

<b>Item No.</b> 7.2	<b>Classification:</b> Open	<b>Date:</b> 8 March 2016	<b>Meeting Name:</b> Planning Sub-Committee B
<b>Report title:</b>	<b>Development Management planning application:</b> Application 15/AP/1705 for: Full Planning Permission  <b>Address:</b> 272 ST JAMESS ROAD, LONDON SE1 5JX  <b>Proposal:</b> Demolition of existing petrol filling station and erection of building up to 8 storeys with residential accommodation 34 dwellings and 127sqm of flexible use (Class A1 or B1) at ground floor level only together with access, hard landscaping and other associated works.		
<b>Ward(s) or groups affected:</b>	South Bermondsey		
<b>From:</b>	Director of Planning		
<b>Application Start Date</b> 05/05/2015		<b>Application Expiry Date</b> 04/08/2015	
<b>Earliest Decision Date</b> 13/06/2015			

## RECOMMENDATIONS

1. That planning permission be granted subject to a Section 106 Agreement.
2. That in the event that the requirements of paragraph 1 are not met by 1 May 2016, the Director of Planning be authorised to refuse planning permission for the reasons set out under paragraph 66.

## BACKGROUND INFORMATION

3. This item is referred for member decision due to the size of the development and as a result of more than 5 letters of objection having been received.

### Site location and description

4. The application site is currently occupied by a decommissioned petrol filling station. Immediately to the west, fronting Rolls Road is a private house, next to the two storey wing of the extension to Phoneix Primary School. The school is Grade II listed. To the rear of the site is a 1.5-2 storey high commercial garage, which is in separate ownership, but accessed via two protected rights of way over the site. Immediately to the south of the application site is a 4-5 storey office building and beyond that is a row of traditional Victorian terraced housing. Opposite the site to the east is a three storey block of flats.
5. The site is of significant visual prominence in the local townscape as a result of its portion on the corner of the junction of Rolls Road and St James's Road. The Old Kent Road is approximately 350m to the south of the site.

6. The proposal lies within the following Southwark Plan designations:

- Urban Density Zone;
- Archaeological Priority Zone;
- Air Quality Management Area; and
- The Old Kent Road Action Area.

### **Details of proposal**

7. Permission is sought to redevelop the site to provide a total of 34 residential units over 8 floors (9 if the mezzanine is included) comprising:

- 10 x 1 bedroom units;
- 17 x 2 bedroom units;
- 7 x 3 bedroom units; and
- 127 sq metres of commercial A1 or B1 floorspace.

8. Affordable housing:

- The proposal would provide a total of 35% affordable accommodation based on habitable floor space:
  - 4 x 3 bed flats social rent;
  - 1 x 2 bed; and
  - 3x3 bed flats for intermediate sales).

9. Dwelling mix:

- The proposal would provide a mix of 10 x 1 bed (29%);
- 17 x 2 bed (50%); and
- 7 x 3 bed (21%)

10. Wheelchair accommodation:

- 4 wheelchair units would be provided within the development representing 12% of the total number of units these comprise:
  - 2 x 1bed
  - 2 x 2 bed

11. Access

The site has two access roads, one from St James's Road and one from Rolls Road, both access roads provide a right of way for the garage to the rear. The access road from St James's Road would be bridged over by the upper floors A parking space is proposed from the St James's Road access for one of the wheelchair units.

12. The main residential entrance would be from St James's Road with a secondary access provided to the residential units on the first floor from the access road on Rolls Road. The ground floor units would be slightly sunken below ground level and set back from the main road, and would benefit from mezzanine level accommodation. The ground floor elevations would be composed of a series of arched openings along St James's and Rolls Road. The proposal would vary in height ranging from 3 to 8

storeys, each unit would benefit from its own private amenity space. Cycle and refuse storage is provided on the ground floor.

13. The commercial unit would occupy the corner of the site with a frontage onto both roads. It is proposed to service the commercial unit from the street.

#### **Planning history**

14. Not relevant.

#### **Planning history of adjoining sites**

15. None relevant.

### **KEY ISSUES FOR CONSIDERATION**

16. **Summary of main issues**

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

- a) the principle of the development in terms of land use and conformity with strategic policies;
- b) Tenure split, affordable housing and financial viability;
- c) Impact of proposed development on amenity of adjoining occupiers and surrounding area;
- d) Impact of adjoining and nearby uses on occupiers and users of proposed development;
- e) Transport impacts;
- f) Design of the scheme and setting of nearby listed buildings;
- g) Impacts on infrastructure and consideration of planning obligations (S.106 undertaking or agreement;)
- h) Mayoral and Southwark community infrastructure levy; and
- i) Sustainable development implications.

