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<td>OPEN</td>
<td>PLANNING COMMITTEE</td>
<td>16th October 2007</td>
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**From**
HEAD OF DEVELOPMENT CONTROL

**Title of Report**
DEVELOPMENT CONTROL

**Address**
BLOCKS A, B, C & D  27 GREEN WALK, LONDON, SE1 4TX

**Ward**
Chaucer

A retrospective planning application for an already constructed development. This comprises three refurbished buildings and a new 5-storey Block, a basement car park for 185 cars and a new vehicular access from Rothsay Street at Hartley’s Jam Factory, Green Walk.

[Including submission of amendments in June and July 2007 involving the removal of live-work accommodation from the ground and first floors of Block D and its replacement with 18 affordable (shared equity) residential units. These proposed changes will lead to an overall increase in the number of residential units to 189 (from 171) and a reduction in the area of live-work and/or commercial space to 6681 sq. m. (from 8904 sq. m.)

The amendments also provide for an additional 92 bicycle spaces totalling 217, and the provision of a children’s play area.

This application needs to be considered alongside proposal 06-AP-1209 for construction of 20 social rented units on the same site.

**PURPOSE**

1 To consider the above application

**RECOMMENDATION**

2 To Grant Planning Permission subject to signing a section 106 agreement.

**BACKGROUND**

**Site location and description**

3 The application site comprises the former Hartley’s Jam Factory. This is located on Green Walk in Bermondsey. This is to the south of Bermondsey Street and the west of Tower Bridge Road. The site is situated within the Central Activity Zone. The site is bounded by Rothsay Street to the north (off which vehicular access to the site’s basement car park is gained), Alice Street and Green Walk (where the main pedestrian and cyclist access is situated). The surrounding area is mixed in terms of scale, with heights ranging from two storey maisonettes to the nine storey converted factory...
building (Block A). The former Hartley's Jam Factory chimneystack, at approximately 36 metres, is the predominant urban form and a local landmark.

On May 2nd 2007 the Council's Planning Committee considered extending the boundaries of the Bermondsey Street Conservation Area which would bring the Jam Factory site within its boundaries. A decision was, however, deferred to allow for further consultation.

Details of proposal

The application site comprises the former Hartley's Jam Factory.

This retrospective application seeks to reconcile a number of differences between the built situation and planning consents previously granted on the site.

The proposal is for 189 residential units and 6681sqm of live-work space. It also seeks to change the provision of parking, cycle parking and play space.

Blocks A to C
Three of the original main buildings have been retained, referred to as Blocks A, B and C. These were converted to residential use in the September 2000 permission.

The current application is, principally a retrospective application for planning permission. It proposes the retention of 147 wholly residential units within Blocks A, B and C (Block A - 75 units, Block B - 24 units, Block C - 48 units to replace the 154 residential units for blocks A, B, C, D and E in the original permission. There was no agreed mix in the original September 2000 permission. These units have been converted, fitted out and subsequently occupied.

5937 square metres of live/work floorspace has been constructed and is occupied on the lower ground and ground floors of A to C, sporadic units throughout B and on the ground and first floor of D. Previous permissions have been for (8828 in the 2000 permission plus an additional 76sqm in 03-AP0519 totaling) 8904sqm of live –work space.

Blocks D and E
This consent (ref 99-AP-1361) issued September 2000 also permitted the demolition of two former outbuildings and their rebuilding for residential purposes. These blocks are referred to as Blocks D and E. The planning permission for Block D included 24 affordable housing units on the upper 3 floors with live-work on the ground and first floor. 24 private units have been constructed and are unoccupied.

2130sqm of live work floor space has been constructed and is unoccupied. This was permitted as part of the 8904sqm set out in A to C. Therefore 8904sqm of live/work floor space was approved compared to 8067 built and 6681sqm proposed in this application.

The current application for block D is for 42 wholly residential units of which 24 units are private (6 x 1 bed and 18 x 2 bed) on the upper three floors. The remaining 18 affordable units (all 1 bed, shared ownership) are proposed by reducing the provision of live-work units on the ground and first floors by 1385sqm to 745sqm.

Block E was part of the original 2000 permission for 154 units. This has not been built. This block is subject to a separate planning application ref 06-AP-1209. A total of 20 affordable flats are proposed in the new Block E. This is less than originally proposed for Block E (29), because an amendment has reduced the height of that block by 1 storey from 5 to 4 storeys.
Infrastructure
The application also provides for the provision of a children’s play area between Blocks A and D.

The applications seek retrospective permission for a basement car park with 185 spaces and a new vehicular access from Rothsay street. There are 2 permissions. The original permission was for 159 spaces, which was granted consent in September 2000. A second stand-alone Block D planning permission (02-AP-0988), made provision for 206 car-parking spaces.

The application also increases the numbers of bicycle racks, stands and spaces on site by 92 to 217.

Planning history
Planning permissions granted:

99-AP-1361 The September 2000 permission
Conversion of blocks A,B and C with two additional storeys to each, demolition of blocks D and E and construction of 2x4 storey buildings all to provide 154 residential units and 8,828 sqm of business and live/work space with 159 car parking spaces.
Subject to conditions
Granted with Legal Agreement 04/09/2000

01-AP-0028
Details pursuant to condition 4, refuse storage for teh whols site, 7 'Elevational Details' to Blocks A, B and C and 12 Detailed Drawings of Live/Work Units for Blocks B and C. required by conditions 7 and 12. Condition 4, 7 and 12. Condition 2 and 10 still waiting to comply.
Details approved 27/02/2001

00-AP- 1532
Conditions 3 and 10. Sound insultation scheme relating to blocks B, C, D and E. Soil survey.
Details approved 01/02/2001

00-AP- 1734
Details relating to Block A, archaeological works condition 5 foundation design condition 6 of planning permission dated 4.9.200 (Reg no. 9901361) for provision of 154 residential units, business and live/work space with car parking spaces
Approved 21/12/2000

01-AP- 1512
Details of bricks, glass, and roof slate as required by condition 2 of planning permission dated 04/09/2000. LBS REG. No. 9901361.
Approved 27/11/01

02-AP-0491
Details of sound insulation condition 3 of planning permission dated 04.9.2000 (Reg No.9901361) for conversion of blocks A, B & C with two additional storey to each.
Details granted 23/04/2002

02-AP-0621
Details of archaeological works and foundation design. conditions 5 and 6.
Details approved 19/04/2002

02-AP-0988
Block D Former Hartleys Jam Factory, 27 Green Walk, SE1.
Variations to floor layouts and elevational treatment in connection with an approved
permission for the construction of new building to provide residential and live/work accommodation. Subject to conditions.
Granted 24/09/2002

27 This consent is now expired in any event, block D was erected in a different form and design to that permitted under this consent. The consent was also inconsistent with the developers obligations under the section 106 agreement pursuant to the 2000 planning consent.

28 02-AP-1928
Hartleys Jam Factory, 27 Green Walk SE1
Construction of a new Porters Lodge. Condition attached.
Granted 23/12/02

29 03-AP-0519
Block A Former Hartleys Jam Factory 27 Green Walk SE1
Retention of two-storey extension plus roof terrace facing onto Rothsay Street to provide extensions to proposed live/work units at upper ground and first floor level together with the provision of metal balustrades to the roof terrac. Conditions included.
Granted 24/11/03

30 04-AP-1593
Rothsay Street former Hartley's Jam Factory, 27 Green Walk SE1
Provision of a residents amenity space and garden including re-cycling facilities, cycle parking, children's play area, site access for emergency vehicles and landscaped setting for existing chimney.
Conditions attached
Granted 25/10/04

31 04-AP-1863
Block D, Former Hartley's Jam Factory, 27 Green Walk SE1
Details of archaeological work and foundation design as required by condition 3 & 4 of planning permission dated 24/09/2002 LBS Reg.0200988 for variations to floor layouts and elevational treatment in connection with an approved permission for the construction of new building to provide residential and live/work accommodation.
Granted 20/10/2004

32 Planning applications refused:
02-AP-1338
Block E, former Hartleys Jam Factory, Green Walk, SE1.
Erect six storey building plus lower ground floor to provide 32 residential units (revised scheme for Block E).
Refused: 27/09/02

33 Planning applications withdrawn:
01-AP-1010
Approval of detail pursuant to condition 4-Refuse storage, Car park, Elevations and Live/work relating to Block D.
Withdrawn 22/07/03

34 03-AP-0075
Block A, Former Hartleys Jam Factory, Green Walk SE1
Redevelopment of the existing extension to Block A (adj. Rothsay St.) to provide one self contained flat and one live/work unit with a roof terrace (2 storeys- 10.6m. high).
Withdrawn 06/03/2003

35 03-AP-2367
Inconsistencies in permissions

In order to understand the current proposals, it is necessary to appreciate the background to the recent set of planning applications, which is set out and explained below.

