

<b>Item No.</b> 6.4	<b>Classification</b> Open	<b>Decision Level</b> Planning Committee	<b>Date</b> January 19 2010
<b>From</b> HEAD OF DEVELOPMENT MANAGEMENT		<b>Title of Report</b> DEVELOPMENT MANAGEMENT	
<b>Proposal</b> (09-AP-1783)  Redevelopment of existing retail warehouses and erection of 6 buildings varying in height from 4 to 10 storeys comprising 430 residential units (Class C3), 9104sqm retail store (Class A1), 1287sqm of other Class A1/A3/A4/A5 space, 644sqm of office space (Class B1a), 528sqmm of Class D1 community space, access, basement car park for 340 cars, public realm, landscaping and communal amenity space.		<b>Address</b> CANADA WATER 'SITE C' (DECATHLON), SURREY QUAYS ROAD. LONDON SE16 2XU  <b>Ward</b> Rotherhithe	
<b>Application Start Date</b> 24/08/2009		<b>Application Expiry Date</b> 23/11/2009	

## PURPOSE

- 1 To consider the above application which is for Planning Committee consideration due to its scale which makes it referable to the Mayor of London, and the number of objections received.

## RECOMMENDATIONS

- 2 1) Subject to the applicant first entering into an appropriate legal agreement (at no cost to the Council) by no later than 19 April 2010, and subject to referral to the GLA, planning permission be granted subject to conditions.  
  
2) In the event that the requirements of 1 are not met by 19 April 2010, the Head of Planning be authorised to refuse planning permission for the reasons set out under paragraph 162.

## BACKGROUND INFORMATION

### Site location and description

- 3 The application site is located within the Rotherhithe peninsula at Canada Water. It is bounded by the Canada Water basin to the west, Surrey Quays Shopping Centre to the south, the Albion Channel to the north west, with the curved boundary from the channel around to the shopping centre being Surrey Quays Road.
- 4 It is 2.31 hectares in size and is currently occupied by 2 large retail units erected in the 1980s as well as a car park with 224 surface parking spaces and associated servicing areas. The two units have a combined gross floorspace of 6,190sqm and contain the sports equipment and clothing store Decathlon.
- 5 There is a general vehicular access off Surrey Quays Road from a traffic light

controlled intersection whilst there is a service access at the southern end of the site adjacent to the shopping centre. Pedestrian access is available along the basin edges, and along the Albion Channel, as well as through the site between the two units.

- 6 There are a large number of semi-mature trees across the site, particularly along the Albion Channel, although none are protected by Tree Preservation Orders. The trees were planted in the late 1980s when the store was constructed.
- 7 On the opposite side of the Albion Channel is Canada Water Site B which has planning permission for residential-led mixed use developments at Site B1 and B2, and the new Canada Water Library. Site B1 has recently been completed and is 8 storeys whilst Site B2 has commenced construction and has topped out at 8 storeys. Across Surrey Quays Road from Site B is Canada Water Site A which has Outline permission for a mixed use scheme comprising up to 596 flats. The Canada Water underground and bus station is located 95 metres from the north-western edge of the application site.
- 8 To the north of the site over Surrey Quays Road is Canada Water Site D now known as the Watergardens. It has six blocks ranging in height from 8 to 10 storeys.
- 9 Across Canada Street from the Watergardens is Canada Water Site E, which is in the same ownership as Site C. It is currently occupied by a similar style warehouse shed to the application site and incorporates 104 car parking spaces. An application was lodged in late 2008 to redevelop this site to provide a mixed-use scheme within buildings varying in height from 4 to 12 storeys but was withdrawn by the applicant in order to address concerns raised by officers and the GLA.
- 10 East of the application site is the car park for the Harmsworth Quays Printworks with the Surrey Quays Shopping Centre located further to the south.
- 11 The application site is designated as Proposal Site 29P under the Southwark Plan, is located within a Public Transport Accessibility Zone, and is subject to a Public Transport Accessibility Level of 5 (across the Albion Channel is PTAL 6). It is within the Urban Zone and located within the Canada Water Action Area as well as being a District Town Centre.

