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Item No. 7.1	Classification: Open	Date: 16 March 2020	Meeting Name: Planning Sub-Committee A
Report title:	Development Management planning application: Application 18/AP/3420 Full Planning Application Address: THE CLIPPER, 562 ROTHERHITHE STREET, LONDON SE16 5EX Proposal: Redevelopment of public house (Use Class A4) to provide a four storey building comprising ground floor retail space (Use Class A1) and 6 residential units of 6 x 2bed (Use Class C3); basement car parking; private amenity space and associated works.		
Ward(s) or groups affected:	Surrey Docks		
From:	Director of Planning		
Application Start Date 19/10/2018		Application Expiry Date 14/12/2018	
Earliest Decision Date 24/11/2018			

RECOMMENDATION

1. a) That planning permission be granted subject to conditions and the applicant entering into an appropriate legal agreement by no later than 16 June 2020.
- b) That In the event that the requirements of (a) are not met by 16 June 2020, the director of planning be authorised to refuse planning permission, if appropriate, for the reasons set out at paragraph 91 of this report.

BACKGROUND INFORMATION

2. This application was recommended for approval and was approved by officers under delegated powers on 20 February 2019. Subsequently, an application was made to the High Court of Justice for Judicial Review of the decision. The council consented to the decision being quashed because regard was not given to the density of the development as required by Core Strategy Policy 5. Subsequent to that decision and the applicant having further considered local residents' views, further discussions were had with the applicant who has reduced the height of the proposal by approximately 1m.

Site location and description

3. The site had comprised a two storey building which used to be a public house. Prior Approval (see planning history below) was granted for its demolition in March 2017. Demolition commenced in November 2019. It is located at the corner of Rotherhithe Street (B205) at its junction with Silver Walk.
4. The site is within a predominantly residential area. Timbrell Place, a four storey block of flats,

is directly to the south of the site. 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. Pearson's Park is to the north of the site, on the opposite side of Silver Walk

5. The site is within a Suburban Density Zone, the Air Quality Management Area, an Archaeological Priority Zone and Canada Water Action Area. It is not within a Conservation Area. It is also within Flood Zone 3. It is not within a Controlled parking zone.

Details of proposal

6. The application proposes the redevelopment of the site to provide a four storey building plus a basement (total 12.8m high), comprising a commercial unit of 156sqm at ground floor and six two-bedroom flats above.
7. Revised plans were submitted in July 2019 which lowers the overall height of the building by approximately 1m. The roof of the commercial unit was originally proposed as the raised platform from which residents of the development accessed the stairs to their front doors. The reconfiguration resulted in the single storey volume being removed, thus allowing for a reduction in height. The access to the residential units is via gates on Rotherhithe Street and Patina Walk. This would lead to a walkway on ground floor and three sets of external stairwells which would provide access to the flats
8. It is proposed that the commercial unit operates as a shop (use class A1). The proposal includes hard landscaping, including five car parking spaces in the basement to be accessed from Patina Walk and cycle storage.
9. Refuse storage is proposed at the north west corner of the site at ground floor.

Relevant planning history

10. There is lengthy history on this site, but the most relevant are as follows:

14/AP/4337 Application type: Full Planning Application

11. Planning permission was refused for the 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

The applicant submitted an appeal and this was dismissed.

The reasons for refusal were:

- 1) 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.
- 2) 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.

- 3) 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 dismissed at appeal, however the Inspector only agreed with the council in regard to reason one and the impact on outlook from the three 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 second and third reasons for refusal in regards to the loss of the pub and loss of the non-designated heritage asset.

17/AP/0396 Application type: Prior Approval

12. Prior Approval required and approved for the demolition of vacant public house The Clipper (Use Class A4) to facilitate redevelopment
Decision date 02/03/2017 - This demolition commenced in November 2019. It should be noted that this prior approval was granted before the legislation to protect pubs from demolition came into effect. No conditions were attached to the prior approval.

17/AP/1766

13. Full Planning permission was approved for the 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 two bed residential units (use class C3) on the first, second and third floors, with associated car and cycle parking. Decision date 06/10/2017

Under that permission 17/AP/1766, the design and architecture of the building imitated the wharf/warehouse typology that is characteristic of the Rotherhithe Peninsula.

Relevant planning history of adjoining sites

14. There is no relevant planning history on the adjoining sites.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

15. The main issues to be considered in respect of this application are:
 - a) Land use
 - b) Density
 - c) The impacts upon the living conditions of neighbouring residential properties.
 - d) The design of the proposed building and its impact upon the character and visual

amenity of the area, including trees surrounding the site.

- e) Transportation and highway implications.
- f) The overall sustainability of the proposals.
- g) Any other material considerations.