On 4th September 2000, a detailed planning permission was granted on the site to provide up to 154 residential units and 8,828sqm of business and/or live/work space with 159 car parking spaces within five blocks of development; three existing blocks (Blocks A, B and C) and two new build blocks (Blocks D and E). The permission was subject to conditions and a section 106 agreement.

In addition two further detailed consents were granted on the site. One in respect of Block D and one in respect of alterations and an extension to Block A. The Block D consent was issued in September 2002 (02-AP-0988), without a legal agreement (‘the stand alone permission). This was for 24 residential units; 12 live-work units and 206 car parking spaces. A second consent was granted in November 2003 (03-AP-0519) and involved an increase in the residential floorspace of Block A by 99 sqm, an increase in the live-work/commercial space by 76sqm and alterations to external elevations of Block A facing Rothsay Street.

To date the applicant has refurbished Blocks A, B and C to provide 147 residential units and 5,937sqm of live-work/commercial accommodation. In relation to the residential accommodation there was no agreed mix in the original permission. All the units have been sold and subsequently occupied.

In addition the applicant has demolished two existing buildings on the site with respect to Blocks D and E. Block D has been constructed comprising 24 private residential units on the upper 3 floors, live-work (2,130sqm) on the ground floor and first floor and a below ground car park comprising 185 spaces. This residential and the live-work accommodation has not yet been occupied.

Block E has not been built.

The built development does not accord with the planning permissions granted on the site. In summary:
• A total of 171 private units have been constructed within four Blocks A, B, C and D instead of 154 in blocks A to E.
• Block E has not been constructed.
• Block D has been erected to a different form and external appearance.
• Block D is 1 storey higher than the September 2000 permission. It is consistent with the number of storeys within the 2002 permission.
• The basement car-park has been constructed to provide 26 extra spaces to the September 2000 permission but is within the amount permitted in the September 2002 stand alone permission.
• The elevations of Blocks A, B and C do not accord with the approved drawings in a number of respects.
• The amount of live/work floor space has not been provided as was approved.
• The affordable housing has not been provided in accordance with the original Section 106 attached to the 2000 consent.

The Council became aware that there were inconsistencies. Following detailed consideration of the applications officers initially took the view that permission existed for the internal layouts within Blocks A, B and C and that the best way forward would be to invite the developer to regularise the elevations between what was built and approved. The developers were asked to submit revised elevation drawings as an approval of detail for consideration by the Council. With regard to the construction of Block D (which was ongoing in 2004), and the construction of Block E, the Council took the view that new applications were required. It was intended that a red line would be drawn around Blocks D & E and that any approved application would be tied back to the 2000 permission by virtue of planning conditions and a revised section 106 agreement. Negotiations/talks with Angel Properties Limited (the developer) were initiated.

As part of the detailed consideration of the application by officers, a different conclusion was reached in relation the status of Blocks A, B and C in 2005. It was concluded that Blocks A, B and C did not in fact have the benefit of planning permission in the form in which they had been constructed. Officers considered that it was necessary for the developer to have sought and obtained approval for the elevations of each block prior to the construction of any of the blocks and as a result the development had not been lawfully implemented as September 2000 permission.

Officers then went on to consider what the best approach was to remedy the situation. It was concluded that a retrospective application was required for the as built Blocks A, B, C and D and a new detailed planning application to construct Block E, which had not yet been built. The reason that there are two separate applications is to deal with what has been built (Blocks A, B, C and D) separately to Block E, which has not been built. These applications are linked as the affordable housing for the entire site is provided in blocks D and E.

In response the developer prepared and submitted two new planning applications:
• A retrospective application for planning permission involving the retention of 147 wholly residential units within Blocks A, B and C (Block A- 75 units, Block B- 24 units, Block C- 48 units) and 24 wholly residential units in Block D; 5,937 of live-work accommodation in Blocks A, B and C and 2,130sqm in Block D, the provision of car parking for 185 spaces, a new vehicular access from Rothsay Street, amenity and children’s play space.
• A detailed planning application to provide 25 affordable residential units, Block E (ref 06-AP-1209).

The applications 06-AP-1116 and 06-AP-1209 were considered at Committee on 5th June 2007. The Committee resolved: That, in the case of planning application number 06-AP- 1116, consideration of the application be deferred to another meeting subject to
a site visit and the presentation to members of the outcome of negotiations of Heads of Terms of a Section 106 Agreement. Members then took a site visit on 15th September 2007 at which a representative of the Jam Factory Residents Assn attended together with the developer and his planning consultant.

Following the Committee meeting and based on issues raised at both the meeting and subsequently by officers, as part of the detailed discussions in relation to the section 106 both applications 06-AP-1116 and 06-AP-1209 have been amended. The amendments include:

- The conversion and change of use of existing live-work accommodation to provide 18 x 1 bed shared ownership units in the first 2 floors of Block D.
- The provision of additional motorcycle parking spaces in the basement car park.
- The provision of additional cycle parking spaces so that they total 217.
- The introduction of a children’s play area between Blocks A and D.
- The reduction in height of Block E from 5-storeys to a ground plus three storey building.
- The introduction of zinc cladding onto the rear façade of Block E.
- The introduction of a door into the rear of Block E so that residents from the proposed Block E will be in a position to access the communal spaces.
- The provision of disabled units in blocks D and E.
- The provision of functioning disabled access and car parking spaces for the 5 disabled units.

As a result of these changes the applications now comprise:

- A retrospective application for planning permission involving the retention of 189 residential units within Blocks A, B, C and D (171 private and 18 shared ownership units); 6,681 sqm of live-work; basement car-parking; new communal and children’s play space and cycle parking.
- A detailed planning application to provide 20 affordable residential units, Block E.

These revisions have been subject to consultation.

On 25 October 2004 the Jam Factory Residents Association made an application for planning permission to secure amenity space for the development was granted. This amenity space is located where the new Block E is now proposed. This is on more-or-less the same site as the Block E granted permission in the September 2000. The permissions September 2000 on this site were not considered a significant enough material consideration to refuse the application and the scheme was considered to meet policy.

**Enforcement**

The Council’s approach to resolving the breaches of planning control that have occurred on the site has been to seek a negotiated solution with the developers and facilitate the submission of a comprehensive planning application which provides the potential to regularise the position in respect of the whole site (subject to the proposal being acceptable in planning terms). These discussions have taken place against the background of the Council’s ability to take enforcement action in the event that the position is not satisfactorily resolved. The approach taken is consistent with PPG 18 which encourages the negotiated resolution of breaches of planning control prior to taking enforcement action.

Once the decision on the planning application has been taken, the Council will need to take stock of the position regarding enforcement and consider the options open to it in respect to any breaches of planning control and/or enforcement of the developer’s s.106 obligations. It will be necessary at that stage to consider carefully the range of options open and also questions of expediency of any enforcement action. There will be a range
of factors to be balanced in reaching any decision on expediency, including the extent of the planning breaches and the impact of any enforcement action or inaction on occupiers of the site. If this eventuality arises, it will be necessary for the matter to be reported back to Committee in order for an informed decision to be taken as to what steps the Council should take.

The Direction

When the matter was reported to the Committee in June 2007, it was understood that the then application was the subject of a Direction by the Secretary of State that the Council could not issue a decision until she had decided whether or not to intervene.

Following discussion with the Government Office for London, it has now been clarified that the Direction only applied to Application No 05-AP-0517, and not to all planning applications that are submitted for the Jam Factory site. The Direction therefore ceased to have effect when that application was withdrawn in June 2006.

Planning history of adjoining sites

None

FACTORS FOR CONSIDERATION

Main Issues

The main issues in this case are:

1. The history of the site;
2. Principle of Proposed Use;
3. Affordable Housing and Tenure Provision;
4. Housing Mix;
5. Loss of employment;
6. Density;
7. Design and Layout;
8. Amenity space provision;
9. Traffic issues;
10. Environmental Impact Assessment;
11. Flood risk assessment;
12. Sustainability;
13. Archaeology;

Materiality of considerations for approach to decision making

The appropriate starting position for consideration of this application is the existence of substantial development on the site as it is now.

The current scheme must be assessed against current planning policies with regard to such factors as density, mix of units, design, impact on residents, and the provision of on-site amenities, parking facilities and also affordable housing provision. However planning permissions already granted must also influence member’s decisions as these are considered to be material considerations.

The existence of the original 2000 consent and the other subsequent consents are a material consideration to be taken into account. The Council must have regard to its past decisions to approve development broadly equivalent to what is now proposed in respect of Blocks A to D (and Block E, which is considered in a separate application).

