Item No. 7.2	Classification: Open	Date: 15 June 2017	Meeting Name: Planning committee
Report title:	**Development Management planning application:** Application 16/AP/3612 for: S.73 Vary/remove conditions/minor alterations **Address:** MARSHALL HOUSE, 6 PAGES WALK, LONDON SE1 4SB **Proposal:** Variation of Condition 32 (approved drawings) and removal of Condition 23 (Code for Sustainable Homes) pursuant to planning permission 12/AP/2702 [for: Demolition of existing warehouse building and construction of buildings ranging in height from 4 storeys to 6 storeys, plus basement, to provide 82 residential units with landscaping, refuse/recycling facilities, cycle storage and car parking, access and associated works] to secure the following minor material amendments: Construction of an additional storey (making a total of 5 storeys high) on Block D comprising 4 x one bedroom flats (taking total to 86 units) Reconfiguration of basement layout to provide 4 x new cycle spaces Provision of an additional wheelchair accessible unit in Block B (taking total to 9 wheelchair units) Remove the requirement to provide a Code for Sustainable Homes final certification		
Ward(s) or groups affected:	Grange		
From:	Director of Planning		
Application Start Date 11/10/2016		**Application Expiry Date** 10/01/2017	
Earliest Decision Date 26/11/2016			

RECOMMENDATIONS

1. That planning permission be granted subject to conditions and the applicant entering into a legal agreement.

2. That in the event that the requirements of (1) are not met by 31 August 2017, the Director of Planning be authorised to refuse planning permission, if appropriate, for the reasons set out in paragraph 113.

BACKGROUND INFORMATION

Site location and description

3. The application site is located on the western side of Pages Walk, to the south of the junction with Grange Road. Planning permission was granted in December 2012 (reference 12/AP/2702) for the redevelopment of the site to provide 82 residential dwellings. The extant permission has been implemented and the scheme is at an advanced stage of construction.

4. The site is essentially landlocked having only a small frontage onto Pages Walk. To the

north is a six storey residential block (Bridge View Court) which fronts onto Grange Road. To the north-west is a four storey block of flats (Woods Place). Grange Primary School and playground bound the site to the west. Four storey residential blocks forming part of the Harold Estate are located to the south. Rose Stapleton Terrace comprises a row of 9 x three storey townhouses which adjoin the eastern site boundary and directly face Block D of the extant permission.

5. Bermondsey Street Conservation Area immediately adjoins the north-western boundary of the site. Pages Walk Conservation Area is located to the south, approximately 125m away. There are no listed buildings within the vicinity. Mandela Way Preferred Industrial Location (PIL) extends eastwards from the opposite side of Pages Walk. The site is located just within the Old Kent Road Opportunity Area with Grange Road forming part of the northern boundary edge.

Details of proposal

6. The extant permission is for the demolition of an existing warehouse and redevelopment of the site to provide 82 residential units contained within buildings ranging in four to six storeys in height with car and cycle parking in the basement.

7. The four blocks are arranged around a central landscaped courtyard with three inter-linking blocks (Blocks A-C) forming an 'L-shape' along the north and west site boundaries. The fourth block (Block D) is a stand along building, 4-storeys high, located on the eastern side of the site.

Site landscape masterplan (not to scale).

8. The following minor material amendments to the extant scheme are now proposed:

- Construction of an additional storey (making a total of 5 storeys high) on Block D comprising 4 x one bedroom flats (taking total to 86 units)

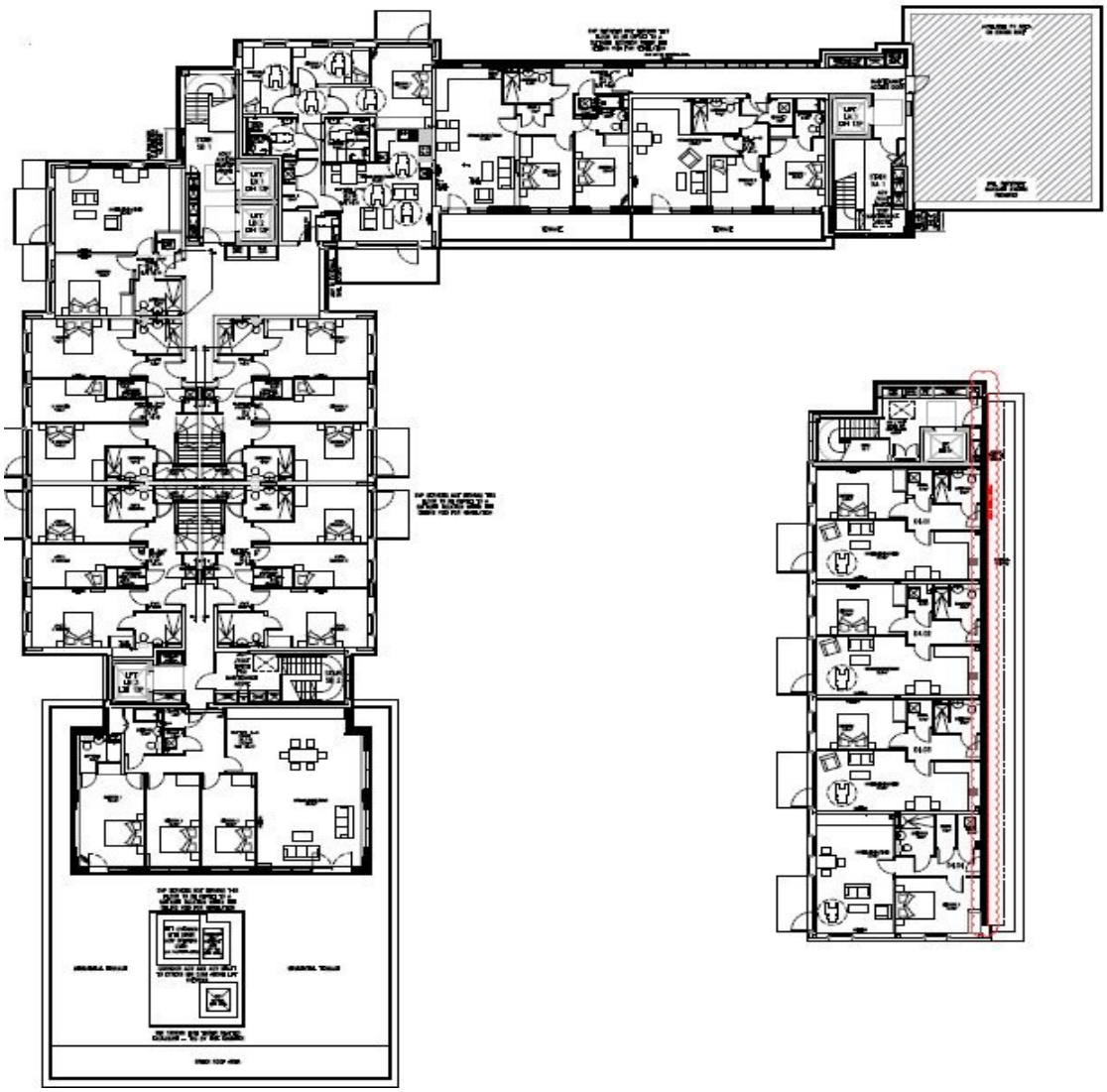
- Reconfiguration of basement layout to provide 4 x new cycle spaces
- Provision of an additional wheelchair accessible unit in Block B (taking total to 9 wheelchair units); and
- Remove the requirement to provide a Code for Sustainable Homes final certification