#### **Planning policy**

17. National Planning Policy Framework 2012 (the Framework)

Part 4 Promoting sustainable transport  
Part 6 Delivering a wide choice of high quality homes  
Part 7 Requiring good design  
Part 11 Conserving and enhancing the natural environment in particular paras 118, 123, 121 and 124 (biodiversity, noise, contamination, air quality)  
Part 12 Conserving and enhancing the historic environment  
Para 173 – 177 – Ensuring viability and deliverability  
Para 203-206 Planning obligations and conditions

18. London Plan 2015 (consolidated with alterations since 2011)

Policy 3.1 Ensuring equal life chances for all  
Policy 3.3 Increasing housing supply  
Policy 3.4 Optimising housing potential  
Policy 3.5 Quality and design of housing developments

Policy 3.8 Housing choice  
Policy 3.9 Mixed and balanced communities  
Policy 3.10 Definition of affordable housing  
Policy 3.11 Affordable housing targets  
Policy 3.12 Negotiating affordable housing on individual private residential and mixed use schemes  
Policy 3.13 Affordable housing thresholds  
Policy 4.3 Mixed use development and offices  
Policy 4.7 Retail and town centre development  
Policy 5.1 Climate change mitigation  
Policy 5.2 Minimising carbon dioxide emissions  
Policy 5.3 Sustainable design and construction  
Policy 5.5 Decentralised energy networks  
Policy 5.6 Decentralised energy in development proposals  
Policy 5.7 Renewable energy  
Policy 5.9 Overheating and cooling  
Policy 5.10 Urban greening  
Policy 5.11 Green roofs and development site environs  
Policy 5.12 Flood risk management  
Policy 5.13 Sustainable drainage  
Policy 5.15 Water use and supplies  
Policy 5.17 Waste capacity  
Policy 5.21 Contaminated land  
Policy 6.1 Strategic approach  
Policy 6.3 Assessing effects of development on transport capacity  
Policy 6.5 Funding Crossrail and other strategically important transport infrastructure  
Policy 6.9 Cycling  
Policy 6.10 Walking  
Policy 6.11 Smoothing traffic flow and tackling congestion  
Policy 6.13 Parking  
Policy 7.1 Building London's neighbourhoods and communities  
Policy 7.2 An inclusive environment  
Policy 7.3 Designing out crime  
Policy 7.4 Local character  
Policy 7.5 Public realm  
Policy 7.6 Architecture  
Policy 7.14 Improving air quality  
Policy 7.15 Reducing noise and enhancing soundscapes  
Policy 8.2 Planning obligations

19. Core Strategy 2011

Strategic Targets Policy 1 - Achieving growth  
Strategic Targets Policy 2 - Improving places  
Strategic Policy 1 - Sustainable development  
Strategic Policy 2 - Sustainable transport  
Strategic Policy 3 - Shopping, leisure and entertainment  
Strategic Policy 5 - Providing new homes  
Strategic Policy 6 - Homes for people on different incomes  
Strategic Policy 7 - Family homes  
Strategic Policy 10 - Jobs and businesses  
Strategic Policy 12 - Design and conservation  
Strategic Policy 13 - High environmental standards

## Strategic Policy 14 - Implementation

### 20. Southwark Plan 2007 (July) - saved policies

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

Policy 2.5: Planning Obligations

Policy 3.1: Environmental Effects

Policy 3.2: Protection of Amenity

Policy 3.3: Sustainability Assessment

Policy 3.4: Energy Efficiency

Policy 3.6: Air Quality

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 3.16: Conservation areas

Policy 3.18: Setting of listed buildings, conservation areas and World Heritage Sites

Policy 3.19 Archaeology

Policy 3.28: Biodiversity

Policy 4.1: Density

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 Developments

Policy 5.2: Transport Impacts

Policy 5.3: Walking and Cycling

Policy 5.6: Car Parking

Policy 5.7: Parking Standards for disabled people and the mobility impaired

### **Principle of development**

21. The site is located outside of the central activities zone and is not within a designated town centre. Given the former sui generis use of the site as a petrol filling station there are no policy objections to the redevelopment of the site for a mixed residential/commercial scheme.

### 22. Density

Core Strategy policy 5 sets out that in the urban density zone densities should be within the range of 200-700 habitable rooms per hectare.

23. The overall density of the proposal taking account of the commercial floorspace would

result in a density of approximately 816 hrph.

24. This is in excess of the density ranges set out in core strategy policy 5 as being acceptable in this location. In accordance with the core strategy, and the council's residential design standards supplementary planning document (SPD), the development must be considered to be of exemplary design quality in order to justify the higher density. Further guidance on the criteria that will be used to assess this are set out in the SPD. As assessed below, the scheme is considered to meet the criteria for permitting an exception to the density policy for the following reasons.
25. The SPD criteria require that the scheme makes a positive contribution to local context, character and communities, including contribution to the streetscape. In this case, as assessed in the design section of this report below, the scale, massing and detailed design of the scheme are considered to be appropriate to the local townscape and context. In addition, in terms of contribution to communities the scheme would offer an appropriate mix of land uses for this location and is supported by policies on mixed and balanced communities in relation to affordable housing.
26. In addition, the SPD seeks that to be 'exemplary development', the scheme should significantly exceed minimum floor area standards, be predominantly dual aspect, exceed amenity space standards, minimise noise nuisance by having appropriate stacking, minimising corridor lengths by having an increased number of cores, have natural light and ventilation in bathrooms and kitchens and meet good sunlight and daylight standards and maximise the potential of the site.
27. On the whole, officers consider that many of the criteria are met. The dwelling mix is appropriate, meeting the requirements of strategic policy 7 and saved Southwark Plan policy 4.3 as set out in paragraph 7 above. In addition the quality of accommodation being provided is considered to be generously proportioned with good levels of light and outlook and all of the units have their own private amenity space. The flat sizes are amenity spaces are detailed in the table below.