Planning Policy

The Southwark Plan 2007
Policy 1.1
Policy 1.4 Employment Sites outside the preferred Office Locations and Preferred Industrial Locations
Policy 2.5 Planning Obligations
Policy 3.1 Environmental Effects
Policy 3.2 Protection of Amenity
Policy 3.3 Sustainability Appraisal
Policy 3.4 Energy Efficient
Policy 3.5 Renewable energy
Policy 3.7 Waste reduction
Policy 3.9 Water
Policy 3.11 Efficient Use of Land
Policy 3.12 Quality in Design
Policy 3.13 Urban Design
Policy 3.14 Designing Out Crime
Policy 3.19 Archeology
Policy 3.20 Tall Buildings
Policy 3.21 Strategic Views
Policy 3.22 Important Local Views
Policy 4.1 Density of Residential Development
Policy 4.2 Quality of Residential Accommodation
Policy 4.3 Mix of dwellings:
Policy 4.4 Affordable Housing
Policy 4.5 Wheelchair Affordable Housing
Policy 5.1 Locating Development
Policy 5.2 Transport Impacts
Policy 5.3 Walking and Cycling
Policy 5.6 Car Parking
Policy 5.7 Disabled Car Parking

Supplementary Planning Guidance
Draft Affordable Housing Supplementary Planning Guidance [1999]
Draft Affordable Housing Supplementary Planning Guidance [2004]

Policy 3B.4 Mixed use development
Policy 4B.1 Design principles for a compact city
Policy 4B.3 Maximising the potential of sites
Policy 4B.4 Enhancing the quality of the public realm
Policy 4B.5 Creating an inclusive environment
Policy 4B.6 Sustainable design and construction
Policy 4B.7 Respect local context and communities

Planning Policy Guidance [PPG] and Planning Policy Statements [PPS]
Planning Policy Statement 1 (PPS1): ‘Delivering sustainable development’
Planning Policy Statement 3 (PPS3): ‘Housing’
Planning Policy Statement 22 (PPS22): ‘Renewable energy’
Planning Policy Guidance 4 (PPG4): ‘Industrial, commercial development and small

Consultations

64 Site Notice: 15/9/2006

65 Internal Consultees
Design & Conservation
Archaeology
Transport
Waste Management

66 Neighbour consultees
Please see appendix 1

67 Statutory and non-statutory consultees
Metropolitan Police Service
London Electricity
Transport for London

68 Consultation replies

Neighbour consultees
11/9/06
Please see appendix 1

Reconsultations
26/6/07
15/8/07
17/9/07

Internal Consultees

69 Design and conservation is provided within the report.

70 Archaeology

71 The Jam Factory Site is located within the Borough, Bermondsey and Rivers archaeological priority zone. Earlier archaeological work on site has confirmed that the factory is located within one of the channels which formerly divided the north part of the borough into eyots within the Roman and post-Roman periods. There has, however, been no archaeological evaluation work on the site of the proposed Block E.

72 Towards these ends I would recommend that an archaeological evaluation is undertaken on the site of Block E. Due to the earlier archaeological work undertaken on the Jam Factory Site it would be acceptable for this to be undertaken post-determination. Depending upon the results of the archaeological evaluation further mitigation works may be necessary.

73 Section 106
In line with the Council's policy concerning Section 106 contributions a contribution will be sought to ensure the continued effective monitoring of archaeological matters. The contribution will be sought to cover the examination of the DBA and required
archaeological evaluation and subsequent archaeological works

Waste Management Proposal = 20 units comprising 36 bedrooms in total.
Total weekly waste arising = 3120L
Recommended recycling provision (@50% of total) = 1560L
Recommended residual waste provision (@75% of total) = 2340L

Proposed refuse arrangements (as shown on ground floor plan, drawing number 0638/111 revision D):

- Bin store shows 3 x 1100L + 5 x 240L bins
  - This is sufficient for the likely waste arising from the development. I would recommend that the bins are allocated as follows:
  - Recycling: 1 x 1100 + 4 x 240L bins = 2060L capacity
  - Residual waste: 2 x 1100L + 1 x 240L bins = 2440L capacity
  - These capacities satisfy the minimum recommendations given above.

The proposals also show individual 240L bins for ground floor flats (1 x 240L for unit 1; 2 x 240L for unit 2; 2 x 240L for unit 3; 1 x 240L for unit 4). As the total waste arising can be accommodated in the communal bin store, these bins are not necessary NB this is assuming that all flats will have access to the communal refuse area. The location and accessibility of bins for collection is considered acceptable.

Statutory and non-statutory consultees
Metropolitan Police Service
The Police have noted that although there is a Concierge system, there have been instances of crimes within the development, particularly vehicle crime. This is a site management issue which could be resolved through a more effective concierge and effectively managed access to the car park.

Transport for London confirm that the above proposal as it stands will not result in any unacceptable impact to the TLRN.

Neighbour consultees

Please refer to appendix 2

There have been a number of responses from the neighbour consultations on the proposal and amendments. These have not altered significantly due to the amendments. They are addressed in the report and are summarised below:

Housing dealt with in the report

- Relocation of affordable housing from block D to block E should not be allowed.
- The affordable housing should all be in block D.
- The financial benefit to the developer of relocation of affordable housing from Block D to block E
- The additional housing units built above the consented scheme. This is over-development.
- Block D should be approved as it contains buildings for key workers
- Block E should be refused to provide amenity space for blocks A to D
- The developer still has the option of the site across the road on Alice Street. Can the block E affordable housing component be transferred to this site?
- The move of the affordable housing from the upper floors of block D to the less lucrative lower floors and the less lucrative block E.
80 Loss of Employment dealt with in the report
  • The building of less live work units than in the consented scheme.

81 Density dealt with in the report
  • This is excessive already
  • Block D should not have been built as there are too many units

82 Design and Layout dealt with in the report
  • Block D has been constructed 1 storey higher than the consented 2000 scheme.
  • The style of block D with stone gabions, blue plastic panels and copper cladding are not in keeping with the character of existing buildings on site.
  • Generally, the use of poor quality, low-cost materials which will age quickly and require extensive maintenance
  • No reason for separate entrances in block D
  • Should have 1 entrance for safety not 4 entrances
  • Block D is 1 storey higher than was permitted

83 Amenity dealt with in the report
  • Southwark planning policy requires a distance of 18m between any new building and existing / other proposed buildings - the 14.5m distance to Block B does not comply with planning policy
  • Too much construction noise, dust and disruption
  • Lighting in blocks B and C is poor
  • Increased crime is an issue

84 Amenity space dealt with in the report
  • Insufficient amenity space is provided at present.
  • Insufficient amenity space is provided in the new scheme which conflicts with council policy guidance.
  • The existing south-facing amenity space is hardly used; the need for further north facing amenity space is wrong; many of the units have private amenity space such as balconies and roof terraces.
  • The children’s play area is too small and does not meet standards. It will also cause a noise nuisance.
  • The children’s play area is not required or desirable. There is great space for children at Leathermarket and Bermondsey St. Park.
  • The children’s play area should be in the original space near the chimney not between A and D
  • Infringe on light into our and our neighbours flats against the right of ancient light
  • Block E should be amenity space not housing to provide amenity space for A to D
  • Proposed block E has no amenity space or children’s play area and therefore does not meet policy
  • The balconies of block D overhang into the space of the communal area freehold of A, B and C Lance.
  • Further pressure on the A to D amenity space due to the back entrance of block E
  • Nowhere big enough on sites for residents to meet up without spilling onto access roads or through ways. The wooden area in front of B Block is inadequate for the number of residents we have living in the development.
  • The access roads are in constant use and can not be used as communal amenity space.
  • The vast majority of flats do not have private balconies or allocated private space on the roof tops.
  • Crime is too high to use the local green spaces
Refuse dealt with in the report
- The refuse storage provided is intolerable and unhygienic.
- Inadequately sized refuse storage facilities for Block D which cannot be accessed by refuse vehicles from the public highway.
- Insufficient space for refuse bins for the whole site.

Transport dealt with in the report
- The building of more car parking spaces than the 2000 scheme
- Insufficient bicycle parking is below standards
- The over-densification has led to parking problems in the area
- Car parking spaces are below 2.4 x 4.8 good practice guidance
- Lack of motorcycle parking in block D basement car park
- No direct access between block D and the car park
- Too much bicycle parking, too costly to maintain and manage, too noisy in the established courtyard areas
- There would be an increase in traffic on Rothsay Street
- Health and safety concerns about access by fire engines
- The car park access is poor for able and disabled people
- There is no bus service
- Access roads are in constant use and can not be used as communal amenity space. Due to Green Walk and Alice street being too narrow large removal vans and delivery trucks should be parked onsite within the gates of the Jam Factory.
- Cycle storage blocking light to flats
- Bike thefts are an issue.