9. The residential mix and tenure for the entire scheme as proposed is detailed below.

Dwelling size	**Private**	**Social rented**	**Intermediate**	**Total units**
1-bedroom	29	0	4	33 (38%)
2-bedroom	22	8 (2xWAHU*)	3	33 (38%)
3-bedroom	16	4	0	20 (24%)
TOTAL	67 (78%)	12 (14%)	7 (8%)	**86**

* WAHU = Wheelchair Affordable Housing Unit

10. The new units to Block D would be have their main outlook facing west onto the internal central courtyard. The extension would be set-back from the eastern elevation to provide an external walkway to the flat entrances.



Application revisions

11. Revisions to the proposed fifth floor storey on Block D have been made following consultation on the application and further discussions with officers. The principal changes comprise:

- Reduction of 500mm to parapet height
- Increase of 100mm set back from the main east wall of Block D
- Replace metal cladding with fully glazed curtain walling
- Reduction in width of glazed canopy to front of new units.

12. **Planning history**

12/AP/2702 Application type: Full Planning Application (FUL) Demolition of existing warehouse building and construction of buildings ranging in height from 4 storeys to 6 storeys, plus basement, to provide 82 residential units with landscaping, refuse/recycling facilities, cycle storage and car parking, access and associated works Decision date 11/12/2012 Decision: Granted with Legal Agreement (GWLA)
15/AP/0058 Application type: Variation: non-material changes (VNMC) Non-material amendments to planning permission dated 11/12/2012, being application no.12/AP/2702 for: Demolition of existing warehouse building and construction of buildings ranging in height from 4 storeys to 6 storeys, plus basement, to provide 82 residential units with landscaping, refuse/recycling facilities, cycle storage and car parking, access and associated works. The proposed amendments incorporate: • Re-configured basement layout • Stair configuration revised; creating a separate external access to the basement stair flight • Fan assisted mechanical ventilation shafts provided in Core A and Core D corridors with fans located at roof level • Provision of concierge area at ground floor • Relocation of cycle storage and refuse storage • Use of flat roofed areas at 3rd and 4th floor levels within Core C as roof terraces • Revisions to internal layout of units incorporating associated changes to window positions • Re-configured pedestrian and vehicular access to site • Alterations to window configuration and removal of solid timber doors to balconies • Clarification of balcony details to west elevation. Decision date 06/05/2015 Decision: Agreed - for app types VLA & VNMC (AGR)

14/EQ/0163 Application type: Pre-Application Enquiry (ENQ) Minor amendments to planning approved scheme (12-AP-2702) to ensure building regulations and other design standards compliance is achieved. Refer to assessment of planning approved drawings Decision date 27/01/2016 Decision: Pre-application enquiry closed (EQC)
15/AP/3509 Application type: Variation / discharge of legal agreement (VLA) Discharge of s106 planning obligation 1.5 of Schedule 2 'Additional viability report' of planning permission 12/AP/2702 granted for the 'Demolition of existing warehouse building and construction of buildings ranging in height from 4 storeys to 6 storeys, plus basement, to provide 82 residential units with landscaping, refuse/recycling facilities, cycle storage and car parking, access and associated works' Decision date 05/02/2016 Decision: Agreed - for app types VLA & VNMC (AGR)
16/EQ/0178 Application type: Pre-Application Enquiry (ENQ) Minor material amendments to planning permission reference 12/AP/2702 to construct an additional storey containing 4 x one bedroom units on Block D of the development Decision date 22/07/2016 Decision: Pre-application enquiry closed (EQC)

Planning history of adjoining sites

12-22 Pages Walk (Rose Stapleton Terrace)

13. 10/AP/2999 Application Type: Full Planning Application (FUL)

Erection of part 2, part 3-storey building containing 9 terraced housing, following demolition of existing units (Use Class C3)

Decision date: 26 January 2012
Decision: Allowed on Appeal

The 9 terraced properties have been built and are known as Rose Stapleton Terrace, Pages Walk.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

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

- Principle of the proposed development in terms of conformity with strategic and land use policies
- Environmental impact assessment
- Impact of proposed development on the amenity of adjoining occupiers and surrounding area
- Density
- Housing mix
- Affordable housing

- Quality of residential accommodation
- Design issues
- Trees and landscaping
- Transport and highway matters
- Planning obligations
- Sustainable development implications.

Planning policy

15. The statutory development plan for the borough comprises the London Plan (2016), the Core Strategy (2011) and saved policies of the Southwark Plan (2007). The National Planning Policy Framework (NPPF) is a material consideration.

16. The following policy designations apply to the site:

- Urban Density Zone
- Old Kent Road Opportunity Area
- Archaeological Priority Zone (APZ)
- Air Quality Management Area (AQMA)
- Public Transport Accessibility Rating (PTAL) 4
- Flood Zone 3.

17. National Planning Policy Framework (the Framework)

Section 4 - Promoting sustainable development
Section 6 - Delivering a wide choice of high quality homes
Section 7 - Requiring good design
Section 10 - Meeting the challenges of climate change, flooding and coastal change
Section 12 - Conserving and enhancing the historic environment.

18. The London Plan 2016

Policy 2.9 Inner London
Policy 2.13 Opportunity Areas and Intensification Areas
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 3.6 Children And Young People's Play And Informal Recreation Facilities
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 5.1 Climate Change Mitigation
Policy 5.2 Minimising Carbon Dioxide Emissions
Policy 5.3 Sustainable Design And Construction
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 6.1 Strategic Approach (Transport)
Policy 6.9 Cycling

Policy 6.13 Parking
Policy 7.1 Lifetime Neighbourhoods
Policy 7.2 An Inclusive Environment
Policy 7.3 Designing Out Crime
Policy 7.4 Local Character
Policy 7.6 Architecture
Policy 7.8 Heritage Assets And Archaeology
Policy 7.14 Improving Air Quality
Policy 7.15 Reducing And Managing Noise, Improving And Enhancing The Acoustic Environment And Promoting Appropriate Soundscapes
Policy 8.2 Planning Obligations
Policy 8.3 Community Infrastructure Levy.