Planning policy

National Planning Policy Framework 2019 (the Framework)

- 16. Chapter 5 Delivering a sufficient supply of homes
- Chapter 6 Building a strong, competitive economy
- Chapter 9 Promoting sustainable transport
- Chapter 11 Making effective use of land
- Chapter 12 Achieving well-designed places
- Chapter 14 Meeting the challenge of climate change, flooding and coastal change
- Chapter 16 Conserving and enhancing the historic environment

The London Plan 2016

- 17. Policy 3.1 - Ensuring equal life chances for all
- Policy 3.3 - Increasing Housing Supply
- Policy 3.4 - Optimising Housing Potential
- Policy 3.5 - Quality and Design of Housing Developments
- Policy 3.8 - Housing Choice
- Policy 3.9 - Mixed And Balanced Communities
- Policy 3.16 - Social Infrastructure
- Policy 4.7 - Retail and Town Centre Development
- Policy 4.8 - Supporting a Successful and Diverse Retail Sector and Related Facilities and Services
- Policy 4.12 - Improving Opportunities For All
- Policy 5.3 - Sustainable Design and Construction
- Policy 6.9 - Cycling
- Policy 6.10 - Walking
- Policy 7.1 - Lifetime Neighbourhoods
- Policy 7.2 - An inclusive environment
- Policy 7.4 - Local Character
- Policy 7.6 - Architecture

Core Strategy 2011

- 18. Strategic Policy 1 - Sustainable development
- Strategic Policy 2 - Sustainable transport
- Strategic Policy 3 - Shopping, leisure and entertainment
- Strategic Policy 5 - Providing new homes
- Strategic Policy 7 - Family homes
- Strategic Policy 10 - Jobs and business
- Strategic Policy 11 - Open spaces and wildlife
- Strategic Policy 12 - Design and conservation
- Strategic Policy 13 - High environmental standards

Southwark Plan 2007 (July) - saved policies

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

Policy 1.10 - Small scale shops and services
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

Emerging planning policy

20. Paragraph 48 of the NPPF states that decision makers may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan, the extent to which there are unresolved objections to the policy and the degree of consistency with the Framework.

Draft New London Plan

21. The draft New London Plan was published in November 2017 and the first and only stage of consultation closed in March 2018. Minor suggested changes to the plan were published in August 2018 and an Examination in Public (EIP) took place between January and May 2019. Further suggested changes to the Plan have been proposed by the Mayor and published in response to the EIP Panel of Inspector's matters at the examination sessions. The Inspector's report was published in October 2019. Given the stage of preparation it can be attributed significant weight.

The relevant policies are:
GG2 Making the best use of and
D2 Delivering good design
D6 Optimising housing density

New Southwark Plan

22. For the last five years the council has been preparing the New Southwark Plan (NSP) which will replace the saved policies of the 2007 Southwark Plan and the 2011 Core Strategy. The

council concluded consultation on the Proposed Submission version (Regulation 19) in February 2018 and some Amended Policies were consulted on between January and May 2019. It is anticipated that the plan will be adopted in early 2020 following an Examination in Public (EIP). As the NSP is not yet adopted policy, it can only be attributed limited weight. Nevertheless paragraph 48 of the NPPF states that decision makers may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan, the extent to which there are unresolved objections to the policy and the degree of consistency with the Framework.

23. The draft policy that is relevant to this application is P17 (Efficient Use of Land) and P37 'Pubs'.

Canada Water Area Action Plan 2015

24. Policy 4 - Small scale shops, restaurants and cafes outside the town centre
Policy 21 - New homes
Policy 24 - Density of developments

Consultation responses

25. The application was originally consulted upon on 26 October 2018 and 11 comments were received.
26. There were nine objections, one supporting comment and one offering support and comments querying the likelihood of the commercial unit being converted to residential accommodation at a later date and highway impacts.
27. Since the quashed decision and following the receipt of amended plans, re-consultation was carried out for the amended scheme on 12 September 2019 and a total of 41 representations (39 objections) were received. Many of the objections raise similar points as the first round of consultation.
28. The areas for objection include:
- Concerns about the overbearing presence of the building;
 - Height- Impact of the design scale and bulk on the on the character of the area
 - Loss of the building
 - Loss of pub use
 - Impact of the scheme on neighbours outlook and daylight. Impacts on privacy of neighbouring residents;
 - Highway safety
 - Impact on trees. Disruption during construction;
 - Increased overlooking/enclosure of the neighbouring park;
 - Density
 - Impact of the basement Impact on the bus service;
 - Impact of the commercial unit on existing businesses.
29. These matters are discussed in the main sections of the report below.

The comments in support of the application include:

- That the public house that was previously on site was dilapidated and the redevelopment is welcomed;
- That potential impacts on neighbouring residents are not accurate;

There is no prevailing style of development in the area for which this should replicate.

30. Environmental Protection Team - No objections: conditions recommended.
31. Environment Agency (EA) - Highlighted that the flood risk data used was out of date. However, there would be no residential at ground level which would overcome any concern about the risk of flooding. An informative requiring a flood risk evacuation plan was recommended.
32. Thames Water - No objections - informatives recommended.