Planning obligations dealt with in the report
- No improvements have been made as per the 2000 S106 agreement.
- Lack of payment of £270k for affordable housing or £50k for transport works
- The amendments are also still based purely upon commercial, and not planning policy imperatives - namely the attempted private sell-off of designated affordable housing currently under a Section 106 Deed with LBS - which is both legally and morally compromised
- The original agreement should be enforced as it has not been complied with
- The signing of the section 106 will be impossible due to all of the leaseholders that will need to sign it.

Conditions
- Lack of detail on children’s play area
- An agreed code of construction practice for the remaining works to ensure that disruption to the existing residents is minimised. Of particular concern are working hours, noise levels, potential for dust, location of welfare facilities and was storage, site security, vehicle movements, parking and methods of segregation of existing areas from the works and the workforce
- There is no planting to the south side of Block B as proorted by this drawing.

Technical matters are set out below:
- The applicant made the scheme complicated by submitting 2 applications
- Concern about the current planning position of the site
- Block E, as proposed in the amended plans, still trespasses approximately 1.8m over onto the Leaseholder's Common Parts Boundary. Impact: If the Authority continue with the amended applications as they stand, and should consent be granted, existing and future residents will inherit an un-sound tenure situation without 'clean' title. This would be an on-going liability for Residents (and related
third parties) and does not correlate with the Authority's stated aim of 'resolving' planning issues at the Jam Factory.

- The green dashed-line profile of the pre-existing Block E shown on elevation drawings 0638/120, 121 & 123 Rev G/H/C is incorrect. The parapet line was a consistent height, from the junction with No. 3 Rothsay Street onwards, not a staggered level as shown, and so the gable section was correspondingly lower. By way of evidence, pre-existing photographs submitted by the applicant in support of the 09/2000 application illustrate this. The correct parapet height is in fact still visible in the partially demolished remains of this building. Impact: The drawings show an incorrect comparison between the pre-existing scale and that proposed, and accordingly a proper assessment cannot currently be made.

- The red-line perimeter of the '09/2000 Consent' shown on Alan Camp plan drawings 0638/111 Rev D, 112,113,114 Rev E, & 116 Rev F is also incorrect. The actual alignment is shown on Ian Simpson drawings 6033/003 and 004 - which is essentially the main Block E building-line as proposed currently. Note also that the stair core wall currently proposed actually exceeds this original 'Consent' profile. Impact: Again, the drawings show an incorrect comparison between the alleged '09/2000 Consent' footprint and the proposed footprint, and accordingly a proper assessment cannot currently be made.

- There is no consistency between the '09/2000 Consent' red-line profile in Alan Camp drawings 0638/122 Rev C (Side Elevation) and 132 Rev A (Longitudinal Section) - and also no consistency between the profile on these drawings and the plans listed in item 3 above. Impact: The amended information scale comparisons for the 09/2000 Consent information not only does not match the original Ian Simpson drawings for this application - but is in-consistent between the amended drawings themselves, and accordingly a proper assessment cannot currently be made and calls into question the accuracy/reliability of the information.

90 Supporting comments are set out below:

- High quality development - pleasant, safe and friendly environment to live and work in, one of a few gated private developments which should be considered to be of value in its appearance and safety and not a reason to seek further privileges and social exclusion.
- The Guinness Trust (the RSL who will be taking on the affordable housing units): The Trust stated that they hoped planning permission is realised as soon as possible in order to work with the Local Authority to reduce the housing waiting list.
- They have been excellent neighbours so far.
- This proposal is in line with the original plans for block D and it will improve quality of living according to the council’s guidelines.
- We support the creation of affordable housing as exactly what this area needs.

91 Addressed in the September 2007 amendments:

- Additional cycle spaces are shown too close to the entrance gates. This will block access for emergency vehicles, fire appliances and refuse trucks as well as removals or delivery vehicles. The proposal is un-workable.
- No proposals for locating the displaced scooters and motorcycle parking spaces as a result of additional cycle spaces appear to have been submitted. The management agent Stonedale is currently under instructions from Angel not to allow motorcycles to park in the 4-level basement car park under Block D and there are no motorcycle parking bays in the surrounding streets.
- Cycles cannot be parked on the ramp using the 'bike-bar' as these would cause an obstruction to wheelchairs and push-chairs from pedals and handlebars. The
ramp is only approx. 1.2m wide
• No wheelchair access is provided to proposed affordable / shared-ownership units in Block D on the first floor - Alan Camp drawing 406/1501 Rev A. Note that a passenger lift currently serves the first floor, but a connection to this lift has not been proposed. Impact: Proposals are not in accordance with current Southwark Access Planning policy and the DDA/BS 8003 - reasonable provision has not been afforded in respect of forming a connection to the as-built lift-shaft.

92 Matters that are not relevant to this planning decision are set out below:

• Would like the scheme brought to a conclusion as quickly as possible
• Council to compel Angel through enforcement to complete the building works once the decision on the application is taken. Particularly to resolve the safety issues, hoardings and pavement damage. Along with completion of the landscaping areas to the existing development e.g. the planters outside our flat are standing empty, boundary walls remain incomplete and lighting is not connected.
• The subdivision of the Jam Factory freehold into 2 parts without prior notification to the residents. This raises issues around rights of access and across the common parts of blocks A, B and C
• Blocks A, B, and C were sold to occupiers with the intent that Blocks D and E would be much less high than now proposed
• We also have had several un-authorised incursions into the site from persons intent on stealing residents' property. There is a planning permission already in place for A to C so a new permission is not required
• The Council have failed to address the illegal development of block D
• Huge lorries caused significant damage to Rothsay Street with no repairs carried out so far.
• Objection is raised to the possibility that, having overdeveloped the site without authorisation, the developer could be granted retrospective planning permission
• Blocks A – C should have been dealt with as a separate application and granted consent for since they have been there for 4 years
• Submitting two separate applications on the same site (one for Blocks A-D and one for Block E) is a device to obtain consent for more development than was originally planned and consented for. The council should not have accepted this
• The trespass of the proposed Block E across our common parts and freehold - and in this planning case please note that tenure is a material consideration due to the Section 106 Deed being based upon the original freehold, which has been subsequently sub-divided without the consent of residents and leaseholders,
• The failure of the Council to take enforcement action relating to the current breaches of control in respect of the terms of the 2000 consent, hoarding to Rothsay Street
• Issues, not strictly for the Local Planning Authority, about the status of the Jam Factory Residents Association (JFRA), and whether or not the JFRA claims against the developer are well-founded.
• The claims made against the development are unsubstantiated and disproportionate
• The amendments in June and July should not have been accepted. They amounted to significant material differences from the 2006 submissions, and should therefore have resulted in a fresh application
• The new planning application which is required must also include a new planning fee in order to begin to cover the costs of your Department's Administration of these 'amendments' which as Council taxpayers we continue to vicariously fund.”
• The JFR Association also emphasised that they felt that the Council had not responded properly to the points submitted in their petition
• The council should make the developer provide housing as per the 2000 permission.
• Changing from block D means that planning permission must be given on block E.
• Southwark Council seems (again) to favour developer’s interest rather than residents’ which is very sad.
• Angel properties are a very difficult company to deal with.
• The majority of the ground/lower ground units with live/work status on that side of block A are currently being used as residential flats rather than for commercial purposes.
• We would prefer Block D to be occupied and not to continue to stand empty; we believe that it is a security risk.
• As part of our lease agreements residents should have access to the areas of the development defined as common parts. Currently a significant proportion of these are hoarded off and therefore not accessible. We also understand that he proposed Block E encroaches over the boundary onto the Common Parts land by approximately 1.8m which is not acceptable.
• This erratic and confusing process cannot credibly be called ‘consultation’.
• The retrospective application for Blocks ABCD ignores the Section 106 legal agreement entered into in 2000 with Angel Property (Hartley Buildings) Ltd. It is now not possible for this to be implemented as Angel Property (Hartley Buildings) Ltd has sold it’s interest to a third party. This transaction is now being investigated by the Special Investigation Unit (DTI) under the auspices of Companies House for non compliance and irregularities.
• For the record, I believe there is to be a County Court Action (7QT22492) pending, the result of which could be Angel Property (Hartley Buildings) Ltd being compulsorily wound up. Where would that leave LBS viz le the status of the Jam Factory, it’s void leases and insurance cover, not to mention levying Council Tax say £3,000,000 on property that has not existed since 2001 and an unresolved Section 106 Agreement.
• Poor consultation with too many amendments.
• The site is dangerous and there are concerns about leaks and other housing problems not being fixed.
• Absurd that application is being considered for A to C years after the site had been occupied and flats purchased on the understanding that all planning issues were settled.
• Southwark’s failures have led to the sites being overdeveloped.
• The chair of planning committee made references about the way site visits would be handled and the application brought back. These have proven worthless.
• The attempted unilateral revision to the section 106 deed for affordable housing gin block D and neighbourhood improvements.
• The un-authorised sub-division of the original freehold (TGL156360) across the whole site.
• The misleading and inaccurate information upon which previous consent was granted in respect in block E.
• The refusal of the applicant to release all amenity space as shown on residents lease plans and the original alleged planning consent and to use the site as a rubbish dump and for contractors toilet facilities.
• Boundary issues about controlling interest, rights of access and rights of use.
• Procedural inaccuracies about how the applications are flawed.
• The building will devalue my property and make it less valuable.
• Personal through ways violate the lease.