19. Core Strategy 2011

Strategic Policy 1 Sustainable development
Strategic Policy 2 Sustainable transport
Strategic Policy 5 Providing new homes
Strategic Policy 6 Homes for people on different incomes
Strategic Policy 7 Family homes
Strategic Policy 12 Design and conservation
Strategic Policy 13 High environmental standards
Strategic Policy 14 Implementation and delivery.

20. Southwark Plan 2007 (July) - saved policies

Policy 2.5 Planning obligations
Policy 3.1 Environmental effects
Policy 3.2 Protection of amenity
Policy 3.4 Energy efficiency
Policy 3.6 Air quality
Policy 3.11 Efficient use of land
Policy 3.12 Quality in design
Policy 3.13 Urban design
Policy 3.14 Designing out crime
Policy 3.19 Archaeology
Policy 4.1 Density of residential development
Policy 4.2 Quality of residential development
Policy 4.3 Mix of dwellings
Policy 4.4 Affordable housing
Policy 4.5 Wheelchair affordable housing
Policy 5.2 Transport impacts
Policy 5.6 Car parking
Policy 5.7 Parking standards for disabled people and the mobility impaired.

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

21. Southwark supplementary planning documents

Affordable Housing (2008)

2015 Technical Update to the Residential Design Standards (2011)
Sustainable Design and Construction (2009)
Sustainable Transport (2010)
Design and Access Statements (2007)
Section 106 Planning Obligations / CIL (2015)
Development Viability (2016)
Draft Affordable Housing (2011).

Principle of development

22. The principle of the development has been established with the granting of the original planning permission reference 12/AP/2702. The current proposal seeks changes to the extant scheme which in themselves are minor in nature when considered in the context of the entire scheme. There are no significant land use implications arising from planning policy adopted since the original grant of consent (notably the adoption of the London Plan 2016) and as such the principle of the development remains unaffected.

Old Kent Road action area/opportunity area

23. The Old Kent Road has been designated an opportunity area in the London Plan (2016). The council has prepared a draft Old Kent Road area action plan/opportunity area planning framework and consultation on the first draft was undertaken between June and November 2016. The draft AAP/OAPF divides the opportunity area into character areas. The application site is located outside of the main core area but it is within the 'North character area' and specifically within the designated proposal site OKR 2: Crimscott Street and Pages Walk, where the required land uses are residential (Class C3), employment (B use class); community (D use class) including gallery space/artist studios.

24. The draft AAP/OAPF notes there is already an extant residential scheme on the application site and to this extent the proposed additional four residential uses fully accord with the aims and objectives for this part of the Old Kent Road opportunity area.

Conclusion

25. The principle of the development is acceptable and in land use terms continues to conform to adopted strategic and land use policies, in particular the need for additional new homes in Southwark. Furthermore, the proposal does not prejudice the council's future aims and objectives for the Old Kent Road area as set out in the draft AAP/OAPF. This report will consider the impact of the changes in terms of design and impact on the amenity of neighbours.

Environmental impact assessment

26. The consented scheme was not of a size, nature and scale that constituted EIA Development. The proposed amendments are minor in nature and would not result in significant environmental effects that would require an EIA being undertaken.

Density and dwelling mix

Density

27. Strategic policy 5 of the Core Strategy advises that a density range of 200 to 700 habitable rooms per hectare would normally be expected for the urban density zone.

28. The site is 0.52 hectares in size. The proposed additional 4 units or 8 habitable rooms result in a total of 245 habitable rooms for the entire scheme (previously 82 dwellings or

237 habitable rooms). This equates to a density of 471 habitable rooms per hectare which sits comfortably within the expected range for the area.

Dwelling mix

29. Core Strategy strategic policy 7 prioritises the development of family homes. Developments of 10 or more units in the urban density zone must provide at least 60% of units with 2 or more bedrooms and a minimum 20% of units with 3, 4 or 5 bedrooms.

30. 65% of units within the extant scheme have at least two bedrooms and 25% have three bedrooms. The revised dwelling mix is detailed in the following table.

Unit type	**Quantity**	**Percentage**
1 bedroom	33	38%
2 bedroom	33	38%
3 bedroom	20	24%
TOTAL	86	100%

31. With the additional 4 x 1-bed units in place, the scheme continues to make an appropriate provision of 2+ bedroom units at 62% of the total. The scheme would still exceed the minimum requirement in respect of larger 3-bed family homes at 24% of the total. The proposed development is therefore considered to provide a good mix of unit sizes and fully accords with strategic policy 7.

Wheelchair accommodation

32. The London Plan policy 3.8 requires 10% of new housing to be designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users. Saved Policy 4.3 of the Southwark Plan requires that 10% of the dwellings should be suitable for wheelchair users.

33. The extant scheme provides 8 wheelchair accessible units (1 x 1 bed, 2 x 2 bed and 5 x 3 bed) or 10% of the total 82 units (rounded up). The 2 x 2-bed units are social rented wheelchair accommodation with the other units offered as market wheelchair housing.

34. Given that the proposal would result in a new total of 86 units, the current 8 wheelchair units would equate to only 9% wheelchair accommodation across the site. An additional wheelchair unit is therefore proposed to increase the overall wheelchair accommodation to 9 units or 10% of the total.

35. It would be impractical to provide wheelchair accommodation in the proposed new floor to Block D as this block has been designed with only one lift. A 3-bed unit located on the fourth floor of Block B (Unit B4.01) is proposed to be designed as a wheelchair unit where there is easy access to two lifts and is stacked above other wheelchair units in this block.

Wheelchair unit standards

36. Condition 28 of the extant permission requires all the wheelchair units (irrespective of tenure) to be constructed and fitted out in accordance with the South East London wheelchair housing design guide (SELWHDG) to ensure they are fully wheelchair accessible. This requirement is also secured in the legal agreement in respect of the two wheelchair accessible affordable units as these two units qualified for an affordable housing wheelchair discount (discussed below).

37. The applicant seeks to amend this requirement to allow the private market wheelchair

units to be designed to be 'adaptable' and fitted out to a base specification which would then allow for full adaptations to be made (at the developers cost) to meet bespoke needs. Furthermore, these units would be subject to marketing which would allow for disposal on the open private market in the event there was no uptake by disabled occupiers following marketing.

38. Officers accept there is some uncertainty over the demand for wheelchair units in the private sector and this position has been adopted on other residential schemes in the borough. The wheelchair adaptable accommodation, including marketing, will be secured by legal agreement. No changes are proposed to the provisions of the wheelchair affordable accommodation which must be constructed and fitted out as fully wheelchair accessible.

Affordable housing

Policy context

39. Policy 3.8 of the London Plan requires new developments to offer a range of housing choices, including affordable housing. Policy 3.12 requires the maximum reasonable amount of affordable housing to be sought having regard to a number of factors including: the need to encourage rather than restrain development; the need to promote mixed and balanced communities; and the specific circumstances of the site.