Principle of development

33. A previous application for the redevelopment of the public house was refused in July 2015 under ref 14/AP/4337, but 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 2017 and as noted above demolition has commenced. Following this, planning permission was granted under ref 17/AP/1766 in October 2017 for the redevelopment of the site. The principle of development to introduce commercial and residential use on the site had been established by virtue of that permission. It should be noted that this alternative extant permission 17/AP/1766 is the fall back to the current proposal. A condition was imposed on that permission which requires that development is commenced within three years (by 6 October 2020) and which is still possible to implement.
34. 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 NPPF. The principle of development is therefore acceptable.

Density

35. The site has an area of approximately 0.03 hectares. The density of the proposed scheme including the ground floor commercial unit (but excluding the basement car park) is 855 habitable rooms/hectare (HR/Ha). This is comparable to the density of the extant 2017 scheme of 812 HR/Ha
36. The site is within the Suburban Zone as stipulated in the Core Strategy and Saved Southwark Plan and permits developments that have a density range of 200-350 HR/Ha. Whilst the density of the proposed development exceeds the density range, it should be noted that there is a planning policy requirement (Strategic Policy 5 of the Core Strategy and Saved policy 3.11 of the Southwark Plan 2007) to make efficient use of previously developed land, provided that other material considerations are not unduly impacted.
37. Strategic Policy 5 of the Core Strategy states that within the opportunities areas and action area cores the maximum densities set out above may be exceeded when developments are of an exemplary standard of design. The council's Residential Design Standards SPD goes on to give guidance on what is to be considered as being of an exemplary standard of design applicants.

38. The standards expect applications to demonstrate that the proposed schemes would:
- Significantly exceed minimum floorspace standards
 - Provide for bulk storage
 - Include a predominance of dual aspect units in the development
 - Exceed the minimum ceiling height of 2.3 metres required by the Building Regulations
 - Have natural light and ventilation in kitchens and bathrooms
 - Exceed amenity space standards set out in this Residential Design Standards SPD
 - Meet good sunlight and daylight standards
 - Have excellent accessibility within dwellings including meeting Approved Document M of the Building Regulations M4(2) standard for all non wheelchair-user homes
 - Minimise corridor lengths by having an increased number of cores
 - Minimise noise nuisance in flatted developments by stacking floors so that bedrooms are above bedrooms, lounges are above lounges etc.
 - Obtain Secured by Design certification
 - Have exceptional environmental performance that exceeds the standards set out in the Sustainable Design and Construction Supplementary Planning Document
 - Maximise the potential of the site as demonstrated in the applicant's Design and Access Statement.
 - Make a positive contribution to local context, character and communities, including contributing to the streetscape.
39. It is considered that the proposal would meet and exceed many of the standards and is discussed further below.
40. The emerging New Southwark Plan policy P17 Efficient Use of Land requires development to maximise the efficient use of land especially for housing. The aim is to ensure that these new homes are of an excellent standard of accommodation. Development must achieve an exemplary standard of residential design. To achieve this, the proposal must take into consideration the site context, the impact on the amenity of adjoining occupiers, and the quality of accommodation.
41. The draft New London Plan removes the density matrix and instead provides a framework that would enable the most appropriate form of development that responds to the site's context and capacity for growth. Draft Policy D1B seeks to optimise site capacity through following the design led approach in development proposals. The Inspector's report on the draft New London Plan raised no objection to the removal of the density matrix. The removal of the density matrix should be noted and that the emphasis is now more on the standard of design.
42. As discussed in the other relevant sections of the report below, the scheme is considered to be of high quality design that would provide for good standard of accommodation and the impacts to the neighbours are minimised. As such, the density of the scheme is considered acceptable in the context of the surrounding area.

Environmental impact assessment

43. 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.

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

Outlook and privacy

44. In terms of outlook, it is noted that there are three duplex units occupying the third and fourth floors at Timbrell Place. These three units are single aspect and directly face the application site.
45. The minimum and maximum separation distance between Timbrell Place and the former Public House is approximately 8.8m and 11.8m. Similar to the existing situation, a boundary fence of the proposed development would run the length of the site. The height of the proposed boundary fence would be at least 2.5m. At the first floor the proposed scheme is set further back compared to the extant scheme of the 2017 approval. This scheme was initially taller at the eaves than the consented scheme but has since been reduced. There remains at least 13m separation between the proposed building and windows of Timbrell Place.
46. It is also noted the mature trees that are just beyond the southern boundary of the application site will continue to provide some screening between the two, though this would be more successful during spring/summer months. It is recommended that a planning condition is imposed should members be minded to approve to ensure that measures are instigated to protect the root protection areas of these trees where they extend into the application site.
47. Although the upper storeys would appear in immediate views from existing properties at Timbrell Place, the set-back would be less imposing than the scheme dismissed at appeal and the top of the building is now lower than the ridge of the extant 2017 scheme. It is noted that the top of the building of the proposed scheme would be taller than the eaves height of the consented scheme, but the current scheme has the taller elements set further back from Timbrell Place. This reduces this building further. Furthermore, as the scheme is a formation of cubed blocks it creates a stepped profile on the rear. This rhythm creates a different profile at roof height and therefore has a slightly different impact on the views from Timbrell Place compared to the extant 2017 scheme.
48. The revised scheme also proposes the removal of the deck access at the rear which would reduce some of the bulk especially at first floor level. There are small windows on the first and third floor serving bedrooms and living rooms, but these are screened by the large mature trees and are small in size.
49. While the roof profile is different to the consented scheme which was pitched, the overall design, coupled with the protection of the existing trees would result in a building that would not significantly harm neighbours' outlook. Furthermore, the green walls on the rear elevation would soften the appearance of the building and provide a better outlook. It is considered that the proposal would be consistent with Southwark Plan policy 3.2 in this regard.
50. In addition to the aspects discussed the windows on the south elevation are obscure glazed. As a note while screening can be implemented to limit overlooking, overlooking of the existing gardens at Timbrell Place existed from the accommodation at the first floor of the pub.. Therefore, the impact from this scheme is considered to be acceptable. This measure adequately addresses any concern about loss of privacy.