<b>Unit Type</b>	<b>Floorspace Sq. metres</b>	<b>National Standards floorspace Sq. metres</b>	<b>Amenity Space Sq. metres</b>
<b>Ground Floor</b>			
1bed (2P)	76	58	24
1bed (2P)	83	58	16
1bed (2P)	79	58	19
2bed (3P)	97	70	37
2bed (3P)	98	70	8
<b>First Floor</b>			
3 bed (5P)	87	86	10
3 bed (5P)	86	86	24
3 bed(4P)	80	74	21
3 bed (5P)	89	86	12
3 bed (5P)	87	86	10
2 bed (3P)	64	61	6
1 bed (2P)	53	50	12
<b>Second Floor</b>			
3 bed (5P)	86	86	11

2 bed (3P)	61	61	8
2 bed (4P)	73	70	7
2 bed (3P)	84	61	22
2 bed (4P)	72	70	7
2 bed (4P)	74	70	14
<b>Third Floor</b>			
2 bed (3P)	64	61	9
1bed (2P)	59	50	6
2 bed (3P)	84	61	7
1 bed (2P)	50	50	9
1bed (2P)	50	50	8
3 bed (5P)	86	86	14
<b>Fourth Floor</b>			
2 bed (3P)	64	61	9
1bed(2P)	59	50	14
2 bed (3P)	64	61	20
2 bed (4P)	77	70	7
2 bed (4P)	70	70	32
<b>Fifth Floor</b>			
2 bed (4P) duplex	83	79	52
2 bed (4P)	81	70	21
1 bed (2P) duplex	62	58	22
2 bed (3P)	75	70	7
<b>Sixth Floor</b>			
1 bed (1P)	47	39	12
<b>Seventh Floor</b>			
2 bed (3P)	75	61	12

28. Strategic Policy 6 of the core strategy requires a minimum of 35% affordable housing for all schemes of 10 or more residential units. The 2011 affordable housing SPD gives further guidance on the issue and clarifies that we will consider this in relation to the proportion of habitable rooms that are provided across the development. The proposal would provide 39 affordable habitable rooms roughly split 50:50 intermediate and social rent. This would represent 35% of the total number of habitable rooms (111) meeting the requirements for quantum and tenure split required in the Old Kent Road action area (Saved policy 4.4 affordable housing of the Southwark Plan 2007).
29. In addition the proposal would provide 4 wheelchair units which would represents 12% of the total number of dwellings provided in excess of the requirements of SP6.
30. The 2015 technical update to the residential design standards states that all new residential development must provide an adequate amount of useable outdoor amenity space, with the nature and scale appropriate to the location of the development. The proposed scheme would provide private amenity space ranging from 6 to 52 sq metres. The scheme does not provide on-site communal space.
31. Officers consider that whilst the lack of on-site communal space does not meet this section of the guidance the overall quality of the units, the scheme design and the benefits arising from the development would outweigh this factor. The site is also a short walk from open space at Paterson Park to north west. In addition, there are contributions that can be put in place to mitigate against a shortfall in communal

space.

### **Environmental impact assessment**

32. The proposed development does not constitute a scheme requiring an EIA.

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

33. 76 Rolls Road

This is the nearest residential property to the proposal site and consists of a two storey detached dwelling. The dwelling has a northern aspect to the front and a southerly aspect to the rear, which is enclosed on the rear boundary by the high wall of the existing garage structure.

34. The daylight and sunlight study submitted as part of the application demonstrates that there are two windows on the side elevation facing toward the application site, a secondary window to the living room on the ground floor and a first floor bedroom.

35. The study demonstrates that there would be a loss of light to these side windows, but that the living room would still receive good levels of daylight and sunlight due to additional openings, however, the bedroom would result in a loss of both daylight and sunlight due its location on the boundary. It is acknowledged that there would be an impact to the daylight and sunlight levels to this bedroom but any development adjoining the property is liable to impact these windows.

36. The proposal would be prominent in oblique views from the dwelling to the east, but the configuration of the proposal is such that it would not compromise privacy as the window and door openings are located to the south rather than looking towards the dwelling to the west.