### **Details of proposal**

- 12 The proposed development involves the demolition of the existing retail units to provide a new Decathlon store as well as residential and other non-residential uses. In total, it is proposed to provide 9104sqm of retail floorspace for Decathlon, 644sqm associated office space, 1287sqm of other retail/restaurant use, 528sqm of community use, 430 flats contained within 6 buildings, 193 commercial parking spaces, 147 residential parking spaces, and associated landscaping and public realm works.
- 13 In order to facilitate continuous trading for Decathlon, the developer has proposed delivering the development in two phases. Phase 1 involves the demolition of the southern Decathlon unit and erection of the replacement store and other retail units and residential flats of the new development, followed by the demolition of the northern Decathlon unit and erection of Phase 2. The developer has engaged different architects to design each phase. Given the scale and complexity of the proposed development, this report sets out details of Phase 1 and Phase 2 separately within each subject area.
- 14 Phase 1 is located on the southern end of the site adjacent to the shopping centre whilst Phase 2 is adjacent to the Albion Channel. An improved pedestrian route

through the site separates the two phases and has been referred to as the 'boulevard'.

#### Phase 1

- 15 The main component of Phase 1 is the provision of the new Decathlon store which is in Block 1, with there being a smaller building to the south known as Block 2. The store is provided over two double-height floors (effectively 4 residential floors), which is then wrapped by residential development on the basin and flank sides and with office accommodation adjoining Surrey Quays Road. Above the store is a podium level communal courtyard of 3,193sqm which is surrounded by residential flats on all sides.
- 16 In terms of height, the basin and boulevard elevations extend up to 6 storeys (the 6<sup>th</sup> storey being a series of 'pods') whilst the southern edge extends up to 7 storeys (with the 7<sup>th</sup> storey being a series of 'pods'). These elements are treated with a material palette of copper panels and charcoal brick frames.
- 17 The Surrey Quays Road elevation incorporates two taller elements of 9 and 10 storeys that are of a different design from the perimeter elements to differentiate their form.
- 18 The main entrance to the new Decathlon store is located on the basin elevation which also incorporates an associated cafe and display area. The remainder of the ground floor of this elevation is comprised of A3/A4/A5 food and drink space.
- 19 To the south of Block 1 is Block 2. This is a 7 storey building running perpendicular to the basin and is separated from the shopping centre by a pedestrian thoroughfare and from Block 1 by a semi-private courtyard. The ground floor unit fronting the basin provides A3/A4/A5 food and drink space whilst there are smaller retail units fronting onto the pedestrian thoroughfare through to Surrey Quays Road.
- 20 The long flank elevations of this building are separated into three elements that are divided by the vertical glazed column of the lift and stair core on the north elevation and by glazed balconies to the south. The base material of the bulk of the facade is a white brick with the upper floors treated in timber panelling and balconies. Crenellation of the central roof section creates pod-style elements incorporating roof terraces and gardens in line with those proposed on Block 1.
- 21 There are 250 flats proposed within Blocks 1 and 2. Provision has been made for 75 residential car parking spaces within the basement along with 193 spaces for the commercial uses. The basement is accessed off the boulevard for the residential vehicles and via Surrey Quays Road for the commercial/retail users.

#### Phase 2

- 22 The second phase of the development involves the erection of three buildings located around an internal courtyard that contain 180 flats and food and drink space and Class D (community) Uses.
- 23 Block A is a linear building running along the edge of the Albion Channel. The first three floors incorporate mews houses with there being two floors of single level flats above. These elements have a saw-toothed edge to the channel and an internal courtyard.
- 24 Block B starts at the basin edge and follows the new boulevard up to Surrey Quays Road. The element adjacent to the basin incorporates a food and drink use on the ground floor along with mezzanine space providing a double height facade onto the basin whilst the remaining space (up to 7 storeys in total) accommodate residential flats.

- 25 The elevation along the boulevard curves slightly and is wholly residential within a 7 storey building containing 65 flats. The first 4 floors are walk-up dual aspect whilst the upper three are single level and duplex flats accessed by decks on the courtyard elevation.
- 26 Block C fronts onto Surrey Quays Road and incorporates Class A (retail, food and drink) and D1 (community) Uses on the ground floor of this elevation. The massing results in a building of 7, 8, and 9 storeys stepping from the boulevard up to the bridge over the channel on Surrey Quays Road and then down to 6 storeys along the channel to the south.
- 27 A second basement is proposed under Phase 2 to provide 63 residential parking spaces. The basement for Phase 2 is to be constructed to connect with the Phase 1 basement and to be accessed via the same entrance off the boulevard.