PLANNING CONSIDERATIONS
93 **Principle of development**
The application site is located within the Central Activities Zone and London South Central in the London Plan and on the key diagram and proposals map of the Southwark Plan. The London Plan and council strategy is for a high density, high quality, mixed use central area that will address demonstrable local, sub-regional and London wide needs for new homes, an enhanced public transport interchange, employment and retail floor space and other social benefits.

94 The London Plan establishes the need for regional growth in new homes and employment. The overall spatial strategy for development in London identifies further development in the Central Activities Zone (Policy 5B.2), London South Central (encompassing Southwark) as a means by which this new requirement for homes and employment can be accommodated.

95 The proposal for a mix of uses with housing and live-work would meet these requirements.

96 The principle of the conversion of the former industrial buildings and new-build for residential purposes is considered acceptable. This was established by the September 2000 consent.

97 **Background**
A considerable benefit of this application (as now amended) and taken together with the proposed development for block E is that it will secure much needed affordable housing to be provided site. As described above in the planning history of the site to date no affordable housing has been provided pursuant to the 2000 planning permission. In assessing the merits of this proposed development, it is material to have regard to the practical reality that blocks A, B and C have already been built but that to date the anticipated affordable housing has not been delivered. One of the benefits of this proposal taken together with the proposal for site E is that it will secure the delivery of affordable housing on site and in a manner which complies so far as possible with the Council’s current affordable housing policies. In weighing up the benefits of the affordable housing to be provided, it is appropriate to have regard to the fact that this is a challenging area to find sites for affordable housing and that the developer has now submitted a financial appraisal demonstrating that the level to be provided in this proposal is the maximum that can reasonably be secured from the site. A more detailed appraisal of the amount and nature of the affordable housing to be provided now follows:

98 The 2000 consent required that 24 of the 154 residential units approved should be provided as affordable homes and, in accordance with the approved layout, these were earmarked to be included within Block D. No affordable units have currently been provided. 24 affordable housing units, left a shortfall of 14.5 units below the required 25%. Therefore the developer was also required to make an in lieu, off-site Affordable Housing payment of £270,000 before occupation of blocks D and E. This has not been paid as blocks D and E are not occupied.

99 The developer has not built this scheme and has instead fitted out Block D entirely with housing for the open market, and live/work units. This application would amend this to provide 42 residential units with 24x 2 bedroom private units and 18x 1 bedroom, shared-ownership affordable units.

100 The Section 106 attached to the original planning consent assumed that the affordable housing would be delivered by the Peabody Trust. During the course of construction, however the Peabody Trust pulled out of the scheme and were replaced by the Guiness Trust. The Guiness Trust expressed a preference to transfer the affordable housing obligation to Block E. The stated reasons for this transfer were related to issues of
management and service charge cost. Block E could be delivered as a stand-alone block with a separate access achieved from Rothsay Street and hence the building could be managed separately and excluded from the service charge costs.

101 The developer has submitted a series of planning applications for both Blocks D and E in order to deal with the changed position on the site in respect of the affordable housing. None of these applications have been determined. The developer went ahead and built a different mix of units in block D and additional units on the site without gaining the required planning permission. As a result the as built situation now differs from the approved planning position on the site.

102 The current planning applications seek to reconcile the as built situation. A total of 171 private units have been built in blocks A to D (original permission was for 154). 147 private units have been built in Blocks A - C which are constructed and occupied and 24 units in Block D which are constructed and unoccupied. The original planning consent allowed for 130 private residential units and 24 affordable units. Thus Blocks A to C, as built contains 17 additional private units and Block D contains 24 additional private units over and above the original consent.

103 Prior to the planning committee on 5th June 2007 it was proposed that Block E would be constructed to provide 25 affordable homes, a mix of social rented and shared ownership. The remaining affordable housing contribution would be provided through an in lieu payment.

104 At the committee meeting three key issues were raised which impacted on the delivery of affordable housing:
   • Issues about the height of Block E,
   • Concerns were raised about the level of affordable housing provided on-site.
   • Whether some affordable housing could be provided in Block D.

105 Following the committee meeting the developer has proposed changes to the scheme:
   • The removal of the top floor of Block E reducing the number of units by 5 to 20
   • Provision of on-site new shared ownership units in Block D rather than an in lieu payment
   • To provide 18x1 bedroom new shared ownership units in Block D that meet Lifetime homes standards and Scheme Development Standards. These are being converted from 9 live-work units on the ground and first floor rather as the private units do not meet these standards
   • To provide 3 wheelchair accessible units in Block D add plus 2 in Block E with associated car parking
   • Provision of an in lieu payment of £594,555 to provide for the shortfall to make the number of habitable rooms up to 40% of the new housing.
   • New bicycle parking and motorcycle parking spaces
   • New children's play area

Compliance with policy – background

106 PPS1 and PPS3 both emphasise the benefits of creating mixed communities. PPS3 indicates that in order to achieve this LPAs should provide ‘wider housing opportunity and choice and a better mix in the size, type and location of housing’. London Plan policy 3A.7 (Affordable Housing Targets) states that boroughs should take account of the London wide objective of 70% social housing and 30% intermediate provision and the promotion of mixed and balanced communities. Policy 4.4 of the Southwark Plan requires the provision of a minimum 40% affordable housing with a 70:30 split between social rented and intermediate housing in this location.

107 The 1995 UDP required affordable housing to be provided. The 9th February 1999 draft
consultation version of the Affordable Housing SPG required a minimum of 25% of the units to be affordable housing. This was the policy when the previous permissions were granted. At this time the live work units were not required to provide affordable housing. This site did not have a habitable rooms format due to the nature of the scheme with a flexible approach to unit make up.

The 2007 Southwark Plan requires 40% of the habitable rooms to be affordable including the live work units.

The differences between the 2 plans are the %age required, the change from units to habitable rooms and the introduction of a requirement for live work.

Compliance with policy – Provision of 40% and 25% affordable housing

PPS1, PPG3 and draft PPS3 all emphasise the benefits of creating mixed communities. PPG3 indicates that in order to achieve this LPAs should provide ‘wider housing opportunity and choice and a better mix in the size, type and location of housing’. London Plan policy 3A.7 (Affordable Housing Targets) states that boroughs should take account of the London wide objective of 70% social housing and 30% intermediate provision and the promotion of mixed and balanced communities. Policy 4.4 of the Southwark Plan requires the provision of a minimum 40% affordable housing with a 70:30 split between social rented and intermediate housing in this location.

Original scheme

Compliance with policy – Provision of 25% pure residential units affordable housing

The original scheme was permitted for 154 units. These are also proposed in the current application. An agreement was made for 24 units (66hr) and £270 to be paid to meet this requirement. This will also be provided in this case.

Additional units on A to D

An additional 17 private units are proposed in blocks A to C to regularise the development. As the 17 units were built before the new policy came into force 25% of the units should be affordable, this equates to 4 units or 9 habitable rooms. Therefore there is a shortfall in blocks A to C of 9 habitable rooms.

An additional 18 x 1 bed shared ownership units (36 habitable rooms) are proposed in block D to partly provide for the 66 rooms that should have been provided. These units should provide 40% affordable housing in line with the new policy as they have not been occupied. This equates to 15 habitable rooms. Therefore there is a shortfall in block D of 45 habitable rooms.

Additional units in E

There will be an additional 20 units with 60 habitable rooms in block E

Based on current 40% policy 24 habitable rooms should be provided as affordable. Therefore 36 habitable rooms are provided in block E and can contribute towards the shortfall in blocks A to D.

Wheelchair affordable housing

5 units provide affordable housing that is wheelchair accessible housing. Therefore 5 units can be removed from the requirement for affordable housing.

Summary

Therefore there is a requirement for 114 habitable rooms and provision of 96 + 5 wheelchair rooms leaving a shortfall of 13 habitable rooms. An in lieu payment will be provided in line with the Affordable Housing SPG to provide £594,555 to provide the shortfall. This can not be provided on site or off site due to the lack of suitability of the buildings on site and the lack of sites off site. Therefore an in lieu payment will be considered acceptable.
Therefore the affordable housing provision is being provided in line with policy current at the time of permission. The maximum reasonable proportion of affordable housing is being provided on site due to site constraints and financial viability provided in the financial appraisal. The remainder is provided through an in lieu payment. Therefore the scheme is considered acceptable on the grounds of affordable housing.