37. Garage / workshop to the rear of application site

The proposal would adjoin the eastern wall of the garage site. The garage has two access roads over which the business has a right of way, both of which will be retained as part of the proposal, although one will be bridged over at first floor level and above, leaving an entrance that is considered suitable for vehicles and would be no lower than the existing garage entrance doors. An objection has been received from the business, with concerns around the future operation of the garage with the potential housing use close by, this is dealt with in the next section of the report.

38. Whetton Cleaning Services, 278 - 280 St James Road

This premises is located to the south of the application site, with a three/four storey office building fronting the main road and an access road serving the rear units. The proposal would be built in part up to the boundary with this neighbouring site at ground through to fourth floor level, maintaining a blank flank wall with no openings onto this boundary. A balcony is shown close to the boundary at first floor level however it is considered that this could be screened on the boundary with Whetton's. Other windows on the side elevation facing toward the Whetton's site are secondary room windows noted as frosted on the submitted plans. It is not considered that the



proposed development would compromise the existing business or any future redevelopment of this site.

39. 1 -12 Winter Lodge Fern Walk

Located to the east of the site across St James's Road the property is a purpose built apartment block on 3 floors, due to the open nature of the existing site the proposed development would impact on daylight and sunlight to the windows within this elevation. The daylight and sunlight analysis demonstrates that the proposed building would still remain well lit and will retain good levels of skylight and demonstrate compliance with the BRE Guidance. It is also important to note that this neighbouring block is also primarily orientated north/south and the windows looking to the west towards the site appear to be mainly secondary windows.

40. 45 and 47 Achilles Close:

These dwellings are located to the north of the site across Rolls Road. The proposal will not result in any significant loss in daylight to these dwellings. There would be no noticeable reduction in sunlight and the impacts of the proposal would be fully compliant with the BRE Guidance. These properties are set back from Rolls Road with well planted rear gardens in between the south facing windows. This situation will ensure that the proposal, whilst certainly being visible from the nearest properties, will not be overbearing upon them and undue overlooking will not arise.

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

41. The garage site adjoins the residential property at 76 Rolls Road. It was originally proposed to have residential accommodation abutting the side garage wall, however, this unit has now been removed from the proposal, with the plant room abutting the garage building instead. The main concerns from the business are around the bridging over of the access on St James's Road and access rights. The proximity of the new dwellings and potential impacts on future residents in terms of complaints around noise and fumes that could impede business operations.
42. The garage use currently enjoys an extended access way due to the openness of the existing petrol station. The proposal would restrict access to the limits contained within the rights of way, which is a civil rather than a planning matter, which could be enforced without development of the site. It was noted that the access roads were being used for parking vehicles, which would not be able to take place with the proposed development.
43. The site does benefit from a second access from Rolls Road, access to the first floor flats would be from a staircase located within this access road. It is suggested that a small walkway is provided to separate the residential units from the commercial traffic, which would still allow for a 3.5 - 4 metre road. Given the presence of two access roads to the garage site, it is not considered that access to the garage would be so impeded that it would not be possible to operate from the premises. It was noted that the rights of way were being used for parking vehicles
44. The proposed dwellings have been amended from the original submission so that the ground floor units would be configured within a courtyard space over two levels. Access to one of the ground/mezzanine units would be via the access road. Whilst

this is not ideal, as a small two bed 3 person unit, it is not considered that this would result in any significant conflict, given people and cars currently access this space. Apart from small openings on the side wall at mezzanine level and above this elevation would largely be kept blank. A parking space is also located within this area, but there is sufficient space to allow the driver to enter and leave in a forward gear.

45. There are two balconies looking toward the garage site but these would be at first floor level and above and would look over the existing garage building.
46. In respect of the concerns raised around noise and fumes from the garage site, the application has been referred to both the Environment Agency and the Council's Environmental Protection Team; neither have raised objections to the proposals subject to conditions.

### **Transport issues**

#### 47. Car parking

The site is located within a medium PTAL of 3. The proposal is not located within the boundaries of a CPZ. Whilst it would be preferable to achieve more off street parking, it is acknowledged that the site is constrained by having to maintain the existing rights of way.

48. To deter car ownership it is considered that the applicant should provide residents with 3 years membership to a car club for each eligible adult, this will mitigate against the under provision of car parking spaces.

#### 49. Wheelchair parking

A minimum of one accessible car parking space per development where associated parking is not provided is required. The proposal would provide one wheelchair accessible parking space.

#### 50. Cycle parking

The proposal shows the provision of a cycle store for 45 bicycles, whilst compliant with the Southwark Plan, the London Plan Standards now supercede these standards and it is expected that based on the unit sizes, 59 cycle spaces would be required. It is therefore suggested that a condition be imposed to provide details of the secure storage of 59 bicycles. The applicant has indicated that this would be achievable.

#### 51. Waste and servicing

Sufficient waste capacity has been shown within the development. It is noted that servicing will take place on street. Whilst it would be preferable to have off street servicing, it is considered that due to the constraints of the site, this would not be possible.