Daylight/sunlight

51. The reduction in daylight for residents at Timbrell Place formed a reason for refusal of the dismissed appeal scheme. However, a subsequent application was approved whereby minor impacts have been recorded and found to be acceptable. The submitted daylight

assessment for the current application 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.

52. The applicant has submitted a revised daylight and sunlight assessment for the amended scheme. Local residents have also appointed daylight consultants on their behalf to review the submitted assessment and have made comments on the results.
53. The Building Research Establishment (BRE) guidelines 'Site Layout Planning and Daylight and Sunlight' (2011) has been used to assess the impact on daylight and sunlight. The daylight assessment uses the Vertical Sky Component (VSC) methods. Absolute VSC considers the potential for daylight by calculating the angle of vertical sky at the centre of each of the residential windows which look towards the site. The BRE target figure for VSC is 27% or greater to maintain good levels of daylight (the maximum value being 40% for a completely unobstructed wall).
54. The BRE advises that acceptable levels of daylight can still be achieved if VSC levels are within 0.8 (or 80%) of their original value. Any greater loss (i.e. loss of 20% or more) would mean there would be a noticeable reduction in the amount of daylight received.

564 Rotherhithe Street (Timbrell Place)

55. 43 windows of Timbrell Place have been assessed using the VSC test. The report states that ten windows experience reductions in excess of 20%, five of these are secondary windows, meaning five primary windows are impacted due to the proposal. This improvement is as a result of the reduction in the building's height and bulk on the previous iteration of this scheme (see table below). Whilst it is noted that there is an impact on the five primary windows, this is due to some of the windows that are over hung by balconies and therefore a factor influencing this outcome which are not attributed to the proposal site.
56. The BRE guide acknowledges that when a window has an obstruction which limits the amount of daylight received, a larger relative reduction in VSC may be unavoidable. This is because the existing building contributes to its poor daylighting. A test can be applied to assess whether the existing building is the main factor as to why poor daylight is received.
57. The residents' daylight consultant made a comment that guidance for the balconies is normally used when judging the VSC of a newly designed scheme. However, the BRE guide is clear that additional tests can be carried out without the balconies in place for existing developments. Once this test has been undertaken it is evident that the majority of windows would have acceptable levels of VSC and have a low impact upon existing levels. In an urban location the impact on daylight may be unavoidable and the BRE guidance acknowledges this. In these circumstances it is whether the impact is so detrimental that it would be harmful to the existing occupiers. It is not considered in this case that the small number of windows impacted upon would be detrimental to the occupiers given the situation set out. Not to mention that given the reduction in height of the proposed building and that many of these effected windows were only marginally impacted that some may no longer notice any effect.
58. The greatest VSC loss is to Window 63, which serves a first floor bedroom in Flat 14 and has a ratio of 0.69 (loss of 31%) of its former value. As such, the applicant was asked to carry out further tests by looking at the daylight distribution of the windows at 564 Timbrell Place. It is acknowledged that this window (Number 63) would lose a high proportion of daylight distribution (ratio of 0.67 or 33%). While this cannot be overcome it is recognised that the window serves a bedroom where light is typically less important given the nature and general

time of use. Furthermore, as demonstrated below, the detailed analysis including the ‘without balconies’ scenario shows that it is the balconies that restrict the daylight levels. Also, when compared to the extant 2017 scheme the resultant VSC level is only very marginally lower.

59. As set out in the BRE Guide, this particular daylight distribution test can only be undertaken where room layouts are known. The above has been based on best estimates rather than accurate floorplans. As such, the VSC is generally recommended as the appropriate parameter to use and should be given more weight.
60. The table below summarises the change to the VSC levels on Timbrell Place. The first column is the ratio of loss for the extant scheme 17/AP/1766. The second column is the ratio of loss for the first iteration of this application and the final column is the result for the second (current) iteration of this application. The figures in bold are those that do not meet the BRE recommendations. The figures in italics and marked as ‘S’ are secondary windows.

