

Item No. 6.2	Classification: OPEN	Date: 3 September 2013	Meeting Name: Planning Committee
Report title:	Development Management planning application: Application 12/AP/1308 for: Full Planning Permission Address: 1-6 CAMBERWELL GREEN & 307-311 CAMBERWELL NEW ROAD, LONDON SE5 Proposal: Demolition of existing buildings on site and redevelopment to provide mixed use premises with a maximum height of 6 storeys with set backs at 1st and 6th floors, providing 101 residential units (2 x studio units, 30 x 1 bed, 46 x 2 bed, 23 x 3 bed) and 1,335sqm of commercial uses within use Classes A1, A2, A3 and B1 at ground floor. Associated areas for cycle storage, disabled parking bays (4 spaces) and amenity space.		
Ward(s) or groups affected:	Camberwell Green		
From:	Head of Development Management		
Application Start Date 18/05/2012		Application Expiry Date 17/08/2012	
Earliest Decision Date 01/03/2013			

RECOMMENDATION

- 1 That members amend the time frame for agreeing the legal agreement from 5 September 2013 to 8 October 2013 at which date the head of development management be authorised to refuse planning permission and conservation area consent for the reasons set out in paragraph 5 of this report.

BACKGROUND INFORMATION

- 2 On 2 July 2013, the planning committee failed to grant permission for the above described development and considered refusing the proposed development for the following four reasons:
 - insufficient provision for affordable housing
 - unacceptable design, scale and massing of the elevation facing the Green
 - the development would adversely affect the amenities of future residents within the development at 315-317 Camberwell New Road by unreasonably limiting the daylight available within habitable rooms within that development
 - insufficient provision for parking for disabled residents of the proposed flats

On 16 July 2013, the planning committee heard and considered additional information in regard to above noted concerns of members on 2 July 2013. Members then resolved: 1) To grant planning permission subject to conditions and the applicant entering into an appropriate legal agreement; 2) Noted that English Heritage have no objection and that conservation area consent 12-AP-1309 is granted; and 3) In the event that the legal agreement is not entered into by 5 September 2013 then the head of development management be authorised to refuse planning permission and conservation area consent.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

- 3 The main issues to be considered are:
- a) Whether it would be reasonable to provide an additional 30 days to allow the parties to complete the legal agreement;
 - b) The resolution of the planning committee taken on 16 July 2013 to grant planning permission subject to condition and legal agreement.

4 Legal Agreement

Since the resolution taken by members of the planning committee on 16 July 2013, both parties (the applicant and the Council) have worked to progress the legal agreement with a view to complete on or before 5 September 2013; however, despite the reasonable endeavours undertaken the legal agreement has not sufficiently progressed to enable it to meet the deadline. Given the resources expended on both sides and the desire to facilitate development, it is considered reasonable to allow additional time to complete the agreement.

5 Resolution to grant permission

The resolution to grant permission was linked to a completion date of 5 September for the legal agreement and instructs the head of development management (HoDM) to refuse permission should that date not be met. In practice, the HoDM has some discretion, usually a matter of days beyond the deadline, to allow parties to complete and engross a legal agreement. However, in this instance, the amount of time required to complete the agreement will likely run beyond a few days. In order to facilitate completion and the much needed development of a prominent site in Camberwell, it is considered reasonable to allow additional time to 8 October. Should the parties fail to agree within this additional time frame, which is unlikely, the HoDM is directed to refuse the application for the following reason:

‘In the absence of a signed Section 106 agreement, there is no mechanism in place to avoid or mitigate the impact of the proposed development on the public realm, public open space, health care service, the transport network, employment and the need to support mixed and balanced communities and the proposal would therefore be contrary to Policy 2.5 of the Southwark Plan and Policy 8.2 of the London Plan’.

