial cycle parking spaces are proposed, however this should be incorporated into any future scheme to be in accordance with the Table 6.3 of the London Plan (2016). The proposed cycle parking would need to be secure, convenient and weatherproof in accordance with policy. The preferred option would be for horizontal cycle parking such as 'Sheffield' stands and separate stores provided for the commercial and residential uses. Cycle storage should be provided at ground floor level.

Any proposal to introduce short-stay cycle parking for visitors on the footway would require separate consent from the council in its capacity as Highway Authority.

Servicing

The information provided indicates that servicing would take place from Rotherhithe Street and given the scale of the development it is considered that these servicing arrangements are acceptable.

Sustainable development implications

Energy

Core Strategy Policy 13 advises that all commercial developments such as this should achieve at least BREEAM "excellent". It is recommended that a Pre-Assessment is submitted as part of any future planning application setting out whether this feasible and how this accreditation might be achieved.

At present, the development fails to include meaningful areas of green living roofs and sustainability measure into the design to ensure the development contributes positively to the environment and biodiversity. This should be considered with any future application.

Air Quality

No concerns raised in this regards.

Flood risk

The site is situated in Flood Risk Zone 3 and also within a critical drainage area. A Flood Risk Assessment should be provided with any formal submission, which investigates all sources of potential flooding and demonstrates that the proposal makes an appropriate response.

Ground contamination

Based on the site's historic uses there is a risk of exposure to potential contaminants during construction and in the completed development to construction workers, future occupiers, ground water and surface water. For these reasons a full land contamination exploration and assessment will be required.

Archaeology

The site is within the Bermondsey Rivers Archaeological Priority Zone and may have important archaeological remains which should be appropriately managed. As such a desk based assessment is required with any future application to give consideration of this issue.

Community Infrastructure Levy

This development will be subject to the Mayoral CIL and Southwark CIL. The charge will be calculated according to the amount of new floor space the development will provide. The chargeable rate for Southwark is £35 per square metre under MCIL, £200 per square metre for residential floorspace and £125 per square metre for the retail floorspace for SCIL (both subject to indexation). It is necessary to complete a 'Planning Application Additional Information Requirement Form' to determine the amount of chargeable floorspace on the site and submit this with any formal planning application on the site. The amount to be paid is calculated when planning permission is granted and it is paid when development starts. Further details about the CIL can be found using the links below.

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

<http://www.communities.gov.uk/publications/planningandbuilding/communityinfrastructurelevymay11>

Other matters

N/A.

Conclusion

The principle of the proposal is acceptable. Additional information is required in order to fully assess the impact of the proposal on the amenities of the adjacent residential occupiers by way of daylight and sunlight. The proposal however appears to adequately address the previous concerns in relation to outlook from the adjoining properties. The overall design and massing of the proposal is considered acceptable within this location. Subject to the presentation of the additional information referenced above, it is considered that the proposal would appear to have addressed the previous concerns of the Council.

To ensure swift validation of any future planning application, you are advised that the following documents will be required:

- k) Application form;
 - l) Existing and proposed plans, sections and elevations;
 - m) Design and Access Statement;
 - n) Archaeological desk based assessment;
 - o) Planning Statement;
 - p) Daylight/sunlight assessment;
 - q) Flood risk assessment;
 - r) Phase 1 Contamination Study;
 - s) Arboricultural Impact Assessment;
- BREEAM pre-assessment.

This advice is given to assist you but is not a decision of the Council. Further issues may arise following a formal planning application, where a site visit and public consultation and consultation with statutory consultees would be undertaken.

Please accept this letter as the closure of your current enquiry.

Yours sincerely

Simon Bevan
Director of Planning