Window reference	Extant scheme 17/AP/1766 Ratio of loss		First iteration current application Ratio of loss		Second iteration current application Ratio of loss	
	With balconies	Without balconies	With balconies	Without balconies	With balconies	Without balconies
44	1.0		0.99		0.99	
45	1.0		0.98		0.98	
49	0.99		0.92		0.95	
46	1.0		0.99		0.99	
50	0.99		0.98		0.99	
58	0.99		0.98		0.99	
47	1.0		0.99		1.0	
48	0.98		0.98		0.96	
48a	1.0		0.98		0.98	
51	1.0		0.99		1.0	
60	1.0		0.99		1.0	
52	0.95		0.89		0.88	
56	0.99		0.95		0.96	
53 (S)	0.8		0.65		0.74	
54	0.8		0.65	0.66	0.74	0.74
55 (S)	0.8		0.65		0.74	
57	0.84		0.7	0.71	0.8	
59	0.88		0.77		0.87	
61	0.94		0.86		0.95	
62	0.8		0.66	0.68	0.76	0.77
63	0.74	0.84	0.53	0.72	0.69	0.82
64	0.88		0.78		0.88	
65	0.94		0.86		0.95	
66	0.8		0.64	0.71	0.74	0.8
67	0.82		0.68	0.74	0.79	0.84
68	0.87		0.76	0.8	0.86	
69	0.94		0.85		0.95	
70 (S)	0.75		0.56		0.69	
74	0.82		0.67	0.75	0.73	0.83
78 (S)	0.84		0.72		0.81	
79	1.0		1.0		1.0	
71 (S)	0.83		0.69		0.8	

75	0.84		0.71	0.77	0.78	0.85
80	0.89		0.8		0.87	
81	1.0		1.0		0.87	
72	0.89		0.79		0.88	
76	0.9		0.8		0.89	
73	0.94		0.87		0.95	
77	0.95		0.88		0.96	
82	0.91		0.83		0.9	
83	1.0		1.0		1.0	
84	0.95		0.89		0.96	
85	1.0		1.0		1.0	

269-279 Rotherhithe Street

61. 42 windows of 269-279 Rotherhithe Street were assessed using the VSC test. None of the windows received a greater loss (i.e. loss of 20% or more) meaning there would be no noticeable reduction in daylight.

1-3 Filigree Court

62. 16 windows of 1-3 Filigree Court were assessed using the test. None of the windows received a greater loss (i.e. loss of 20% or more) meaning there would be no noticeable reduction in daylight.

14-16 Patina Road

63. 27 windows of 14-16 Patina Road were assessed using the VSC test. With the submission of the revised scheme none of the windows received a greater loss (i.e. loss of 20% or more) meaning there would be no noticeable reduction in daylight.
64. It is considered that overall there are good levels of daylight and the individual shortfalls, which are associated to single windows are less of a critical factor and taking into account that many reductions result from the presence of balconies. The residual light levels would also be relatively high for an urban location and are therefore considered acceptable.
65. The residents' own daylight consultant questioned the use of Average Daylight Factor (ADF) in the applicant's assessment, but this is inaccurate as the ADF test has not been used. The residents have also questioned the applicant's claim that the results are acceptable given the urban location context. The residents note that the site is in fact within the 'Suburban zone' as designated in the local plan. This however, refers to the general character of the area. The site within this part of Rotherhithe does indeed have a more suburban character, but it is also within inner London, which is very much an urban location.

Sunlight

66. The applicant has tested the surrounding windows to assess the impact on sunlight received. Those windows which are 90 degrees due south of the proposal site all pass the annual sunlight hours and winter sunlight hours test. In this regard the proposal satisfies the BRE direct sunlight to window recommendations.

Overshadowing

67. The proposal would not lead to areas of any existing garden or open space receiving less

than two hours of sunlight on 21 March.

Impacts during construction

68. 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 recommended.

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

69. The site is surrounded by residential uses and therefore would be compatible with the new development. To protect future residents from sound transmission from the commercial unit, conditions are recommended.
70. Concerns were raised by local occupiers that the proposed commercial unit (A1 retail use) would take away their custom, leading to loss of their own business. This area is mainly residential and the provision of modest sized A1 retail use would be beneficial in providing additional service to the local community. Competition for an existing commercial use is not a material planning consideration in this case.

Car Parking

71. Plans show that five car parking spaces would be provided within the basement and access would be gained from Patina Walk. The access point is in a similar position to previous proposals and considered acceptable. Though concerns were raised about vehicles blocking Patina Walk while waiting for the car lift, it is considered that the flow of vehicles in and out of the car lift would be low and the likelihood of vehicles dwelling would be small. It takes less than one minute for the car lift to go from the ground to the basement level, cars could potentially pass or would be waiting for the gates in Timbrell Place to open anyway. The car park is only for five parking spaces which is a low number and the movements expected would be low. There is unlikely to be a high level of conflict between cars entering Timbrell Place and the new development. Car parking on the site would reduce the pressure for on-street parking and on balance, the impact of waiting for the lift and its impact on the traffic coming in and out of the car park on Timbrell Place would be acceptable. A section 278 agreement for highway works is required to reinstate the crossover and make good the pedestrian footway.
72. In terms of the parking proposed 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 (2) and is not located within a Controlled Parking Zone. An absence of car parking could therefore lead to additional pressure on kerbside parking, which has been raised as a concern. The provision of car parking spaces is considered a reasonable response in this location. It is not considered that the inclusion of car parking spaces would generate a high number of vehicle movements such that highway safety would be compromised.