6 **Conclusion**

Allowing a further 30 days to complete the legal agreement is reasonable and would facilitate the grant of permission for the development and efficient use of an urban brownfield site, and support the regeneration of Camberwell Town Centre.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

- 7 None

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/2029-L Application file: 12/AP/1308 Southwark Local Development Framework and Development Plan Documents	Deputy Chief Executive's Department 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 020 7525 5597 Council website: www.southwark.gov.uk

APPENDICES

No.	Title
Appendix 1	Planning committee report 16 July 2013

AUDIT TRAIL

Lead Officer	Gary Rice, Head of Development Management	
Report Author	Gary Rice, Head of Development Management	
Version	Final	
Dated	21 August 2013	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Director of Legal Services	No	No
Director of Planning	No	No
Strategic Director of Environment and Leisure	No	No
Date final report sent to Constitutional Team	22 August 2013	

APPENDIX 1

	Classification: OPEN	Date: 16 July 2013	Meeting Name: Planning Committee
Report title:	Development Management planning application: Application 12/AP/1308 for: Full Planning Permission Address: 1-6 CAMBERWELL GREEN & 307-311 CAMBERWELL NEW ROAD, LONDON SE5 Proposal: Demolition of existing buildings on site and redevelopment to provide mixed use premises with a maximum height of 6 storeys with set backs at 1st and 6th floors, providing 101 residential units (2 x studio units, 30 x 1 bed, 46 x 2 bed, 23 x 3 bed) and 1,335sqm of commercial uses within use Classes A1, A2, A3 and B1 at ground floor. Associated areas for cycle storage, disabled parking bays (4 spaces) and amenity space.		
Ward(s) or groups affected:	Camberwell Green		
From:	Head of Development Management		
Application Start Date 18/05/2012		Application Expiry Date 17/08/2012	
Earliest Decision Date 01/03/2013			

RECOMMENDATION

- 1
 - a) That members consider new material information that the applicant has provided to the local planning authority in regards to the concerns raised by the planning committee at its meeting on 2 July 2013.
 - b) That members consider whether or not this new material information overcomes the four draft reasons for refusal as set out in the draft decision notice.
 - c) If members are minded to refuse, that members consider and agree the four draft reasons for refusal provided by officers.

BACKGROUND INFORMATION

- 2 On 2 July 2013, the planning committee failed to grant permission for the above described development and considered refusing the proposed development for the following four reasons:
 - insufficient provision for affordable housing
 - unacceptable design, scale and massing of the elevation facing the Green
 - the development would adversely affect the amenities of future residents within the development at 315-317 Camberwell New Road by unreasonably limiting the daylight available within habitable rooms within that development
 - insufficient provision for parking for disabled residents of the proposed flats

Site location and description

- 3 See attached report - Appendix 1

Planning history

- 4 See attached report - Appendix 1

Planning history of adjoining sites

- 5 See attached report - Appendix 1

KEY ISSUES FOR CONSIDERATION

Summary of main issues

- 6 The main issues to be considered are:

- a) Whether the revised offer of affordable housing together with the changes to the design of the Camberwell Green elevations and the two additional disabled parking bays would overcome the previous concerns of members;
- b) The previous officer report to members dated 2 July 2013.

7 Affordable Housing

Alongside the offer considered by committee previously, the applicant has worked up a proposal for a mix of on site shared ownership and a financial contribution towards social or affordable rented provision elsewhere within the Borough. This amounts to an alternative proposal that would provide 9 shared ownership units on site (5 @ 2 bedrooms and 4 @ 3 bedrooms) and in addition a commuted sum of £736,350 which the applicant proposes would be payable in full at commencement. This produces a similar Residual Land Value of minus £312,000 - compared with the site's current value of over £2 million as accepted by the DVS. The applicant has set out the following for members to consider:

- If we assume subsidy is £50,000 per rented unit, the commuted sum proposed would support approximately 14 - 15 rented units elsewhere by a registered provider, assuming the RP's private finance input supported by rents and some internal cross-subsidy.
- Alternatively, if this were used on Southwark land in one of the regeneration schemes in the Borough and hence the land is effectively at nil cost, it would be reasonable to assume construction at approximately £150k per unit including fees etc. So if the commuted sum was used to subsidise these units by 50%, that would be about 10 rented units. The other £75k cost would be a normal/reasonable assumption for the council to cover from the rental income.
- The toolkit appraisal for Camberwell now shows a negative land value that is over £2.5M less than the undisputed existing use value; hence this is a very significant offer beyond what could normally be sustained. It is a direct alternative to the offer of 20% by habitable room and would provide a mix of rented and shared ownership that, depending on the model adopted by the Council, would equate to more than 20% provision by habitable room and possibly up to 25%.