Compliance with policy – Tenure provision of 70% social rented and 30% intermediate housing
Of the 36 affordable housing rooms all are social rented. Therefore this application does not meet policy. However when considered with site E there are 96 habitable rooms that are affordable. 34 social rented and 62 shared ownership. This will provide 40% social rented and 60% intermediate housing. However given the area around the Jam Factory currently has a high proportion of social rented housing and the Council is seeking to provide more balanced and mixed communities. The introduction of slightly more intermediate housing in this area is acceptable as there is a demonstrated need for key and middle income workers in this location. This is consistent with the GLA’s Housing SPG (Paragraph 18.9), which states that ‘Sites with significantly above the London average proportion of existing social rented provision (25% as at 2005) may be appropriate for proportions of intermediate housing higher than the norm’. Therefore the application should not be refused on these grounds.

Compliance with policy - shared ownership thresholds
The shared ownership thresholds are 29,500 for 1 bed and 33,500 for 2 bed units. These are slightly higher than required in the Southwark Affordable Housing SPD. A definition of affordable housing has been agreed as follows:

“Affordable Housing" means Housing which is attainable for purchase and/or rental to households who are unable to buy or rent housing in the Council’s administrative area on the open market and in the case of Shared Ownership Housing shall refer to a combination which is disposed of on Shared Ownership Terms and is attainable for purchase by households whose total annual income does not exceed £29,500 in respect of one bed dwellings, or £33,500 in respect of 2 bed dwellings and whose annual expenditure upon rent mortgage and service charges does not exceed one third of the gross household income. All income thresholds are to rise annually from the date of this deed in accordance with the annual percentage increase in the [Retail Prices Index] or the successor index issued by the Office of National Statistics …"

The applicant proposes that this is necessary due to financial constraints which are set out in the economic appraisal. This level of affordability is acceptable to the housing team and therefore the development is acceptable on this basis.

Therefore the provision of affordable housing is not in line with current policy due to the changing policy requirements. 101 habitable rooms and £270k which is the equivalent of 6 habitable rooms plus 3 wheelchair rooms totaling 110 habitable rooms rather than the current policy requirement of 201 are being provided on site. The focus needs to be on achieving the maximum reasonable proportion. The original scheme needs to be taken into account as it would be unreasonable to require current policy requirements on units built and occupied before it was adopted. The applicant claims through the financial appraisal that it is not possible to provide any additional affordable housing to that proposed. The analysis of the financial appraisal stated that the complicated nature of the scheme over time could not enable a robust analysis. However the figures seemed reasonable and therefore should be used to support the scheme. On balance the provision of affordable housing is a significant material consideration. The fact that this is on site in such a challenging area to find sites for affordable housing is also a material consideration. These factors and the need to provide affordable housing to regularize the housing in blocks A to C mean that the application should be supported for the
provision of the maximum reasonable proportion of affordable housing. Therefore the application should not be refused on these grounds.

121 **Link with Site E**

If site E is refused then sites A to D will not provide the relevant affordable housing. This is a significant material consideration and sites A to D should be refused.

**Size, wheelchair provision and mix of units**

122 **Blocks A to C**

Policy 4.2 requires good residential design and policy 4.3 requires 10% of flats to be 3 bed or more and 10% of flats to be wheelchair accessible for this size of development. The 147 units, as converted and occupied within Blocks A, B and C, comprise 32 x 1 bed units, 97 x 2 bed and 18 x 3+ bed. The sizes of the units in the plans are acceptable. However the room sizes of the built units are not known and therefore they can not be considered for acceptability.

123 This meets policy requirements for mix and size where known. The provision for the additional units is within block D, the requirement for wheelchair provision and mix of units on the original 154 units is considered onerous as this would not have been required when the original permission was granted. Therefore the scheme should not be refused based on the provision of size, wheelchair provision and mix.

124 **Block D**

There are 42 flats in block D. These comprise 24 private flats on the upper three floors and 18 shared ownership flats on the first and ground floor. The mix comprises 24x1 bed units (6 private and 18 social) and 18x2 bed units.

125 The mix is 30% 1 bed, 60% 2 bed and 10% 3 bed. This meets policy requirements and therefore the scheme is acceptable on the grounds of the mix of dwellings.

126 Flat sizes range from 46 – 60 sqm for 1 bedroom units 46 59 sqm s/o and 52- 75 sqm for 2 bed units. These are in compliance with policy requirements. Furthermore all affordable units incorporate design features to meet Lifetime Home and Scheme Development Standards and in accordance with policy 4.3 of the Southwark Plan 10% of the new and additional units in blocks A to D will be wheelchair accessible. These 3 units will be provided in the ground floor. There are objections to suitable access to the wheelchair accessible units and the disabled parking bays. However the access officer is satisfied that these meet policy requirements.

127 This meets policy requirements and therefore the scheme is acceptable based on the provision of size, wheelchair provision and mix.

128 **Density**

The site is located within the 'Central Activities Zone' under the Southwark Plan. This has a density range of 650-1100 habitable rooms per hectare in policy 4.1.

**Blocks A to D**

129 The purely residential elements of Blocks A, B, C and D amount to 503 habitable rooms: Block A 206, Block B 72 and Block C 123 as built and Block D 102 (66 private and 36 social rented) as proposed. The live work element is 6681sqm. The area of the site is 0.75ha,

130 The density is calculated as follows:

\[ D = (NR\text{s/qm}/27.5) + HR/\text{Ha} \]

\[ D = (6681/27.5) = 243 + (503/0.75ha) = 671 \]

This equates to a density of 914 hr/h.
Block E
Site E comprises 60 habitable rooms and measures 0.0532. Therefore the density is 1127hr/h. This is 27 hr/h above the range in the London Plan and Southwark Plan policy 4.1

Entire site
\[ D = \frac{(NR\text{sqm}/27.5) + HR/Ha}{27.5} \]
\[ D = \frac{6681}{27.5} + \frac{563}{0.8032\text{ha}} = 243 + 676 = 919 \text{ hr/h} \]

This equates to a density of 919hr/h for the entire site. Therefore the density for block E as a stand alone block is slightly above the density range. When site is joined with blocks A to D it is within the density zone for this area.

The density is at the high end of the scale for the Central Activities Zone for blocks A to D and the site as a whole. Therefore the application should not be refused on these grounds.

Loss of employment
The proposal is reduces provision of live-work space to 6681 sq. m. (from 8904 sq. m.). There is a need for employment space including live-work space in the central activities zone. The loss of this live-work space does not comply with policy 1.4 of the Southwark Plan.

The applicant has made the case with a financial appraisal that the private units in block D can not be converted into affordable units to meet the policy requirement for all of the affordable housing to be on-site. Therefore the proposal is to convert live-work space into affordable housing to provide the intermediate housing to meet the policy requirement.

There are objections raised to the loss of employment space as this does not comply with policy. The fact that this development has been built and the need to regularize the habited properties is a significant material consideration. Therefore the loss of employment should be accepted as otherwise the residents in blocks A to C will not be able to have their properties lawfully permitted. This single factor outweighs the need for employment space on this occasion. This does not set a precedent for future development.

Environmental impact assessment
The Council provided a Screening Opinion on the scheme as to whether or not an Environmental Impact Assessment would be required to accompany the application(s). An EIA was not warranted for this application as: The re-use of a former industrial site is for less detrimental residential means. The proposals do not generate significant contaminative effects.

Impact on amenity of occupiers and those in the surrounding area
Policy 3.2 of the Southwark Plan requires acceptable amenity for existing and future residents.

Residential design: Block D has its front building line facing eastwards and directly towards the original Block A building, with a distance of 13 metres between facing windows. This would have an impact on privacy and outlook. The Residential Design Standards SPD requires a distance of 21 metres between facing habitable rooms. The Southwark Plan and the SPD require an acceptable level of privacy, outlook, daylight and sunlight. There were impacts on Block A
when this was built. However, given the high density urban context in this particular location, the proposal is not considered to impact on the outlook of these residents to an unacceptable level.

141 **Noise:** Noise was dealt with under a condition to the 2000 permission. In addition the current planning application contained a noise report which confirmed that the noise arising from the plant serving Block D would not cause disturbance to the amenity of existing and future residents.

142 The pattern of development has not changed to that which has been previously permitted and is considered to be appropriate having regard to the dense urban setting.

143 Overall the proposed development is considered to provide a similar level of amenity to that provided in the original and following consents. Therefore the scheme is considered to meet Policy 3.2 of the Southwark Plan and its predecessor in the 1995 UDP. Therefore it is considered that on balance the scheme should not be refused on amenity grounds.