### **Planning history**

- 28 The London Docklands Development Corporation granted permission for a scheme that would become occupied by Decathlon on the application site in the late 1980s.
- 29 An application was made in September 2003 (03-AP-1813) to provide a two storey link building between the two Decathlon units on the application site. This was refused on the following grounds:
- The proposed infilling of this existing walkway would deprive both pedestrians and cyclists of a direct link to the Canada Water frontage public realm, thereby seriously reducing its accessibility and permeability.
  - The proposed development, due to the resultant increased enclosure of the water frontage area, would have a negative impact on this public realm, designated as Borough Open Space, and would thereby be detrimental to local visual amenities.
- 30 The applicant lodged an application in January 2009 for redevelopment of existing retail warehouses and erection of 4 buildings varying in height from 4 to 10 storeys comprising 441 residential units (Class C3), a 9546sqm retail store (Class A1), 1177sqm of other Class A1/A3/A4/A5 space, 876sqm of office space (Class B1a), 303sqm of community space (Class D1), with a basement car park for 477 cars, plus associated access works, landscaping and communal amenity space. This application was later withdrawn to address officer and GLA concerns (09-AP-0034).

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

- 31 The existing developments on Sites C, E, the Surrey Quays (Mast) Leisure Site, and the Surrey Quays Shopping Centre were approved by the London Docklands Development Corporation during the 1980s and 1990s.
- 32 In 2002 the Council granted permission for the following development at Site D (01-AP-1095):
- Construction of 2x7 storey, 3x8 storey and 1x10 storey blocks comprising of 224 residential units, 18 live/work units, business and retail units and a health and fitness club with associated car parking.(Revised scheme).*
- 33 This development is now complete and is known as the Watergardens.
- 34 In 2007, the Council granted Outline permission on Site A (05-AP-2538) for:

*Development of the site for mixed-use purposes comprising residential dwellings, Community use (Class D1) and retail (Class A) in buildings up to a maximum of 10 storeys in height; creation of new open space; construction of new roads, pedestrian and cycle routes and new access to the public highway; together with associated works including the provision of parking, servicing and plant areas and a replacement entrance to the London underground station.*

- 35 In conjunction with the above, the following was granted Outline permission at Site B (05-AP-2539):

*Development of the site for mixed use purposes comprising residential flats, community use/public library (Class D1), offices , studio workshops and retail, in buildings up to a maximum of 10 storeys in height; creation of new areas of open space, construction of new roads, pedestrian and cycle routes and new access to the public highway together with associated works including the provision of parking, servicing and plant areas and a replacement entrance to London Underground Station*

- 36 A related application was granted detailed planning permission for public realm works comprising of new open spaces, road infrastructure works, landscaping and environmental improvements (05-AP-2530).

- 37 In 2007 the Council granted permission within Site B (07-AP-1174) for:

*Erection of a Library building on northern edge of the Dock (within Site B), comprising a public library, cafe, community and performance space, and incorporating a new entrance to Canada Water Underground Station; laying out of an adjacent Civic Plaza; together with associated enabling works and highway alterations.*

Construction of the library commenced earlier in 2009.

- 38 Reserved Matters were approved by the Council in 2008 at Site B1 (07-AP-2588) for:

*External appearance, internal layout, and access to buildings, following Outline Planning Permission dated 4 May 2007 (05-AP-2539) for the erection of an eight storey building comprising 63 dwellings and Class A1 (retail) and B1 (office/commercial) accommodation within the ground floor.*

Site B1 has recently been completed and is currently being occupied.

- 39 An application was made for detailed permission at Site B2 which was granted in 2009 (08-AP-2388) for:

*Erection of a part 7, part 8 storey building to provide 169 residential units (Class C3), 938sqm of retail and/or food/drink (Class A1/A3) and 300sqm of ancillary residential floorspace (residents gym), 46 basement car parking spaces, together with access, hard and soft landscaping, and other associated works incidental to the development.*

This development is now under construction and has topped out at 8 storeys.