40. Strategic policy 6 of the Core Strategy requires major developments to provide as much affordable housing as is reasonably possible. It sets a target of 8,558 net affordable housing units to be provided between 2011 and 2026. In order to achieve this, the policy requires a minimum 35% affordable housing on major developments.

41. Saved Southwark policy 4.4 is used alongside the overarching strategic policy 6. In terms of tenure, affordable housing within the urban zone should be delivered as 70% social rented and 30% intermediate units. Saved policy 4.5 states that for every affordable housing unit which complies with the wheelchair design standards, one less affordable housing habitable room will be required.

Extant scheme

42. The extant scheme includes 24% affordable housing by habitable room i.e. 57 habitable rooms. The approved tenure by habitable room is detailed below.

Unit type	Private (hr)	Social rented (hr)	Intermediate (hr)	Total (hr)
1 bed	50	0	8	58 (24%)
2 bed	66	24	9	99 (42%)
3 bed	64	16	0	80 (34%)
Total	180 (76%)	40 (17%)	17 (7%)	237 (100%)

43. Two of the wheelchair units are affordable (equating to two habitable rooms) and therefore the total affordable housing, inclusive of wheelchair discount, is 25% provision.

44. The extant scheme was supported by a full financial appraisal and it was accepted that this was the maximum quantum that could be delivered on-site.

45. The accompanying S106 legal agreement did however require the submission of a further viability review in the event the development had not substantially commenced within 18 months of the extant permission i.e. by 12 June 2014. The development had not started by this date and therefore a viability review was submitted (ref. 15/AP/3509) to assess whether a greater level of affordable housing could be delivered.

46. The viability review was assessed by the borough valuer who concluded in February 2016 that the scheme couldn't viably support additional affordable housing either on-site or as an in-lieu payment.

Proposed scheme

47. The proposed 4 x 1-bed units would result in an additional 8 habitable rooms, making a total of 245 rooms. Since the 4 new units are all proposed to be private tenure, this would effectively reduce the affordable housing contribution to 23%. The revised proposed tenure is detailed below.

Unit type	Private (hr)	Social rented (hr)	Intermediate (hr)	Total (hr)
1-bed	58	0	8	66 (27%)
2-bed	66	24	9	99 (40%)
3-bed	64	16	0	80 (33%)
Total	188 (77%)	40 (17%)	17 (7%)	245 (100%)

48. No changes are proposed to the two affordable wheelchair units and therefore the total revised affordable housing provision would be 24%, inclusive of wheelchair discount.

49. The applicant has undertaken a re-appraisal of the viability of the scheme, including the 4 x 1-bed units. A financial viability assessment has been submitted to demonstrate that 24% affordable housing is the maximum quantum that could be supported.

50. The appraisal and its assumptions have been assessed on behalf of the council by an independent surveyor. Given the advanced stage of construction, it is not feasible to provide additional affordable units to be provided on-site. The assessment is therefore based on whether an in-lieu contribution could be made based on the uplift in value.

51. Following negotiation, it has been concluded that an in-lieu payment of £340,000 is the maximum reasonable contribution that could be made having regard to the particular circumstances of the development. The applicant has agreed in writing to pay the additional affordable housing contribution.

Conclusion

52. The London Plan and Core Strategy require as much affordable housing on-site as is financially viable. The viability of the scheme has been rigorously tested, including the extant scheme plus subsequent viability review and now the proposed development taking account of the additional 4 units. It has been demonstrated that 24% on-site affordable housing plus a £340,000 payment in-lieu contribution is the maximum reasonable amount that can be viably delivered.

53. A key benefit considered at the time of the extant scheme was that the affordable housing offer provided the required 70:30 tenure split between social rented and intermediate housing. As such, the majority of affordable units comprised social rented housing offered at target rents rather than affordable rents. Furthermore, the social rented accommodation comprised larger two and three bedroom family units. This aspect of the scheme has not changed and therefore continues to be a positive aspect of the scheme.

Quality of residential accommodation

54. Saved policy 4.2 of the Southwark Plan asserts that planning permission will be granted provided the proposal achieves good quality living conditions. This policy is reinforced

by the council's residential design standards SPD.

Internal residential layouts

55. The SPD defines the minimum standards required for internal accommodation, including overall unit as well as individual room sizes. The proposed 4 x 1-bed units range in size from 54.5 sqm to 57.9 sqm (GIA) and therefore all exceed the minimum 50 sqm (GIA) required for 1-bed units. The individual rooms within each unit also either meet or exceed minimum room sizes and have sufficient bulk storage.

Aspect and outlook

56. All new developments should maximise the amount of dual aspect flats in order to ensure improved outlook and opportunities for cross-ventilation. 66% of units within the extant scheme are dual aspect.

57. The proposed four units would be dual aspect with the main outlook from the living area facing west onto the internal landscaped courtyard. As such, the overall scheme would continue to provide a predominance of dual aspect units.

Privacy and overlooking

58. When considering the impact of the additional storey on Block D on new flats within the development site, there would be no additional impacts in terms of privacy over and above that already considered acceptable for the extant scheme. A good separation distance of 22m would be retained across the internal courtyard between direct facing main habitable windows of Block D and Blocks B/C.

Daylight and sunlight

59. An internal daylight and sunlight assessment has been undertaken which has assessed the impact of the proposed raised height of Block D on units within the extant scheme as well as the impact on overshadowing to the landscaped courtyard. The assessment has been carried out in accordance with the guidelines established by the Building Research Establishment (BRE).

60. The average daylight factor (ADF) test has been undertaken which is a detailed calculation used when the internal layout and room use is known and assesses the quality and distribution of light within a room. The BRE advise the following minimum ADF values: 2% for kitchens, 1.5% for living rooms and 1% for bedrooms.

61. Worst case window locations were selected at ground floor level with each of the rooms tested achieving in excess of the recommended ADF values. It can therefore be expected that all other rooms throughout the development, including the proposed new habitable rooms to Block D, would receive BRE compliant daylight levels with the additional storey in place.

Overshadowing

62. The BRE guidance recommends that for outdoor amenity areas to be adequately sunlit throughout the year, at least half of the garden or amenity area should receive at least 2 hours of sunlight on 21 March.

63. The overshadowing analysis undertaken shows that at least 50% of the internal landscaped courtyard would continue to receive in excess of 2 hours of sunlight on 21 March. As such, the amenity area is considered to be adequately sunlit throughout the year with the additional storey in place.

Outdoor amenity space

64. The proposed 4 x 1-bed units would each have their own private amenity space in the form of balconies 5 sqm to 5.8 sqm in size. The balconies would face west and overlook the communal courtyard.

65. Local representations have been made that the proposal would result in an overdevelopment of the site in that there is already a minimal amount of amenity and outdoor space for future residents of the development. However, the extant scheme provides well in excess of minimum communal amenity space requirements and therefore there is already sufficient capacity on site to accommodate new residents (maximum 8 occupiers) of the additional flats.