Cycle parking

73. Long-stay cycle parking storage areas are provided for residents at the rear of the site which would be beneath the first floor overhang. Any customer cycle parking on the highway would require separate approval from the Highways Authority. A condition is recommended

requiring two cycle spaces for visitors.

Servicing

74. 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. Servicing for the retail unit would be on the street, it is not considered that this would block the access from Silver Walk to Filigree Court, which was a concern s raised by residents. A refuse storage area is proposed at the north western corner on the ground floor. These are shown to be separate between residential and the commercial use.

Design issues

75. This scheme would be an improvement on the extant permission for a rather pastiche building, which references one or two types of building in the vicinity but by no means is the defining characteristic of the area.
76. The scheme has been revised since the quashed decision and the proposal would offer a lower building to that approved and it would be less deep, although it takes up the entire site.
77. Concerns have been raised by residents over the design of the building. In contrast to the extant scheme, however, the presently proposed design is striking with a series of staggered projecting bays on each façade. These are not arbitrary but are a product of the plan form. This arrangement of maisonettes is designed to create interesting internal spaces but restricts views over the properties to the rear by providing side windows. This helps reduce overlooking. The result is a much more lively rear façade and a more characterful façade at the front, facing towards a small park. This is welcomed as it adds to the diverse character of the area.
78. The imposing form of the building is such that it will stand out locally in what is otherwise a residential area that was part of the London Docklands Development Corporation (LDDC) development, but retains its richness by the roof profile. This prominence of the design is acceptable partly because of the building's ground floor retail use which means it will become a destination in a residential area and partly the townscape prominence of the site next to a park.
79. The façade materials are predominantly London stock brick, glazed brick, chamfered brick, cladding with folded metal reveals and soffits to the double height bays at the front of the building. At the top of the building and between the bays, a white glazed brick is to be used. All of this will emphasise the geometry of the building and is supported. The green wall facade variant is perhaps the most interesting and has the additional advantage of appearing a little softer where it faces neighbours and a condition is recommended for details of this to be submitted.
80. The scheme has separate residential and commercial accesses. The dwellings would be accessed via a gate on Patina Walk and Rotherhithe Street. This would lead to a walkway on ground floor and three sets of external stairwells which would provide access to the flats. The external stairwells extend from ground to first floor levels after which access would become internal. The privacy of neighbours has been raised as a concern by local residents, but the external stairwell is limited and is for access only from ground to first floor level. The individual entrances to the flats are screened from the neighbours' gardens, thereby limiting opportunity for overlooking. A vehicular access is proposed from Patina Walk, this would provide access to the basement car park. A separate pedestrian lift would provide access back to ground level where the residential entrance is.

81. Some neighbours have raised the issue about the historic character of the area and the loss of the existing pub. As noted earlier in this report the pub has been demolished pursuant to the prior approval. The area has a mix of character, and whilst there is a general warehouse type of architecture in the area, it is not the defining characteristic of the area.
82. Overall the scheme proposes a well-designed block which contributes to the visual appeal of the area. It has carefully been designed to minimise the impact on neighbours by maintaining a slim profile and reduced in height compared to the approved scheme. On this basis it is considered the design is thought-out and contributes to the townscape.

Quality of accommodation

Space Standards

83. The proposal is for 6 units in a maisonette formation. Each of the units would comply with the Nationally Described Space Standards. All rooms would meet the requirements in the Residential Design Standards SPD. All units are dual aspect which helps with natural ventilation.

Unit Number	Unit Type	Residential Design Standards SPD requirement (sqm)	Proposed size (sqm)
Unit 1	2b4p	70	76
Unit 2	2b4p	70	79
Unit 3	2b3p	61	76
Unit 4	2b4p	70	78
Unit 5	2b4p	70	81
Unit 6	2b4p	70	78

Outlook

84. The outlook from each unit would be excellent with each unit overlooking the park. In addition at the rear, the side windows would allow oblique views whilst also allowing light into the units. The overall outlook from the building is considered to be excellent.

Amenity space

85. The proposal offers all units private terraces which meet the Residential Design Standards and London Plan requirements. Each dwelling would have a view which looks over the park which is beneficial. The Residential Design Standards SPD stipulates that there should be a minimum of 50sqm of communal amenity space for each flatted development. The current scheme does not provide this. As such, the applicant has agreed to offset this with a s106 contribution. The shortfall is 50sqm and the council's S106 Planning obligations and CIL SPD states that any shortfall in the required provision of amenity space will be charged at £205 per square metre. In this instance, this would equate to £10,250.