- 40 An application was made for detailed planning permission at Site A (09-AP-1870) for:

*Erection of a series of buildings comprising a 26 storey tower, with ground floor mezzanine (maximum height 92.95m AOD), and 9 individual buildings ranging from 4 to 8 storeys in height to provide 668 residential units, 958sqm of retail (Class A1, A2 and A3), and 268sqm of community use (Class D1), creation of a new open space and construction of new roads, pedestrian and cycle routes and new access to the*

*highway, together with associated works including the provision of public cycle facility, basement car parking for 166 cars and cycle parking, servicing, landscaping and plant areas.*

The Planning Committee resolved, on December 1 2009, to grant planning permission subject to completion of a legal agreement and referral to the GLA and Government Office for London.

- 41 An application has been submitted for Outline planning permission at Surrey Quays (Mast) Leisure Site (09-AP-1999) for:

*Application made under the provisions of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 seeking Outline permission for demolition of all existing buildings and erection of buildings ranging from 2 to 10 storeys comprising 11,105sqm leisure floorspace (including cinema) (Class D2), 2,695sqm retail floorspace (Class A1-A3), 49,276sqm of private and affordable residential accommodation (approximately 509 flats) (Class C3), 495 car parking spaces (142 for residential and 350 for leisure uses) and associated works including public and private open space, as well as detailed design for 123 rooms (4,250sqm) of student housing (Class Sui Generis), 2,500sqm commercial floorspace (Class B1), 86 residential units (included in the 509 flats referenced above) (Class C3) and the external appearance of any elevation facing Harmsworth Quays Printworks.*

This application is pending determination and is likely to be presented to Members at the January 19 Planning Committee.

## **KEY ISSUES FOR CONSIDERATION**

### **Main Issues**

- 42 The main issues in this case are:
- a) Principle of the development in terms of retail policy and conformity with the development plan;
  - b) Density;
  - c) Height and design;
  - d) Standard of accommodation;
  - e) Environmental Issues;
  - f) Retail impacts
  - g) Transportation issues including parking and traffic generation;
  - h) Affordable housing;
  - i) Planning obligations;
  - j) Archaeology;
  - k) Sustainability.

### **Planning Policy**

- 43 Southwark Plan 2007 [July]

1.7 Development within town and local centres  
2.5 Planning Obligations  
3.1 Environmental Effects  
3.2 Protection of Amenity  
3.3 Sustainability Appraisal  
3.4 Energy Efficiency  
3.5 Renewable Energy  
3.6 Air Quality

- 3.7 Waste Reduction
- 3.11 Efficient Use of Land
- 3.12 Quality in Design
- 3.13 Urban Design
- 3.14 Designing Out Crime
- 4.1 Density of Residential Development
- 4.2 Quality of Residential Development
- 4.3 Mix of Dwellings
- 4.4 Affordable Housing
- 5.1 Locating Developments
- 5.2 Transport Impacts
- 5.3 Walking and Cycling
- 5.6 Car Parking
- 5.7 Parking Standards for disabled people and the mobility impaired
- 7.2 Canada Water Action Area

44 London Plan 2008

- 2A.6 Areas for Intensification
- 3A.1 Increasing London's supply of housing
- 3A.2 Borough housing targets
- 3A.5 Housing choice
- 3A.9 Affordable housing targets
- 3A.10 Negotiating affordable housing in individual private residential and mixed-use schemes
- 3C.23 Parking Strategy
- 4A.3 Sustainable design and construction
- 4A.4 Energy Assessment
- 4A.7 Renewable energy
- 4A.9 Providing for renewable energy
- 4A.11 Living Roofs and Walls
- 4B.1 Design principles for a compact city
- 4B.3 Enhancing the quality of the public realm
- 6A.5 Planning Obligations

45 Planning Policy Guidance [PPG] and Planning Policy Statements [PPS]

- Planning Policy Statement 1: Planning for Sustainable Communities
- Planning Policy Statement 3: Housing
- Planning Policy Guidance 13: Transport
- Planning Policy Guidance 16: Archaeology
- Planning Policy Guidance 24: Planning and Noise
- Planning Policy Statement 22: Renewable Energy
- Planning Policy Statement 25: Development and Flood Risk