66. Future occupiers would have access to a variety of communal outdoor spaces within the development, including a large central amenity lawn and courtyard garden, a wildflower 'meadow lawn' and ecology area to the south of Block D, dedicated play area, as well as grow garden to the south of Block C.

Conclusion on residential quality

67. The proposed new units would offer good quality residential accommodation. The units exceed minimum internal space standards, have a dual aspect and have direct access to private amenity as well as easily accessible communal outdoor space. The addition of these new units would not compromise the quality of the consented flats or the amenities that future occupiers of the development would enjoy. The impact of the proposed development on the amenities of existing neighbours is set out below.

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

68. Saved Southwark Plan policy 3.2 seeks to protect neighbouring amenities, including disturbance from noise. The commitment to avoiding amenity and environmental problems is reaffirmed in Core Strategy strategic policy 13.

Representations

69. Representations have been received from residents of Rose Stapleton Terrace. The rear of the terrace directly faces towards Block D. The residents raise the following concerns relating to amenities:

- Overlooking and loss of privacy
- Loss of daylight and sunlight
- Overshadowing to rear gardens
- Noise and disturbance.

Outlook and privacy of neighbouring properties

70. The Residential Design Standards SPD states that in order to prevent problems of overlooking, loss of privacy and disturbance, new developments should achieve the following distances:

- A minimum distance of 12m at the front of a building and any elevation that fronts onto a highway
- A minimum distance of 21m at the rear of a building.

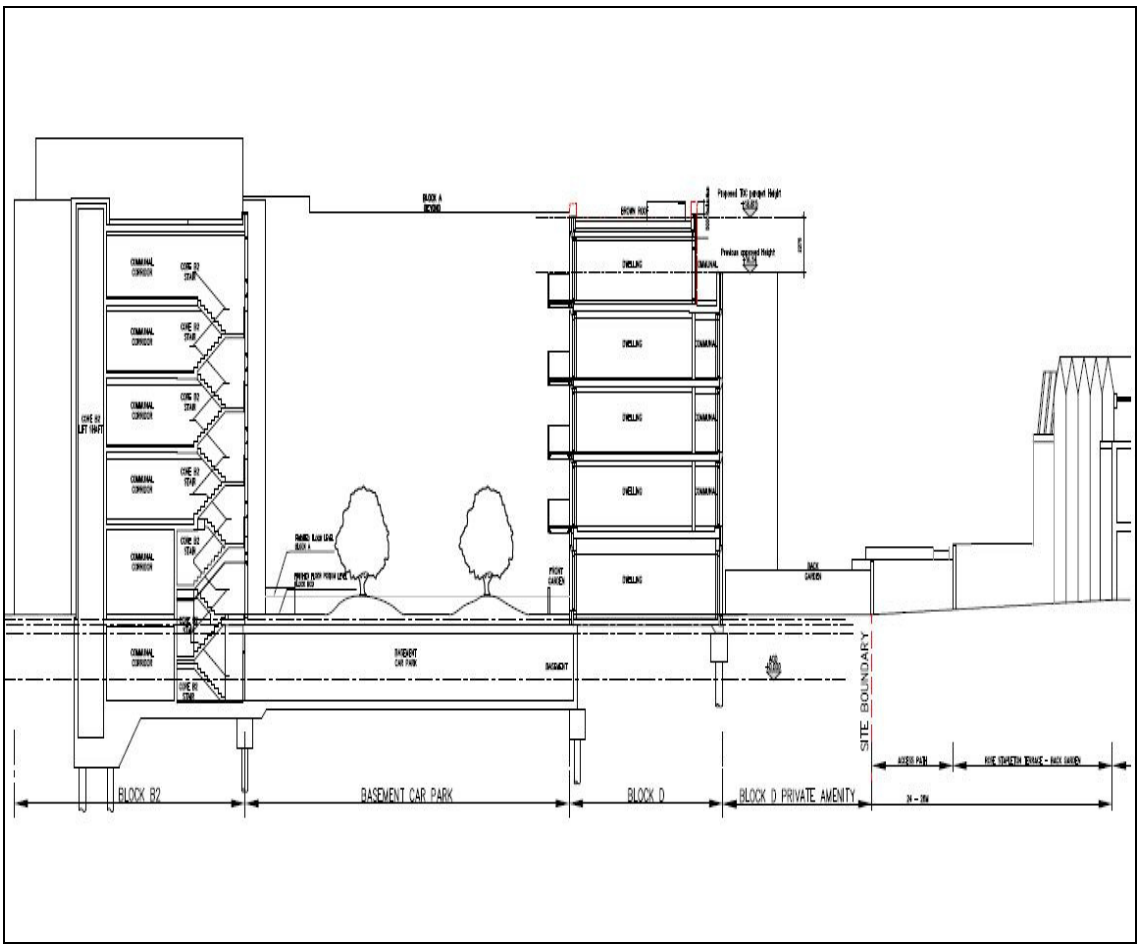
71. These distances should be achieved both for flats within a new development site as well

as between a proposed scheme and surrounding dwellings.

72. The proposal does not involve a change to the approved siting of Block D and therefore a separation distance of between 26m and 29m would be maintained between the main rear (east) wall of Block D and the rear wall of Rose Stapleton terrace. The separation is clearly in excess of the recommended distances specified in the SPD.

73. The proposed additional storey would be set back from the main rear wall of Block D by 1.9m to allow for an open access walkway to the new units. Although fully glazed curtain walling cladding is proposed for these units, given their height and set-back, there would be limited views from inside the new units towards the rear habitable windows of Rose Stapleton Terrace (3-storeys high). Furthermore, the majority of windows along the eastern elevation of the new storey would serve kitchens and bathrooms and therefore parts of the glazed façade would be obscured in some way. As such, the proposal would not worsen overlooking when compared with the consented position.

74. Concerns have been raised about the potential overlooking from the walkway down into rear facing bedrooms and the gardens of Rose Stapleton Terrace. Oblique views down towards main habitable windows from the walkway would be possible but a good separation distance (i.e. between 26m and 29m) from neighbouring windows would be achieved. There would be a minimum 9.6m separation distance between the proposed walkway (at its closest point) and the adjacent rear gardens and so a view from the walkway down into the gardens would be possible. However, the walkway serves to provide access to the new flats and would not be used as intensively as a habitable room or outdoor amenity space. A reasonable separation distance would exist between the walkway and neighbouring gardens to avoid any serious impacts on privacy.



Impact on daylight received by neighbours

75. The assessment uses two methods to test the impact on daylight levels to neighbouring properties. Firstly, the vertical sky component (VSC) where a target of 27% VSC is considered to be a good level of daylight. The BRE advise that acceptable levels of daylight can still be achieved if VSC levels remain within 0.8 times (or 80%) of their original value following construction of a new development. Any greater loss (i.e. 20% or more) could mean a noticeable reduction in the amount of daylight received. Where the VSC test shows reduced light levels, then the more detailed ADF test has been undertaken.