### **Design issues**

#### 52. Height and massing

The height, scale and massing of the scheme is generally considered acceptable,

given the prominence of this corner site. In general, the two terraces step up from four to six storeys (plus mezzanine), with the sixth storey set back from the main building line. Next to the dwelling at 76 Rolls Road, the western terrace would step down to heights of one and two storeys (including/plus mezzanine). The 'feature' element on the corner of the site would be eight storeys in height (plus mezzanine).

53. The stepping roof line would be utilised to provide a number of roof terraces, as well as a well articulated roofscape that would contribute well to the surrounding townscape.

54. The gradual stepping up of heights for the application site is well composed and justified given that this is a prominent site of local importance and worthy of a marker that is distinct from the surrounding townscape. This would not set a precedent for the height of future development on the neighbouring sites, which would be required to respond to their context. The height and massing of the proposal is acceptable at this location for the above reasons and given the quality of architectural design and expression, which needs to be maintained. Should a re-designed scheme of a similar height and massing but lesser design quality be proposed, at this site, it is likely it would be refused.

55. Detailed design

The site layout is organised around two terraces of housing that follow the traditional building lines along Rolls Road and St James's Road, meeting at a taller 'feature' element on the corner of the site. The layout proposed, would retain the two protected rights of way through the site serving 272 St James's Street, to the rear. They would be treated as two new cobbled mews streets.

56. The design concept behind the scheme is to create a contemporary mansion block, designed as two terraces meeting with a feature corner building marking the prominent junction. In principle, this is considered an appropriate response to surrounding townscape and the development potential of this site. The proposal has clearly been informed by analysis of the historic development of the area and the intention is to reinstate this historic building line and thereby re-establish an active street frontage, wrapping around this corner site.

57. The mansion block concept is considered appropriate for this site, and it has resulted in a proposal that is well articulated, with its facades activated by terraces, balconies, bay windows and large areas of glazing.

58. Elevations would be clad in facing brick. This would be a high quality, rustic, tumbled brick in "pale yet varied tone" with pale, off white mortar. The intention is that this would enhance the natural light in mews, courtyards and terraces and give a light, soft finish to the elevations. This approach is considered appropriate for this proposal and responds well to the surrounding context where a variety of brick tones and textures can be found. The lighter tone would also emphasise this building as something of a local landmark on this prominent site.

59. The windows would be composite aluminium/timber frames in a mid dark green colour (9RAL 6013 or similar). This colour has clearly been selected with care to compliment the brick work proposed and is considered acceptable. Any subsequent variations from this should be agreed in writing.

60. A large feature 'glass box' bay window would be located at third floor level on the prominent corner 'feature'. It is stated that this would be "simply and crisply detailed" with frameless glass panels and 'invisible' silicon joints' as an integral part of the overall composition. In order to ensure that this aspiration is met, it is recommended that a condition requiring detailed drawings of the design proposed should be included with any subsequent recommendation. Similarly, it is proposed that the protruding balconies would be finished in the same brick as the main elevation so that they appear as an integral part of it. As protruding balconies can often be detrimental to the appearance of a building, a requirement for detailed drawings of these is also recommended by condition.
61. An ecology roof system is proposed on all non accessible roofs. This is welcomed as it would contribute to the ecology of the area as well as improving the outlook from windows at upper levels.
62. The success of this building will rely to a significant degree on the quality of the materials specified and the detailed design. As such, it is recommended that conditions should be imposed to require samples of all facing materials (including the window frames) to be presented on site and detailed drawings including bay studies, to be provided.

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

63. The application site falls within the setting of the listed Phoenix School, but it is not considered that it would be harmful to its setting. The heritage significance of the Phoenix School is primarily derived from its internal layout and plan form, driven by pioneering research by the DES development group and marking an important phase in post war educational ideas and design. This would not be harmed by the impact of the proposed development and the setting would therefore would.

#### **Impact on trees**

64. There would be no impact upon any trees.

#### **Planning obligations (S.106 undertaking or agreement)**

65. The proposal would provide sufficient private amenity space to all of the residential units, however due to the building design and the requirement to reduce carbon emissions the proposal is unable to provide the required 50 sq metres of communal space or the children's play space. Financial contributions to offset these shortfalls (as allowed through the S106 SPD) will be secured through the S106 agreement. Contributions are also sought in respect of carbon dioxide emissions, archaeology, and for employment during construction. These are detailed below;
66. Affordable Housing 39 habitable rooms comprising 4 x 3 bed flats social rent and 1x2 bed and 3x3 bed flats for intermediate sales

#### **Archaeology**

Based on 3301 sq metres of development = £3,389

#### **Carbon off-set - Green Fund**

Based on a shortfall of 8 tonnes (8 x £1,800) = £14,400

**Children's play space**

Child yield based on unit size and tenure = 11

11 x 10sq m = 110 sq metres

110 x £151 = £16,210

**Outdoor Amenity Space**

50 x £205 = £10,250

67. Should a Section 106 Agreement not be completed by the 1 May 2016 there would be no mechanism in place to avoid or mitigate the impact of the proposed development in relation to the provision of the necessary infrastructure. In the absence of a completed s106 the proposal would be contrary to saved policy 2.5 Planning obligations of the Southwark Plan 2007 and Strategic Policy 14 Implementation of the Core Strategy, and Policy 8.2 Planning obligations of the London Plan 2011, and should be refused for this reason.