144 **Traffic issues**

The proposal is situated within the Central Activity Zone. Although there are overland stations and underground rail lines and the area has local buses, the site has a medium public transport accessibility rating (PTAL) of 3 bordering 4.

145 **Access:** The application proposes to regularise the basement car park to Block D with access from Rothsay Street in the same location as the existing site access. Pedestrian access to a courtyard and servicing are provided from Green Walk. The car park includes 2 lifts one of which provides wheelchair access. The sightlines for pedestrians and motorists to/from the entrance are considered acceptable. The plans have been amended to reduce the number of cycle parking spaces near the entrance to the site to ensure that the fire tender circle now meets policy requirements.

146 **Car parking**

In line with the Southwark Plan and other local and national policies, the Council is seeking to encourage reduced car dependence and ownership levels in urban areas and thus encourage the use of more sustainable transport modes. Appendix 15 of the Southwark Plan states that for sites within the 'Central Activities Zone', where there is high accessibility to public transport, a maximum of 0.4 parking spaces per residential unit should be provided.

147 The 2000 permission allowed for a basement car park to accommodate 159 off-street car parking spaces. A second stand-alone Block D planning permission (02-AP-0988), made provision for 206 car-parking spaces. The basement car park has been constructed to allow for the parking of 185 vehicles. This would give a ratio of just under 1 space per unit. The permitted and built number of spaces met the policy of a minimum of 1.1 spaces per unit in the 1995 UDP at the time of permission. No parking has been provided for the commercial use. However the policy has changed in the new Southwark Plan.

148 The current policy requirement under policy 5.5 of the Southwark Plan would be for a maximum of 0.4 spaces per residential unit (76 spaces). The maximum would be required as the Public Transport Accessibility Level is zone 3 bordering zone 4. This is low for the Central Activities Zone density area as PTALs are normally 5 or 6 indicating a much higher level of public transport. These spaces would be prioritised for the larger units to provide for families.

149 Existing traffic orders would be amended to prevent future occupiers of the development
This application seeks to regularise the development as built. The additional number of spaces does not meet the policy requirement and therefore a new application could be refused on this basis. However the developer does not consider it acceptable to reduce the number of spaces. Although this is not acceptable based on current policy, it was acceptable when the original scheme was permitted. As the precedent has been set in the previous 2 permissions this material consideration outweighs the current policy and therefore it is considered that this should not be a reason to refuse the application.

Disabled parking
There is also a policy requirement under policy 5.6 of the Southwark Plan for a disabled space per disabled unit. 3 spaces are being provided as numbers 165, 166 and 167 in the car park. Therefore the application is considered acceptable based on the provision of disabled parking.

Cycle parking
Policy 5.6 of the Southwark Plan requires 1.1 cycle parking spaces per residential unit. This would total 208 spaces. Originally there were 17 hoops with 34 spaces in the courtyard with 19 hoops 38 spaces in block D basement. There are now an additional 62 spaces proposed in block D basement and 83 in the courtyard. The majority of spaces are covered. The number of bicycle parking spaces proposed is now increased by 145 to 217 which meets the Southwark Plan policy requirement for residential. However there are no provisions for the live work units. Transport for London have objected that the live work units do not have spaces and require a further 60 spaces therefore the proposal does not meet their standards. Although the number of bicycle parking spaces proposed does not meet the Southwark Plan or the TFL requirements. The need to provide affordable housing and the previous permission are significant material considerations. Therefore on balance the scheme should not be refused on these grounds.

Motorcycle parking
There is no specific policy requirement for motorcycle parking. However the travel plan requirement in policy 5.2 includes the need for motorcycle parking where appropriate. 14 spaces were originally proposed, this has been increased to 26 spaces with spaces in the car park to meet concerns from residents.

Design issues
Policy 3.12 of the Southwark Plan seeks to ensure that a high standard of architecture and design are achieved in order to create high amenity environments. Policy 3.13 requires that the principles of good urban design are considered, in terms of context, height, scale, massing, layout, streetscape, landscaping and inclusive design. Policy 4.2 requires that residential development achieve good quality living conditions within the development.

Blocks A to C
The most striking aspects of the main blocks are the large glazed roof extensions. However, these were approved and implemented by way of the 2000 consent, and the unapproved alterations to the external appearance are very small in the overall context. There is no objection to the changes in the appearance of Blocks A, B & C, and there is therefore no reason to refuse permission in that respect.

Block D
The prevailing building material in the locality is red-brick and the retained original Jam Factory buildings are testament to this. The new Block D, however, shows a variety of
render materials used including black weatherboarding, white render and also a copper stair core which defines the building’s entrance. An open sided canopy at first floor level is also clad in blue polycarbonate and marks the main entrance at the top of the stepped ramp off the courtyard. All the balustrades, handrails, window and door frames and the access walkway structure are steel and painted the same colour as that used on the dark grey roof additions to the original Blocks. The canopy to the access walkway is coloured a bright blue. The residential storeys have a stair and lift core at one end of the building with clear views to each flat entrance. The ground floor live/work units are fully accessible with level thresholds.

157 Bulk, Height and Massing: There is no objection to the bulk, heights and massing of Blocks A, B, C and D. It is considered that the built forms are consistent with the bulk, heights and massing of the extant industrial and factory typology of the local area.

158 Detailed Design and Materials: There is no objection with regard to the detailed design and materials proposed for these blocks.

159 Additional entrances
This will enable more effective use of the site. These will need to be managed through the concierge to enable safe use of the site.

Overall, the height, scale, massing and general design of the proposed development is considered to be acceptable in this location and will relate satisfactorily to its existing context. The proposal is considered to represent a standard of design that would provide good quality residential and live –work accommodation that is consistent with the requirements of Policies 3.10, 3.13 and 4.2 of the emerging Southwark Unitary Development Plan.

160 Impact on character and setting of a listed building and/or conservation area
None

Planning obligations [S.106 undertaking or agreement]

161 Planning obligations are intended to offset the negative impacts of a development. In this case, the overall scale of development means that it is likely to have only a localised impact therefore any obligations that may be secured should be used to offset impacts on the local area. The applicant has submitted a proposed Heads of Terms based around the emerging Planning Obligations SPD. A financial viability appraisal was submitted to assess the capability of the scheme to comply with s106 planning obligation requirements.

Planning obligations are for blocks A-D based on the net difference between the existing consent and the two new applications (including and block E application 06-AP-1209). The net difference excluding block E is 35 units, of which 17 are owner occupied (8x1 bed, 7x2 bed, and 2x3 bed) and 18 are intermediate shared ownership (18 x 2 bed). The calculations of section 106 are made using the standard charges detailed in the adopted section 106 planning obligations SPD.

The following sets out the offer:

- Affordable Housing - The proposal provides a total of 36 shared ownership affordable habitable rooms and £270 000 plus 594, 555 in lieu payment. This needs to be paid before Blocks D and E can be occupied.

- All of the affordable housing must meet Lifetime Homes and Scheme Development Standards.

- Three of the units on the ground floor must be wheelchair accessible as shown in the plans. All have wheelchair accessible car parking spaces attached. Also the lift and access ways need to meet the required standards. Please note that flat 8 is not a wheelchair unit this is a mistake on the plans.
• Education Contribution- £10,101 to support school places as set out in the planning obligations SPD.

• Employment during construction: A sum of £15,679 based on the SPD, to provide for a Workplace co-coordinator

• Open space, childrens play and sports development. A sum of £27,286 based on the SPD and will provide improvements to open space, children's play equipment, sports development in the local area. A child's play space will also be provided as shown on the plans.

• Archaeology Contribution- This was met under the original permission.

• Strategic Transport Contribution- £11,760 based on the SPD. This will be provided for local transport schemes to mitigate the impact of the increased trip generation;

• Site Specific Transport and Public Realm Contribution: £5500- amendment to traffic order to restrict parking permits. A sum of £188,000 will be provided to improve the public realm and highway on Rothsay Street will be provided. £25,000 of this will be brought forward as this payment from the original permission has not been spent;

• Travel Plan: A Travel Plan is to be provided and will be monitored and subject to review.

• Health Contribution- A contribution of £31,535 in line with SPD formulae;

• Administration fee of 2% of total A sum of £5,527 for monitoring and administering the S106.

There will be a total cash contribution is £870,000 for affordable housing. The total of the financial contributions proposed comes to £540,388. The standard charges have been met. There is also an additional contribution for local public realm works. Overall, the proposal is consistent with Policy 2.5 (Planning Agreements) of the Southwark Plan and the Supplementary Planning Document on Planning Obligations 2007. The terms of the section 106 agreement will link the permission to any permission granted in respect of block E.