76. The assessment uses the extant scheme as the baseline condition as this scheme has been implemented and under construction. It can therefore be considered representative of site conditions.

77. The report considers the impact on two groups of neighbours:

- Nos. 1-9 Rose Stapleton Terrace
- Nos. 61-68 Harold Estate.

Rose Stapleton Terrace

78. These 9 properties have their main living rooms on the ground floor and bedrooms above. Rear facing balconies are provided off the first floor bedrooms which sit directly above the ground floor windows.

79. The VSC test shows that all the upper floor rear windows meet the recommended BRE guidelines with absolute VSC levels in excess of 27% with the additional storey in place.

The ground floor living rooms windows were found to be well below the 27% (ranging from 8.77% to 12.52%) but the modelling showed this was the case in the extant scheme scenario (i.e. without the additional storey). In all cases, the percentage change between the extant and proposed schemes were negligible (less than 2%).

80. For completeness, the ground floor windows were modelled without the first floor balconies. In the proposed scenario, absolute VSC levels significantly increased (to in excess of 24.83%) which demonstrates that the ground floor living rooms are affected primarily by the balconies immediately above these windows rather than the proposed development.

81. Finally, the more detailed ADF test was undertaken for the worst case ground floor rooms where the modelled daylight within the rooms achieved in excess of the BRE recommended 1.5% for living rooms (being 2.72 / 2.73 ADF). Overall, it can be concluded that the ground floor windows to Rose Stapleton Terrace would continue to receive adequate daylight with the proposed development in place.

Harold Estate

82. All relevant receptors were modelled and the results demonstrated that in the proposed scenario all receptors met BRE criteria and so daylight would not be affected.

Overshadowing to neighbouring gardens

83. The overshadowing analysis shows that with the additional storey to Block D in place, all but one of the gardens at Rose Stapleton Terrace would receive in excess of 2 hours of sunlight on 21 March. The exception would be the garden to No. 8 which would receive 1.97 hours. The garden however receives 1.97 hours in both the consented and proposed scenarios and therefore there is no additional overshadowing as a result of the proposed development. Furthermore, modelling has been undertaken to demonstrate the sunlit hours for the summer months (June) when the gardens are most likely to be used for sitting out etc. The results show average sunlight hours of between 5.7 and 6.7 sunlit hours would be achieved for all the gardens, including No. 8. As such, it is concluded that the gardens would continue to be adequately sunlit throughout the year.

Noise and disturbance

84. Concerns have been raised about potential noise from the new walkway with future residents congregating and children playing. The flats are 1-bed in size and therefore not considered to offer family accommodation. The proposal would result in a maximum of 8 additional residents who would regularly use the walkway to access the flats. This is not a large increase in number of residents when considering the site's urban context. This is an urban location where a relatively dense pattern of development is expected, particularly when considering the pressing need for more homes. It is noted that the resultant density of the proposed scheme with the new flats in place sits well within the range expected for the area.

Noise from plant

85. A query was raised about the mechanical ventilation to be installed on the roof of Block D and the impact this would have in terms of noise. The applicant has advised that the mechanical ventilation system that was previously shown on the drawings has been omitted. An internal sprinkler system is now proposed which doesn't have any external visible elements.

86. A noise statement has been submitted which confirms that the proposed additional new

units wouldn't require any significant new plant equipment to be installed and therefore no significant new noise sources would be created. The proposed new flats would be designed to the same standards as the extant scheme in terms of facade and glazing with the same construction materials to ensure suitable levels of amenity are maintained.

87. Conditions 13 and 14 of the extant permission seek to safeguard the amenities of both future residents on the development as well as those of neighbouring properties. It is recommended that these conditions are carried over onto any new grant of permission.

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

88. The proposed changes raise no new issues in relation to the amenities of future residents of the scheme.

Transport issues

89. Strategic policy 2 of the Core Strategy encourages walking, cycling and the use of public transport rather than travel by car. The site has a PTAL rating 4 reflecting the site's medium accessibility to public transport. A transport statement has been submitted which assesses the highway impacts of the proposed modifications.

90. Local concerns have been raised that introducing more dwellings will exacerbate on-street car parking.

Trip generation

91. The proposal would increase the number of occupiers in the development but the modelling undertaken demonstrates that the total trip generation associated with the additional units would be negligible and, as such, the local highway network would not be adversely affected.

Car parking

92. The extant scheme provides 33 car parking spaces, of which 8 are disabled spaces. No change is proposed to the quantum of car parking which is acceptable given the site has relatively good access to public transport and 'car-free development is strongly encouraged wherever possible.

93. In order to accommodate the proposed additional 3-bed wheelchair unit, one of the parking spaces would be converted to a disabled parking space (total 9 spaces) to ensure that each wheelchair unit has access to a dedicated disabled bay.

94. The S106 legal agreement secures provision of 3 years free car club membership for residents of the development. This will be binding on occupiers of the proposed additional units.

95. The site is within a controlled parking zone and therefore there is an obligation in the section 106 to restrict future occupiers of the development (with the exception of blue badge holders) from applying for on-street parking permits. Again, this would be binding on future occupiers of the new units.

Cycle parking

96. An additional 4 cycle parking spaces is proposed in accordance with London Plan standards of 1 space per 1-bed unit. The scheme would now provide a total of 140

residential cycle spaces and 12 visitor spaces.

Refuse

97. Condition 25 of the extant permission requires further details of the refuse strategy. These details have already been agreed and demonstrate that the number of Euro Bins to be provided allow for the additional capacity generated by the 4 x 1-bed units.

Design issues

98. Saved policies 3.12 and 3.13 of the Southwark Plan and strategic policy 12 of the Core Strategy require developments to achieve the highest possible standards of design.

Height and massing

99. The extant scheme comprises four blocks arranged around a central landscaped courtyard with three inter-linking blocks (Blocks A-C) forming an 'L-shape' along the north and west site boundaries. The fourth block (Block D) is a stand alone building located on the eastern side of the site.

100. In terms of height, Block B (positioned in the north-west corner of the site) is the tallest element at 6-storeys, stepping down to 5 and 4-storeys at adjoining Blocks A and C. Block D is 4-storeys high.

101. The heights and massing of the extant scheme were considered very carefully at the time. At 4-storeys, Block D and the southern extent of Block C/eastern section of Block A were considered to make a tangible response to the adjoining 4-storey Harold Estate blocks to the south of the site and the lower scale 3-storey townhouses at Rose Stapleton Terrace. A key aspect of the scheme was the visual stepping across the site from 4, 5 and 6-storeys, emphasised by further setbacks at upper levels.