46 Supplementary Planning Documents and Supplementary Planning Guidance

- Canada Water SPG (2005)
- Sustainable Transport Planning SPD (2008)
- Residential Design Standards SPD (2008)
- Affordable Housing SPD (2008)
- Sustainable Design and Construction SPD (2009)
- Section 106 Planning Obligations SPD (2007)
- Design and Access Statements SPD (2007)
- Canada Water Area Action Plan – Publications/Submission (2009)

47 The Council is currently preparing an Area Action Plan (AAP) for Canada Water and

the surrounding area which will set out a vision for the future of Canada Water and provide the planning policies that will help to achieve this vision. Some of the issues the AAP considers include the creation of a town centre, the unique natural environment and the transport impacts of new development.

- 48 The document is at the Publications/Submission phase of the process following presentation to the Planning Committee on December 8<sup>th</sup> and Executive on December 15<sup>th</sup>. Formal consultation will commence on January 29 and run until March 12. Given the document is at an early stage of development, and is still undergoing consultation, little weight can be given to the document.

### **Consultation**

- 49 Site notice date: 03/09/2009

Press notice date: 03/09/2009

Neighbour consultation letters sent: 27/08/2009

Case officer site visit date: numerous times over the preceding two years. Most recent 03/11/2009 (unaccompanied).

- 50 Internal consultees

- Access Officer
- Transport Group
- Environmental Protection Team
- Archaeology Officer
- Waste Management
- Planning Policy
- Property Division
- Ecology Officer
- Parks and Open Space

- 51 Statutory and non-statutory consultees

- Greater London Authority
- Transport for London
- Metropolitan Police Service
- London Fire and Emergency Planning
- Environment Agency
- Southwark Design Review Panel
- Thames Water
- Canada Water Consultative Forum

- 52 Neighbour consultees

As per the maps appended to this report. A detailed list of the 1235 neighbours consulted is available within the case file.

### **Consultation replies**

- 53 Internal consultees

Archaeology Officer: no objections; requested conditions



Ecology Officer: requested further details that are to be secured by condition

Waste Management: no objections raised.

Property Division: The applicants have responded to the Council's Valuer's assertion that the scheme can support more affordable housing than their previous offer of 25%. The applicants now propose 27% on site affordable housing plus Section 106 works totalling £4,834,853. The Council's Valuer recommends acceptance of this offer on the basis that it is the maximum affordable housing that the scheme will financially support at this point in time. The above recommendation is, however, conditional on Members accepting the site Acquisition Cost as opposed to Existing Use Value within the Financial Appraisal, and on a review mechanism being put in place.

Environmental Protection Team: no objections; requested conditions.

Transport Group: extensive negotiations were held with the Transport Group and the developer and TfL prior to submission to resolve the outstanding issues over parking. The Transport Group Manager confirmed that they accepted the level of non-residential parking proposed; would welcome a reduction of residential parking from the 0.34 provision. Motorcycle/scooter parking is acceptable as is residential cycle provision; would welcome an increase in non-residential cycle provision which has been accepted by the applicant; access acceptable subject to condition for sightlines.

Access Officer: The proposal meets the requirements of our Residential Design Standards, Lifetime Homes Standard, South East London Housing Partnership wheelchair design standard and part M (access to and within buildings) of the Building Regulations. A comprehensive and detailed Design and Access Statement also indicates that the public realm associated with the development will be fully accessible for a wheelchair user.

Planning Policy:

- note that the density proposed exceeds the maximum level of 700 habitable rooms per hectare – LPA needs to be satisfied that the scheme is of exemplary design;
- incorporates excellent living standards, and contribution to environment improvements in the area;
- sought clarification on room sizes and Lifetime Homes standards;
- raise concern over the short-fall in children's play space;
- note that the Canada Water AAP preferred options consultation report envisages heights of between 5 and 8 storeys on this site;
- the site is an important one within the town centre and the design of the retail units should help reinforce the character of this part of the centre. Smaller units along the frontages are welcomed (Canada Water basin and Surrey Quays Road), to create more diversity and 'active' frontages in the area;
- requested further information on energy sources and grey water recycling and rainwater collection;
- there could be scope to reduce the level of residential parking further from 0.34;
- request contributions to off-site public realm works, and improvements to the highway network.