**Mayoral / Southwark CIL**

68. Section 143 of the Localism Act states that any financial contribution received in terms of community infrastructure levy (CIL) is a material "local financial consideration" in planning decisions. The requirement for payment of the Mayoral or Southwark CIL is therefore a material consideration, however the weight attached is determined by the decision maker. The Mayoral CIL is required to contribute towards strategic transport investments in London as a whole, primarily Crossrail, while Southwark's CIL will provide for infrastructure that supports growth in Southwark. The Mayoral CIL payment for this scheme is calculated to be £138,462.
69. Southwark CIL was established in April 2015 the rate is based on the type and location of the development. The submitted scheme is calculated to generate a Southwark CIL payment of £179,445.

**Sustainable development implications**

70. The proposal would by using high efficiency individual gas boilers and roof mounted pv's provide a 19% reduction in CO2 emissions when measured against Part L of the 2013 Building Regulations. The London Plan requirement is for a 35% reduction, however where there is a shortfall the S106 SPD provides for a contribution to be made to make up any difference. This contribution is set out above and will be secured through the S106.
71. The proposal would introduce new residential accommodation and a commercial unit to a site that is currently vacant. Overall it is considered that there would be social, economic and environmental benefits to the area and an efficient use of this site, and the proposal is therefore considered to constitute sustainable development.

**Other matters**

72. Ownership

A letter has been received stating that both adjoining commercial sites are being sold to a single buyer who has written in offering support for the scheme.

73. Flood risk

The environment agency have raised no objections to the proposals, it is noted that whilst there is ground floor accommodation this is over two levels and therefore should offer suitable refuge at a higher level.

74. Contamination

A environmental assessment was submitted with the application which noted that in addition to the underground storage tanks there was contamination found within the soil and ground water. Conditions are therefore recommended by the Environment Agency to deal with the contamination prior to the commencement of any works on site.

75. Archaeology

The site in question is located within the Bermondsey Lake Archaeological Priority Zone. The purpose of this zone is to protect the prehistoric archaeology found in this area. Within the area of Marlborough Grove mesolithic archaeological remains have been found. These are some of the earliest evidence of human inhabitation within Southwark and the wider London area.

76. The information associated with the application does not include an archaeological assessment of the site. This is necessary in order to enable the archaeological impacts of their proposal to be considered in accordance with saved policy 3.19 of the Southwark Plan (2007) and the NPPF. Notwithstanding this officers note that the site used to include a petrol station, which will have truncated the archaeology of the site and the evidence from nearby sites is consistent suggesting that there is little likelihood of significant archaeology on this site that requires its preservation on site.

77. The application also involves the demolition of some structures on the site and the remediation of the ground. The main area of the proposed construction works will be along the St James's Road and Rolls Road frontages however, the proposal includes a lower ground floor excavated across the entire site. It is recommended that conditions are imposed prior to the commencement of any works on site.

**Conclusion on planning issues**

78. Particular regard was had to the impacts of the development upon the operations and future development potential of the adjoining businesses. It was considered that the proposal would allow the businesses to continue their operations and that the proposal would not hinder the future development of the existing sites to the side or to the rear.

79. It was acknowledged that the proposal would represent a dense development of the site and that it would exceed the density range for this area, however it was also recognised that the proposal would provide good quality accommodation for future residents in a well designed building and would also meet identified housing need within the borough.

80. The impacts upon residential amenity were not considered to warrant refusal of the scheme. It was considered that the scheme would not result in harmful levels of daylight or sunlight loss to the surrounding dwellings, and would be largely compliant

with BRE guidance, whilst being designed and orientated in order to avoid undue impacts on privacy or sense of enclosure for neighbouring properties.

81. Account was taken of the absence of off-street parking for the majority of the residential units where it was considered that mitigation measures such as car club membership and the increased cycle storage would assist in off-setting on street parking demand.
82. The use of a currently vacant site to provide a mixed residential / commercial scheme represents an efficient use of this redundant site and planning permission is recommended subject to conditions and a Section 106 Agreement.

### **Community impact statement**

83. In line with the council's community impact statement the impact of this application has been assessed as part of the application process with regard to local people in respect of their age, disability, faith/religion, gender, race and ethnicity and sexual orientation. Consultation with the community has been undertaken as part of the application process:
  - a) The impact on local people is set out above.
  - b) No issues relevant to particular communities/groups likely to be affected by the proposal have been identified, other than those set out above.
  - c) The likely adverse or less good implications for any particular communities/groups have been also been discussed above. Specific actions to ameliorate these implications are contributions made via a S106 and planning conditions.