102. The proposed increase from 4 to 5-storeys on Block D would somewhat disrupt this and officers were initially concerned that the additional height and massing appeared bulky and overbearing in its relationship to Rose Stapleton Terrace as well as to the lower elements of Blocks A and C within the development site itself.

103. The scheme has been revised to reduce the height of the additional floor. The approved parapet height of Block D is 16.54m whereas this would increase to 18.81m (2.27m increase). Furthermore, the set-back from the main east wall of the block has increased to 1.9m to help reduce the perceived volume of the extension, particularly when viewed from the east.

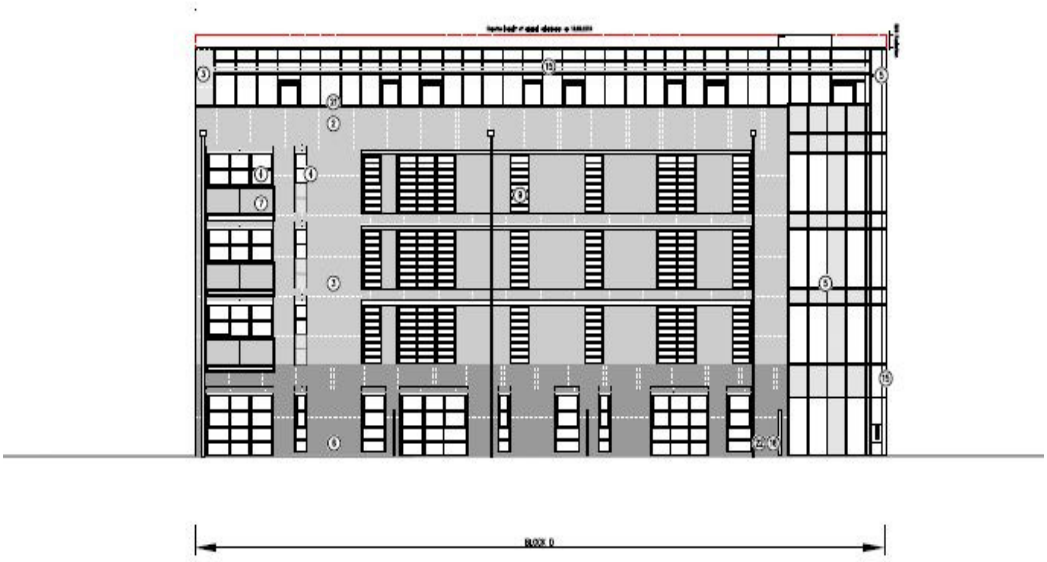
104. A further revision to the scheme is the change to the elevational treatment of the extension. Metal cladding was originally proposed on the eastern elevation to match the cladding treatment on the upper floors elsewhere on the development. Fully glazed curtain walling is now proposed on the eastern side which gives a lighter treatment and helps to reduce the visual impact of the extension. In addition, the glazed roof canopy extending along the walkway has also been reduced from 1.50m to 0.9m width in order to lessen its projection.

105. Undoubtedly the proposal does alter the height, scale and massing of Block D. That said, the additional bulk and prominence of Block D has been minimised by the revisions made to the extent that the proposal is now acceptable and certainly not so harmful as to warrant a refusal of permission on this basis. As discussed earlier, there would be no serious impacts on neighbouring amenities in terms of both future occupiers on the site as well as adjoining residents.

Detailed design

106. The additional storey would match the brick finish of Block D on the courtyard (west) elevation. The glazed curtain walling on the set-back east side would be in-keeping with the glazed curtain walling on the top floor penthouse units on Block B.

WEST ELEVATION



EAST ELEVATION

107. Conditions 16 and 17 of the extant permission require material samples and section detail drawings to be submitted for approval. Condition 17 (section-details) has already been approved and condition 16 is pending determination. Given that the proposed additional storey will utilise the same construction methods and materials as the extant scheme no further design conditions are required in respect of the additional storey.

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

108. The north-west corner of the development site adjoins the Bermondsey Street conservation area. As noted earlier, Block D is located on the far eastern side of the

site with the 'L-shaped' block (Blocks A/B/C) extending along the northern and western site boundaries. Given that these blocks step up to a maximum 6-storeys at the north-west corner of the site, the proposed additional storey on Block D would not affect the setting of the conservation area.

Impact on trees

109. The proposed amendments would not have any impacts over and above those already considered under the extant permission.

Planning obligations (section 106 undertaking or agreement)

Section 106 contributions

110. A section 106 agreement was completed in relation to the extant scheme (principal agreement). All associated section 106 contributions have been paid in full.

111. As a section 73 application has the effect of granting a new planning permission, a deed of variation (DOV) is required to ensure that the obligations contained in the principal agreement are binding on the new permission. The DOV will also secure the following:

- £340,000 in lieu affordable housing payment
- Market wheelchair units to be built to a base specification and subject to marketing
- Amended housing/dwelling mix.

112. A DOV has been prepared to this effect and can be executed promptly if the committee resolves to grant permission. The terms of all the obligations remain as set out in the principal agreement.

113. In the event that the legal agreement has not been signed by 31 August 2017, it is recommended that the Director of Planning be authorised to refuse planning permission, if appropriate, for the following reason:

'In the absence of a signed section 106 legal agreement there is no mechanism in place to secure adequate provision of affordable housing and mitigation against adverse impacts of the development and it would therefore be contrary to saved policy 2.5 'Planning Obligations of the Southwark Plan 2007', strategic policy 14 'Delivery and Implementation of the Core Strategy 2011', policy 8.2 'Planning Obligations of the London Plan 2016' and the Section 106 Planning Obligations and Community Infrastructure Levy SPD 2015.

Mayoral and Southwark community infrastructure levy

114. The Mayoral CIL came into effect on 1 April 2012 and so was in force at the time of the extant permission. MCIL is charged at £35 per sqm and will be charged for the uplift in residential floorspace. Based on the submitted floorplans, this is estimated to be £10,000, subject to indexation.

115. The Southwark CIL is now levied on new development, chargeable at a rate of £200.00 per square metre for residential floorspace. This would be charged on the uplift in floorspace and not on the entire scheme given that S106 planning obligations are already in place to mitigate the impacts of the development. Based on the submitted floorplans, this is estimated to be £50,000, subject to indexation.

Sustainable development implications

116. An energy statement has been submitted confirming that the overall energy

performance of the scheme would not be adversely affected by the additional 4 units.

117. Condition 23 of the extant permission requires that prior to occupation of the development, a code for sustainable homes final certification be submitted confirming code level 4. The submitted energy statement confirms that the scheme is on target to achieve this standard.

118. Since the date of the extant permission, the code for sustainable homes has been withdrawn as it now forms part of building regulations. As section 73 permission has the effect of a new permission, condition 23 will not be carried over onto the new decision.