Other matters

Amenity Space

162 Supplementary Planning Guidance for residential development advises that amenity space should be provided at around 50 square metres per block plus 10 square metres per unit. The total amenity space deemed reasonable on this basis is 2090sqm. The total amenity space provision is 4654 sqm. This comprises 2376.4 sqm of private amenity space and 2280 sqm of public amenity space. The areas of public and private amenity space include the private balconies and roof terraces, which are provided for 117 of the units in Blocks A to D as well as the communal areas. The 2000 permission permitted 1300 sqm of hard landscaping amenity. It did not include a condition for landscaping. There is some amenity space at ground level comprising the hard paved areas between the Blocks. This includes the courtyard around the base of the chimney stack. Some of this space is shared by service vehicles and therefore does not form part of the amenity space provision for the site. There are objections that some of the public space is shared by service vehicles and therefore does not form part of the amenity provision for the site.

The June amendment to the proposal includes provision for a landscaped garden around the base of the chimneystack, with extra bike hoops. The new proposals for the garden and the play area are welcome, but would not fundamentally change the hard "feel" of
the development.

164 JFRA submitted a planning application proposing that a residents' garden be located between the northern end of the main blocks and Rothsay Street, which is the location of the proposed Block E. There were no grounds for refusing the application and on that basis it was granted. It is permissible to have more than one planning permission in existence for one site. This permission does not oblige the landowner to provide the amenity space.

165 The level of amenity space proposed meets the required standard of 2090sqm. Furthermore, this is a retrospective application, the 2000 permission was for 1300sqm of hard landscaping amenity. This is a significant material consideration with regard to this application. The level of amenity space is now an improvement over what was previously permitted. The application should not be refused on the basis of lack of amenity space. This is by no means meant to set a precedent about what is suitable amenity space for a development of this scale. Because the circumstances of this application are unusual and it is predominantly a retrospective application. The basic amenity standards are met and therefore the scheme is considered acceptable on these grounds.

Refuse

166 It is recognised as essential that bin storage and recycling areas are adequately sized and fully accessible by both residents and refuse collection vehicles entering the site from Green Walk to meet the requirements of policy 3.7 of the Southwark Plan.

167 Blocks A to C
Adequate refuse storage space has been incorporated into the development in the courtyard for blocks A to C. This can be accessed from the courtyard from Green Walk for servicing and loading. The management of the storage space is not adequate and therefore a condition has been imposed for provision of a compactor, more effective recycling bins and at least 2 collections per week. This must be accompanied by a refuse servicing plan that will be monitored every 3 months for 1 year.

168 Refuse storage for site D is provided within the building. This will also be accessed from the courtyard from Green Walk. Whilst the future occupiers of the live work units is currently unknown, the applicant has confirmed that all commercial tenants would be expected to provide immediate storage and management of waste within their own space (i.e. cleaners store areas, local bins).

169 Therefore the provision of refuse and recycling facilities are considered acceptable and in line with policy 3.7.

170 Archaeology
The Jam Factory site is located within the Borough, Bermondsey and Rivers archaeological priority zone. Archaeological work has been undertaken within the area of Blocks A, B, C and D in relation to the relevant applications for these sites. This archaeological work has confirmed that the factory is located within one of the channels which formerly divided the north part of the borough into eyots within the Roman and post-Roman periods. Presumably this channel was located between the former Bermondsey Eyot and the higher ground to the south marking the line of the Roman Old Kent Road.

171 Relevant works have been completed under a condition on the relevant permission. Therefore the scheme is considered acceptable in line with policies 3.15 and 3.19 of the Southwark Plan.

172 Conclusion
The application will see the retrospective permission provided for Blocks A to D. The
principle of the residential use is accepted. The height and general bulk of the building and the relationship between the units in amenity terms are considered acceptable within the context of the existing environment and the planning history of the site. Concerns about level of car parking and loss of employment are outweighed by the need to secure the maximum reasonable provision on site affordable housing and regularise the planning permission in respect of this site. Significant planning obligations have been secured of £870 000 for affordable housing, plus the on site affordable housing of 18 x1 bedroom new shared ownership units. Along with £540, 388 to offset the impact of the development in accordance with the Supplementary Planning Document on Planning Obligations. I the scheme has many other improvements to that previously presented to committee of new children’s play area, wheelchair accessible units and associated parking spaces, increases in car parking and new bicycle parking and motorcycle parking spaces. The scheme is in accordance with local and national policies and is recommended for approval subject to a detailed section 106 agreement.

COMMUNITY IMPACT STATEMENT

173 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. The impact on local people is set out above in the report.

SUSTAINABLE DEVELOPMENT IMPLICATIONS

174 Sustainability and Energy Statements would be required for the application in accordance with Southwark Plan policies 3.1 to 3.9. As these were not requirements when the development was originally permitted it would be unreasonable to require retrofitting of sustainability measures to the built blocks A to D. Therefore the scheme is considered acceptable on these grounds.

175 Flood Risk Assessment
The site lies within Flood Risk Zone 3A, which has the highest probability of flooding. Planning Policy Statement 25: Development and Flood Risk (PPS25) requires that development is only located in areas at risk of flooding unless there are no alternative sites available within areas with the lowest risk of flooding.

176 In order to meet Southwark's housing target and to contribute to local and London-wide regeneration aims housing development within flood risk zone 3A will need to occur. PPS25 says this can only occur if the following three criteria are met (known as the Exceptions Test):
- The development provides wider sustainability benefits to the community that outweigh flood risk. The proposed development has sustainability benefits through reusing a former industrial site to provide a mix of uses with housing and live-work and meets local and regional regeneration aims.
- The development is on previously-developed land. The development is on previously developed land.
- The development will be safe in the event of a flood and would not increase flood risk elsewhere. The site is defended from flooding from the Thames by tidal defences including the Thames Barrier. The actual risk of flooding is very low (around 1 in 1000 in any year). A flood risk assessment has been prepared for the proposed development. This has included modeling what would happen on the site should the current defences fail during a flood event. The flood risk assessment has found that even in very extreme events a breach in the flood defences would not cause flooding that would pose any danger to the site.
modeling found that in events likely to occur once every 200 years accounting for climate change, flood waters are not likely to reach the site.

177 The Environment Agency have been consulted on the proposal and are satisfied that the flood risk assessment meets the requirements of PPS25 and have no objection to the proposed development on flood risk grounds.

The site is not considered to be at risk from surface water flooding.

Therefore the development is considered acceptable on the grounds of flood risk and surface water flooding.

LEAD OFFICER Gary Rice Head of Development Control
REPORT AUTHOR Julie Seymour Planning Officer [tel. 020 7525 0508]

Appendix 1

Neighbour Consultee List for Application Reg. No. 06-AP-1209
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### Appendix 2

**Neighbour Consultee Response List for Application Reg. No. 06-AP-1116**

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**Notes:**
- The list details responses from neighbours to an application for planning permission.
- The application number is TP/52-A3, and the site is located at Blocks A, B, C & D 27 Green Walk, London, SE1 4TX.
- The application seeks full planning permission and was printed on 03/10/2007. A total of 85 responses were received.
- Two dates are provided, 03/10/2006 and 26/07/2006, which might indicate when the responses were received or when they were published.
05/10/2006  c/o JFRA Mailbox Porter's Lodge 27 Green Walk London SE1 4TT
04/10/2006  c/o JFRA Mailbox Porter's Lodge 27 Green Walk London SE1 4TT
14/11/2006  c/o JFRA Mailbox Porter's Lodge 27 Green Walk London SE1 4TT
06/09/2007  c/o JFRA Mailbox Porter's Lodge 27 Green Walk London SE1 4TT
26/09/2006  FLAT 403 BLOCK B 27 GREEN WALK LONDON SE1 4TX
02/10/2006  FLAT 403 BLOCK B 27 GREEN WALK LONDON SE1 4TX
04/07/2007  FLAT 403 BLOCK B 27 GREEN WALK LONDON SE1 4TX
17/07/2007  FLAT 205 BLOCK B 27 GREEN WALK LONDON SE1 4TX
01/10/2007  FLAT 303 BLOCK B 27 GREEN WALK LONDON SE1 4TX
14/11/2006  FLAT 202 BLOCK B 27 GREEN WALK LONDON SE1 4TX
09/07/2007  FLAT 404 BLOCK B 27 GREEN WALK LONDON SE1 4TX
19/09/2007  FLAT 106 BLOCK B 27 GREEN WALK LONDON SE1 4TX
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03/10/2006  C106 The Jam Factory 27 Green Walk London SE1 4TG
13/11/2006  Broadway Malyan Riverside House 2A Southwark Bridge Road London SE1 9HA
14/11/2006  Broadway Malyan Riverside House 2A Southwark Bridge Road London SE1 9HA
09/11/2006  Flat C908, Block C 27 Green Walk London SE1 4TL
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