### **Consultations**

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

### **Consultation replies**

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

### Summary of consultation responses

86. Nine letters have been received in response to the application including 2 letters of support. The objections raised are summarised below;

Representation: Concern the building would compromise highway safety close to a school.

#### Response

The former use of the site as a petrol filling station would have more highway issues than the proposed scheme. The existing accesses to the back of the site would remain, and there would be a reduction in vehicular movements when compared with the petrol station use.

Representation: There is already a parking problem in the area another new development will make things worse.

#### Response

It is acknowledged that the site is not within a controlled parking area and that it is likely to result in overspill parking, however it is conditioned that car club membership is provided for the eligible adults within the development for a period of 3 years which would help mitigate against on street parking demand. In addition there would be ample cycle storage provided within the development to encourage alternative transport modes.

Representation: Concerned about more high rise buildings in the area and the strain on local services, height of development should be restricted to 3 or 4 storeys.

#### Response

The site lies within the Old Kent Road Action Area and on a prominent corner. The building height is considered to be justified in the location and does step down to respond to its lower neighbours on either side. Monetary contributions from Southwark CIL and via the Section 106 ensure that the proposal will contribute to infrastructure projects in Southwark.

Representation: The proposals will be particularly oppressive on the street scape and nearby properties. Many will suffer severe overlooking and overshadowing together with a loss of light.

#### Response

The daylight and sunlight analysis which accompanied the application demonstrates that whilst there would be some loss of daylight and sunlight to the surrounding properties - with the exception of windows within the flank elevation of the adjoining property at 76 Rolls Road - all other dwellings will still retain good levels of daylight and sunlight. The affected windows at 76 Rolls Road sit right on the party boundary and therefore would be fairly significantly affected by any development close to this property on the application site.

One objector disputes the height of the building shown within the daylight and sunlight study; however these appear to concur with the submitted plans.

Representation: There is no distinction between the A1 and B1 use on the ground floor.

#### Response

There is no requirement to state a single use at this stage and flexible uses are common to mixed use schemes.

Representation: Proposal has hallmark of a buy to let type of development with a transient population.

#### Response

The proposal would provide both social rent and intermediate housing, which would go to a registered provider via a S106 Agreement. The council has no control over the market housing.

Representation: The proposal would compromise an existing business.

#### Response



This is dealt with in the main body of the report.

Representation: The proposal would compromise the development potential of the adjoining site.

Response

This is dealt with in the main body of the report.

Representation: A letter of support is submitted from the neighbour adjoining the site, and from a person stating they are in the process of purchasing adjoining land.

87. Following a reconsultation on amendments to the submitted scheme three of the objectors above responded stating that the changes had not addressed the concerns raised within their original objections, namely scale of building, and impacts upon the existing businesses or their potential to redevelop.

### **Human rights implications**

88. This planning application engages certain human rights under the Human Rights Act 2008 (the HRA). The HRA prohibits unlawful interference by public bodies with conventions rights. The term 'engage' simply means that human rights may be affected or relevant.
89. This application has the legitimate aim of providing new residential units and commercial premises. The rights potentially engaged by this application, including the right to a fair trial and the right to respect for private and family life are not considered to be unlawfully interfered with by this proposal.

### **BACKGROUND DOCUMENTS**

<b>Background Papers</b>	<b>Held At</b>	<b>Contact</b>
Site history file: TP/321-272	Chief executive's department 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 5403
Application file: 15/AP/1705		Planning enquiries email: planning.enquiries@southwark.gov.uk
Southwark Local Development Framework and Development Plan Documents		Case officer telephone: 020 7525 5434 Council website: www.southwark.gov.uk

### **APPENDICES**

<b>No.</b>	<b>Title</b>
Appendix 1	Consultation undertaken
Appendix 2	Consultation responses received
Appendix 3	Recommendation

## AUDIT TRAIL

<b>Lead Officer</b>	Simon Bevan, Director of Planning	
<b>Report Author</b>	Sonia Watson, Team Leader	
<b>Version</b>	Final	
<b>Dated</b>	24 February 2016	
<b>Key Decision</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Strategic Director of Finance and Governance	No	No
Strategic Director, Environment and Leisure	No	No
Strategic Director of Housing and Modernisation	No	No
Director of Regeneration	No	No
<b>Date final report sent to the Constitutional Team</b>		25 February 2016

# APPENDIX 1

## Consultation undertaken

**Site notice date:** 15/05/2015

**Press notice date:** 21/05/2015

**Case officer site visit date:** 15/05/2015

**Neighbour consultation letters sent:** 14/05/2015

### Internal services consulted:

Ecology Officer  
Environmental Protection Team Formal Consultation [Noise / Air Quality / Land Contamination / Ventilation]  
Flood and Drainage Team  
Highway Development Management  
Waste Management