Other matters

Application form

119. Concerns have been raised by neighbouring residents about the form of the application and that the proposal does not constitute minor material amendments to the scheme. It has been suggested that a full planning application should have been submitted for the additional storey on Block D.

120. The ability to seek minor material amendments to extant permissions is set out within section 73 of the Town and Country Planning Act 1990 (as amended). An application made under section 73 results in a new permission being issued, although the time given to implement the permission remains unchanged and is not extended as a result of any section 73 permission. Whilst a planning authority should take into consideration all relevant matters, including current policies at the time of determining a section 73 application, it must also take into account the scope of the changes being requested, and the status of the permission in terms of how far construction has progressed.

121. As noted earlier, the planning issues relevant to the overall development were set out in full in the officer report on application reference 12/AP/2702. The proposed changes to the extant scheme relate principally to the additional storey on Block D to provide four units. No significant new material planning issues have been identified and given that the scheme is at an advanced stage of construction it is not considered reasonable or necessary to carry out a comprehensive reassessment of all planning matters.

122. The impacts of the proposed extension to Block D both in terms of design and impacts on the amenities of neighbouring residents as well as future occupiers of the extant scheme have been fully considered as part of this application.

Conclusion on planning issues

123. The principle of the proposed development is acceptable and in land use terms continues to be supported under current policies. Furthermore, the proposal does not prejudice the council's future aims for the Old Kent Road opportunity area.

124. The amended scheme would continue to provide a good mix of unit sizes, including larger three bedroom family accommodation. The new 4 units would provide a good standard of residential accommodation and would not compromise the overall quality of the extant scheme. The amended scheme would deliver 24% on-site affordable housing which is below the 35% policy requirement. However, the viability of the scheme has been tested to take account of the additional units and a payment has been negotiated to contribute towards affordable housing elsewhere in the borough.

125. Revisions have been made to the design of the proposed additional storey to Block D in order to reduce its overall bulk and prominence in local views. The amended design helps to minimise the visual impact of the extension to the extent that the design is

considered acceptable.

126. Representations have been received from local residents during the consultation process raising concerns about the impact on amenities. The issues have been considered very carefully and no serious impacts on existing residential amenities have been identified.

127. Taking all matters into consideration, it is recommended that permission be granted, subject to conditions as set out in the draft decision notice and the completion of a legal agreement on the terms as set out above.

Community impact statement

128. 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.

Consultations

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

Consultation replies

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

Summary of consultation responses

131. Local representations have been received raising the following concerns:

- Loss of daylight and sunlight
- Overshadowing to gardens
- Overlooking and loss of privacy
- Incongruous design
- Out of character with nearby buildings
- Overdevelopment of the site
- Increased on-street car parking
- Validity of the application.

132. The matters raised are addressed in the relevant sections of the report.

Human rights implications

133. 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.

134. This application has the legitimate aim of providing minor material amendments to the extant residential scheme permitted under ref. 12/AP/2702. The rights potentially engaged by this application, including the right to a fair trial and the right to respect for private and family life are not considered to be unlawfully interfered with by this proposal.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/21-6 Application file: 16/AP/3612 Southwark Local Development Framework and Development Plan Documents	Chief Executive's Department 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 020-7525-5349 Council website: www.southwark.gov.uk

APPENDICES

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

AUDIT TRAIL

Lead Officer	Simon Bevan, Director of Planning
Report Author	Helen Goulden, Team Leader
Version	Final
Dated	31 May 2017
Key Decision	No

CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	**Comments sought**	**Comments included**
Strategic Director of Finance and Governance	No	No
Strategic Director, Environment and Social Regeneration	No	No
Strategic Director of Housing and Modernisation	No	No
Director of Regeneration	No	No
Date final report sent to Constitutional Team		2 June 2017

APPENDIX 1

Consultation undertaken

Site notice date: 03/11/2016

Press notice date: 13/10/2016

Case officer site visit date: n/a

Neighbour consultation letters sent: 25/10/2016

Internal services consulted:

n/a

Statutory and non-statutory organisations consulted:

n/a

Neighbour and local groups consulted:

6 Rose Stapleton Terrace 16 Pages Walk SE1 4SB
3 Rose Stapleton Terrace 16 Page'S Walk SE1 4SB
2 Rose Stapleton Terrace 16 Pages Walk SE14SB
3 Rose Stapleton Terrace 16 Pages Walk SE1 4SB
1 Rose Stapleton Terrace 16 Pages Walk SE1 4SB
82 Harold Estate Pages Walk SE1 4HW
81 Harold Estate Pages Walk SE1 4HW
84 Harold Estate Pages Walk SE1 4HW
83 Harold Estate Pages Walk SE1 4HW
68 Harold Estate Pages Walk SE1 4HW
67 Harold Estate Pages Walk SE1 4HW
80 Harold Estate Pages Walk SE1 4HW
79 Harold Estate Pages Walk SE1 4HW
85 Harold Estate Pages Walk SE1 4HW
24 Pages Walk London SE1 4HR
18 Pages Walk London SE1 4SB
28 Pages Walk London SE1 4HR
26 Pages Walk London SE1 4HR
87 Harold Estate Pages Walk SE1 4HW
86 Harold Estate Pages Walk SE1 4HW
12-14 Pages Walk London SE1 4SB
88 Harold Estate Pages Walk SE1 4HW
6 Rose Stapleton Terrace 16 Pages Walk SE1 4SB
5 Rose Stapleton Terrace 16 Pages Walk SE1 4SB
8 Rose Stapleton Terrace 16 Pages Walk SE1 4SB
7 Rose Stapleton Terrace 16 Pages Walk SE1 4SB
2 Rose Stapleton Terrace 16 Pages Walk SE1 4SB
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4 Rose Stapleton Terrace 16 Pages Walk SE1 4SB
3 Rose Stapleton Terrace 16 Pages Walk SE1 4SB
9 Rose Stapleton Terrace 16 Pages Walk SE1 4SB
64 Harold Estate Pages Walk SE1 4HW
63 Harold Estate Pages Walk SE1 4HW
66 Harold Estate Pages Walk SE1 4HW
65 Harold Estate Pages Walk SE1 4HW
20-22 Pages Walk London SE1 4SB
Rose Stapleton Terrace 16 Pages Walk SE1 4SB
62 Harold Estate Pages Walk SE1 4HW
61 Harold Estate Pages Walk SE1 4HW

Re-consultation: 22/05/2017

APPENDIX 2

Consultation responses received

Internal services

None

Statutory and non-statutory organisations

None

Neighbours and local groups

1 Rose Stapleton Terrace 16 Pages Walk SE1 4SB
1 Rose Stapleton Terrace 16 Pages Walk SE1 4SB
2 Rose Stapleton Terrace 16 Pages Walk SE14SB
3 Rose Stapleton Terrace 16 Page'S Walk SE1 4SB
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