8 Design of the Camberwell Green Frontage

In response to the committee's concern, the applicant has prepared an alternative design for consideration which the applicant believes addresses the concern raised. Changes to the Camberwell Green frontage reintroduces a series of vertical brick elements that help to reinforce the vertical rhythm of the building. These columns are kept to a reasonable proportion to ensure that the fenestration is clear and framed and allows a good level of light for the units themselves. Officers consider that these design changes are an improvement over the previous design.

9 **Disabled Car Parking**

The applicant has revisited the ground floor layout to provide 2 additional disabled car spaces within the site near to the 2 originally proposed and hence providing a total of 4 spaces.

Whilst there would remain a shortfall of bays, officers consider that the additional bays are a significant and welcome provision within what is a very constrained site.

10 **Sunlight/Daylight**

The applicant has not changed their position on sunlight/daylight with respect to the snooker hall site and believes that the proposal respects the character and proportions of Camberwell Passage. Further, the proposed development is set back in key areas, widening Camberwell Passage itself, and limits the depth of the Camberwell New Road building to increase the light levels reaching the passage.

Additionally, the recessed central section of the scheme increases light to Camberwell Passage that would clearly benefit the snooker hall site.

Draft Reasons for Refusal

- 11 At the committee meeting on 2 July 2013, members were minded to refuse planning permission and requested that officers return to the committee as soon as possible with draft reasons for refusal. The four areas of concern to members were affordable housing; design of the Camberwell Green elevation, disabled parking provision, and sunlight/daylight impacts on the snooker hall site. Should members be minded to refuse this application after having given full regard to all the relevant material information including the new information coming to light since 2 July, officers suggest the following four reasons for refusal:

1. The proposal makes insufficient provision for affordable housing, and has not explored all options for maximising the amount of affordable housing in the development, particularly by engaging with affordable housing providers during or prior to the application process. As such it is contrary to policy 3.12 'Negotiating affordable housing on individual private residential and mixed use schemes' of the London Plan 2011 and saved policy 4.4 'Affordable Housing' of the Southwark Plan 2007.
2. The design, scale and massing of the building fronting onto Camberwell Green, together with its elevational design and fenestration, does not make a sufficiently positive response to this key frontage within the Camberwell Green Conservation Area. The building is overly-dominant within its immediate context, and includes design features which do not respect the character of the conservation area, as described in the Conservation Area Appraisal. As such, the development is contrary to saved policies 3.15 'Conservation of the historic environment' and 3.16 'Conservation areas' of the Southwark Plan 2007.

3. The development would adversely affect the amenities of future residents within the development at 315-317 Camberwell New Road, by unreasonably limiting the daylight available within habitable rooms within that development. As such it would unreasonably compromise the development potential of that neighbouring site contrary to saved policy 3.11 'Efficient use of land' of the Southwark Plan 2007.
4. The development makes insufficient provision for parking for disabled residents of the proposed flats. In this location, there is no realistic prospect of disabled residents being able to access on street disabled parking within a reasonable distance of their home. As such, the low level of provision is likely to discourage the uptake of wheelchair housing, and disadvantage disabled people looking for housing. As such it is contrary to saved policy 5.7 'Parking standards for disabled people and the mobility impaired' of the Southwark Plan 2007 in that it does not provide adequate parking for disabled people.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

None

REASONS FOR LATENESS

The applicant provided new information to the local authority on Friday 12 July 2013 that is relevant to the determination of this application and must be reported to and considered by the planning committee prior to issuing a safe decision.

REASONS FOR URGENCY

In order to ensure the proper discharge of the statutory duties of the council as local planning authority, the decision notice has to be issued and cannot be delayed until the next meeting of the planning committee on 3 September 2013.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/2029-L Application file: 12/AP/1308 Southwark Local Development Framework and Development Plan Documents	Deputy Chief Executive's Department 160 Tooley Street London SE1 2TZ	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 020 7525 5597 Council website: www.southwark.gov.uk

APPENDICES

No.	Title
Appendix 1	Planning committee report 2 July 2013
Appendix 2	Draft decision notice for refusal
Appendix 3	Draft decision notice for approval

AUDIT TRAIL

Lead Officer	Gary Rice, Head of Development Management	
Report Author	Gary Rice, Head of Development Management	
Version	Final	
Dated	15 July 2013	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Director of Legal Services	No	No
Director of Planning	No	No
Strategic Director of Environment and Leisure	No	No
Date final report sent to Constitutional Team		15 July 2013