### Statutory and non-statutory organisations consulted:

Environment Agency  
Thames Water - Development Planning

### Neighbour and local groups consulted:

Unit 5 St James Industrial Mews SE1 5JX	Ground Floor Front 294-304 St Jamess Road SE1 5JX
Gospel Of Light Unit 4 St James Industrial Mews SE1 5JX	Part First Floor 294-304 St Jamess Road SE1 5JX
Unit 6 St James Industrial Mews SE1 5JX	Unit 2 Including First Floor Unit 1 St James Industrial Mews SE1 5JX
Old Southern Railway Stables St Jamess Road SE1 5US	Altodigital 294-304 St Jamess Road SE1 5JX
4 Fern Walk London SE16 3JD	Part First Floor Front 294-304 St Jamess Road SE1 5JX
5 Fern Walk London SE16 3JD	Mezzanine 294-304 St Jamess Road SE1 5JX
3 Fern Walk London SE16 3JD	Buildings D And E 306 St Jamess Road SE1 5JX
Unit D Six Bridges Trading Estate SE1 5JT	Joinery Shop 306 St Jamess Road SE1 5JX
2 Fern Walk London SE16 3JD	Buildings B And C 306 St Jamess Road SE1 5JX
44 Achilles Close London SE1 5HE	Unit 3b St James Industrial Mews SE1 5JX
46 Achilles Close London SE1 5HE	Workshop 262-272 St Jamess Road SE1 5JX
42 Achilles Close London SE1 5HE	Unit 3a St James Industrial Mews SE1 5JX
38 Achilles Close London SE1 5HE	Part Ground Floor Part First Floor And Part Second Floor 294-304 St Jamess Road SE1 5JX
40 Achilles Close London SE1 5HE	Ground Floor Unit 1 St James Industrial Mews SE1 5JX
278-280 St Jamess Road London SE1 5JX	Part Ground Floor And Part Second Floor 294-304 St Jamess Road SE1 5JX
288 St Jamess Road London SE1 5JX	Part Ground Floor 294-304 St Jamess Road SE1 5JX
Phoenix Primary School Marlborough Grove SE1 5JT	Part First Floor Rear 294-304 St Jamess Road SE1 5JX
Unit C1 Six Bridges Trading Estate SE1 5JT	24 Achilles Close London SE1 5HE
6 Winter Lodge 1 Fern Walk SE16 3JD	26 Achilles Close London SE1 5HE
7 Winter Lodge 1 Fern Walk SE16 3JD	22 Achilles Close London SE1 5HE
5 Winter Lodge 1 Fern Walk SE16 3JD	18 Achilles Close London SE1 5HE
3 Winter Lodge 1 Fern Walk SE16 3JD	20 Achilles Close London SE1 5HE
4 Winter Lodge 1 Fern Walk SE16 3JD	34 Achilles Close London SE1 5HE
11 Winter Lodge 1 Fern Walk SE16 3JD	36 Achilles Close London SE1 5HE
12 Winter Lodge 1 Fern Walk SE16 3JD	32 Achilles Close London SE1 5HE
10 Winter Lodge 1 Fern Walk SE16 3JD	28 Achilles Close London SE1 5HE
8 Winter Lodge 1 Fern Walk SE16 3JD	30 Achilles Close London SE1 5HE
9 Winter Lodge 1 Fern Walk SE16 3JD	284 St James's Road London SE1 5JX

9 Fern Walk London SE16 3JD  
10 Fern Walk London SE16 3JD  
8 Fern Walk London SE16 3JD  
6 Fern Walk London SE16 3JD  
7 Fern Walk London SE16 3JD  
1 Winter Lodge 1 Fern Walk SE16 3JD  
2 Winter Lodge 1 Fern Walk SE16 3JD  
13 Fern Walk London SE16 3JD  
11 Fern Walk London SE16 3JD  
12 Fern Walk London SE16 3JD  
Christian Centre 306 St James's Road SE1 5JX

286 St James's Road London SE1 5JX  
282 St James's Road London SE1 5JX  
Part Second Floor Rear 294-304 St James's Road SE1 5JX  
76 Rolls Road London SE1 5DU  
47 Achilles Close London SE1 5HE  
16 Achilles Close London SE1 5HE  
45 Achilles Close London SE1 5HE  
290 St James's Road London SE1 5JX  
292 St James's Road London SE1 5JX  
272 St. James's Road Bermondsey SE1 5JX  
441 Edgware Road London W2 1TH

**Re-consultation: 09/09/2015**

## APPENDIX 2

### Consultation responses received

#### Internal services

Flood and Drainage Team

#### Statutory and non-statutory organisations

Environment Agency

#### Neighbours and local groups

272 St. James's Road Bermondsey SE1 5JX

278-280 St James's Road London SE1 5JX

278-280 St James's Road London SE1 5JX

278-280 St James's Road London SE1 5JX

278-280 St James's Road London SE1 5JX

282 St James's Road London SE1 5JX

282 St James's Road London SE1 5JX

284 St James's Road London SE1 5JX

292 St James's Road London SE1 5JX

441 Edgware Road London W2 1TH

5 Winter Lodge 1 Fern Walk SE16 3JD