Daylight/sunlight

86. All residential developments should maximise sunlight and daylight within the new development. The Residential Design Standards SPD states that all development must have acceptable natural daylight and ventilation to all habitable rooms to the following standards: An area of glazing which is equivalent to at least 10% of the internal floorspace of each

habitable room must be provided. In this proposal the units would all have more than 10% glazing based on the overall floorspace. Further, most rooms have access to terraces which provides large doors for ventilation. In this regard the proposal meets the daylight test and overall would have very good levels of daylight/sunlight due to the very large openings.

Impact on trees

87. Objectors have raised concerns about the impact of the development on the existing large mature trees. Though there are no trees within the application site, a number of trees are 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 extend into the development site and it is recommended that a planning condition is included to secure appropriate protection measures during demolition/construction. This equally applies to the trees which are within the park on the north side of the site. The submitted Arboricultural Impact Assessment and the protection of the trees has been considered by the Urban Forester who has recommended the attached conditions in order to protect the surrounding trees.

Mayoral and Southwark Community Infrastructure Levy (CIL)

88. The proposal is defined as a minor application and by virtue of not meeting the thresholds of 10+ units or a total of 1000sqm it would trigger limited s106 planning obligations.
89. Section 143 of the Localism Act states that any financial contribution received as community infrastructure levy (CIL) is a material "local financial consideration" in planning decisions. The requirement for payment of the Mayoral or Southwark CIL is therefore a material consideration. However, the weight attached is determined by the decision maker. The Mayoral CIL is required to contribute towards strategic transport investments in London as a whole, primarily Crossrail, while Southwark's CIL will provide for infrastructure that supports growth in Southwark.
90. In this instance the scheme is liable for both Mayoral and Southwark CIL payments. Mayoral CIL is approximately £48,251.08 with Southwark CIL at £193,047.28.

S106 Obligations

91. As outlined above, the applicant has agreed to pay £10,250 to offset the shortfall in communal amenity space. The s106 agreement will also require the applicant to enter into a s278 highways agreement with the council for the works to the highway. In the event that an agreement has not been completed by 16 June 2020, the Committee is asked to authorise the Director of Planning to refuse permission, if appropriate, for the following reason:

In the absence of a signed S106 legal agreement there is no mechanism in place to secure mitigation for the lack of communal amenity space and to ensure that highway works are satisfactory and it would therefore be contrary to Saved Policy 2.5 Planning Obligations, 4.2 Quality of Residential Accommodation of the Southwark Plan 2007, Strategic policy 12 Design and Conservation and Strategic Policy 14 Delivery and Implementation of the Core Strategy (2011) Policy 8.2 Planning Obligations of the London Plan (2015) and the Southwark Section 106 Planning Obligations and Community Infrastructure Levy SPD (2015).

Sustainable development implications

92. Lighting

An external lighting strategy would be conditioned to protect against intrusive lighting both in terms of amenity and for the protection of the neighbouring fauna/flora.

Flood risk

93. The site is within a Flood Zone 3. Whilst the Environment Agency commented that the data was out of date, it also noted that there would be no residential at ground level which would overcome any concern about the risk of flooding. An informative requiring a flood risk evacuation plan would be attached.

Other matters

Archaeology

94. An archaeological assessment has been undertaken, which demonstrates that the site has low potential for archaeological remains on site. No further archaeological work is required because the materials found are river deposits.

Contamination

95. The proposal utilises the existing basement and proposes a relatively small enlargement. The council's environmental protection team have recommended a condition that requires an assessment and remediation in the event that contamination is discovered.

Conclusion on planning matters

96. The application for a new residential building with retail at ground floor is acceptable in principle. The proposed design and quality of accommodation is of a high quality and the scheme contributes to meeting the council's objectives by redeveloping a site that is vacant and provides needed housing. The proposal as such provides significant public benefit. The amenity impacts on the surrounding properties have been assessed and are also considered generally acceptable.

Consultations

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

Consultation replies

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

Community impact statement / Equalities Assessment

99. The Public Sector Equality Duty (PSED) contained in Section 149 (1) of the Equality Act 2010 imposes a duty on public authorities to have, in the exercise of their functions, due regard to three "needs" which are central to the aims of the Act:

- a) The need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act

- b) The need to advance equality of opportunity between persons sharing a relevant protected characteristic and persons who do not share it. This involves having due regard to the need to:
- Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic
 - Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it
 - Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low
- c) The need to foster good relations between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to tackle prejudice and promote understanding.

100. The protected characteristics are: race, age, gender reassignment, pregnancy and maternity, disability, sexual orientation, religion or belief, sex, marriage and civil partnership.
101. The council must not act in a way which is incompatible with rights contained within the European Convention of Human Rights.
102. The council has given due regard to the above needs and rights where relevant or engaged throughout the course of determining this application.

Human rights implications

103. 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.
104. This application has the legitimate aim of providing accommodation. 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:18/AP/3420 Southwark Local Development Framework and Development Plan Documents	Place and Wellbeing Department 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 0207 525 0254 Council website: www.southwark.gov.uk

APPENDICES

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

AUDIT TRAIL

Lead Officer	Simon Bevan, Director of Planning	
Report Author	Wing Lau, Planning Officer	
Version	Final	
Dated	6 January 2020	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Finance and Governance	No	No
Strategic Director of Environment and Leisure	No	No
Strategic Director of Housing and Modernisation	No	No
Director of Regeneration	No	No
Date final report sent to Constitutional Team		4 March 2020

Consultation undertaken

Site notice date: 24/10/2018

Press notice date: 01/11/2018

Case officer site visit date: 24/10/2018

Neighbour consultation letters sent: 26/10/2018

Re-consultation letters sent: 12/09/2019

Internal services consulted:

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

Statutory and non-statutory organisations consulted:

Environment Agency
Thames Water - Development Planning

Neighbour and local groups consulted:

Room 3 15 Pattina Walk SE16 5HT	12 Timbrell Place Rotherhithe Street SE16 5HU
Room 2 15 Pattina Walk SE16 5HT	11 Timbrell Place Rotherhithe Street SE16 5HU
Room 1 15 Pattina Walk SE16 5HT	10 Timbrell Place Rotherhithe Street SE16 5HU
Room 4 15 Pattina Walk SE16 5HT	5 Timbrell Place Rotherhithe Street SE16 5HU
281 Rotherhithe Street London SE16 5EY	2 Timbrell Place Rotherhithe Street SE16 5HU
Room 6 15 Pattina Walk SE16 5HT	1a Timbrell Place Rotherhithe Street SE16 5HU
Room 5 15 Pattina Walk SE16 5HT	1 Timbrell Place Rotherhithe Street SE16 5HU
Room 6 14 Pattina Walk SE16 5HT	2a Timbrell Place Rotherhithe Street SE16 5HU
Room 1 14 Pattina Walk SE16 5HT	4 Timbrell Place Rotherhithe Street SE16 5HU
Living Accommodation 562 Rotherhithe Street SE16 5EX	3a Timbrell Place Rotherhithe Street SE16 5HU
Room 2 14 Pattina Walk SE16 5HT	3 Timbrell Place Rotherhithe Street SE16 5HU
Room 5 14 Pattina Walk SE16 5HT	14 Timbrell Place Rotherhithe Street SE16 5HU
Room 4 14 Pattina Walk SE16 5HT	25 Timbrell Place Rotherhithe Street SE16 5HU
Room 3 14 Pattina Walk SE16 5HT	24 Timbrell Place Rotherhithe Street SE16 5HU
1 Filigree Court London SE16 5HL	23 Timbrell Place Rotherhithe Street SE16 5HU
275a Rotherhithe Street London SE16 5EY	26 Timbrell Place Rotherhithe Street SE16 5HU
273a Rotherhithe Street London SE16 5EY	29 Timbrell Place Rotherhithe Street SE16 5HU
279 Rotherhithe Street London SE16 5EY	28 Timbrell Place Rotherhithe Street SE16 5HU
277a Rotherhithe Street London SE16 5EY	27 Timbrell Place Rotherhithe Street SE16 5HU
The Clipper 562 Rotherhithe Street SE16 5EX	22 Timbrell Place Rotherhithe Street SE16 5HU
281a Rotherhithe Street London SE16 5EY	17 Timbrell Place Rotherhithe Street SE16 5HU
279a Rotherhithe Street London SE16 5EY	16 Timbrell Place Rotherhithe Street SE16 5HU
277 Rotherhithe Street London SE16 5EY	15 Timbrell Place Rotherhithe Street SE16 5HU
4 Filigree Court London SE16 5HL	18 Timbrell Place Rotherhithe Street SE16 5HU
3 Filigree Court London SE16 5HL	21 Timbrell Place Rotherhithe Street SE16 5HU
2 Filigree Court London SE16 5HL	20 Timbrell Place Rotherhithe Street SE16 5HU
14 Pattina Walk London SE16 5HT	19 Timbrell Place Rotherhithe Street SE16 5HU
275 Rotherhithe Street London SE16 5EY	40 Lavender Road London SE16 5DZ
273 Rotherhithe Street London SE16 5EY	14 Filigree Court London SE16 5HL
15 Pattina Walk London SE16 5HT	7 Filigree Court London SE16 5HL

8 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

28 Timbrell Place London Se16 5HU
24 Timbrell Place Rotherhithe Street SE16 5HU
15 Filigree Court London SE16 5HL
Sophia Square London SE16 5XL

Consultation responses received

Internal services

EPT - no objections.

Statutory and non-statutory organisations

Environment Agency
Thames Water - Development Planning

Neighbours and local groups

Representations have been received objecting and supporting the scheme. These are reported in the main section of the report.