Parks and Open Space: no objections raised during formal consultation. Issues raised during pre-application have been responded to by the applicant.

#### 54 **Statutory and non-statutory consultees**

Metropolitan Police Service (Secure by Design): following clarification sought on a

number of points, no objection with proposed development.

Thames Water: no objections; requested conditions

Greater London Authority: Stage 1 response received that provided general support for the scheme but advised that it does not comply with the London Plan for the following reasons:

- Housing and Affordable Housing: the viability of the development should be reassessed as phases are brought forward. An increase in family housing should be investigated.
- Urban Design: the proposal is not currently supported by the necessary assessment of its impact on the protected views from Greenwich and Blackheath to St Paul's Cathedral.
- Climate change mitigation: further information needs to be submitted before it can be concluded that the application fully complies with the London Plan.
- Access: access ramps should have a 1 in 20 gradient
- Transport: further work and/or information is required on trip generation, modal split, and transport impact; car and cycle parking levels and management; improvements to the travel plan; and transport impact mitigation. Contributions of £90,000 per year for three years towards improvements to bus capacity in the vicinity of the site; £27,000 towards improvements at Canada Water bus station; and £7,000 towards improvements to TfLs strategic walk network are sought.

Suggested measures were included in the report that could overcome the above issues.

Transport for London: comments included within GLA Stage 1 report.

London Fire and Emergency Planning: no objections raised.

Environment Agency: no objection subject to conditions.

Southwark Design Review Panel: the proposed development was presented to the DRP in October and December 2008. The panel made the following comments:

- Questioned the quality of the spaces between buildings
- Concern over potential ambiguity of entrances for Phase 2
- Queried how the triangular shapes created on Surrey Quays Road due to the curve of the building would be used and experienced
- Questioned the sustainability and flexibility of Phase 1 should Decathlon move
- Concern over north facing single aspect flats
- Deck access past living room and bedroom windows was considered unacceptable

The current revised application has not been reconsidered by the DRP.

Canada Water Consultative Forum: no formal response received.

Southwark Cyclists: requested 130% residential cycle storage and 30% staff cycle storage; 30 racks for visitors within 30 metres of site; £0.5m contribution in legal agreement for walking/cycling improvements; only parking should be disabled parking

Neighbour consultees

SE16 7BG: object to construction implications; area is becoming too crowded; too many people increases crime

SE16 7PT: will put a strain on local infrastructure; will lead to loss of privacy; will impact historic charm of the area; might lead to an increase in crime; will be noisier and busier; will cause car parking issues

SE16 6SR: 10 storeys too high, should be 4 storeys; concern over television reception

Address withheld: construction will kill wildlife; train line already at capacity; shopping centre is already over-crowded; construction will disrupt quality of life; will affect right to sun; will take longer to get to shopping centre; people will lose an access to the dock

14 Wolfe Crescent: overdevelopment of site; too high; too many internal hidden spaces which are not available to the wider community

27 Brunswick Quay: object to increase in traffic and therefore noise and air pollution; increase strain on local services; increased use of local transport services

12 Woodland Crescent: too high; unoccupied ground level commercial units lead to low level crime; object to development being primarily 1 and 2 bed flats; will put pressure on transport links and local amenities; decrease in water pressure; developer should consider putting a day nursery on the site

8 and 11 James House, Wolfe Crescent: too high; will affect television reception

554 Giverny House, Water Gardens: noise and air pollution during construction; Tesco will not cope with the increase of multiple new developments; strain on transport links; will not be enough health facilities in the area; unloading 1700 flats will flood the market;

566 Giverny House, Water Gardens: noise, congestion, rubbish, and parking problems; do not want to overlook a huge development

SE16 7PX: 10 storeys is too high

18 Woodland Crescent: overdevelopment of the area in general

Brunswick House: pollution from emissions, noise, and visual perspective

28 Brunswick Quay: do not support application

528 Giverny House: light and openness will be obliterated by the proposed development; creating more noise along Surrey Quays Road

56 **In support:**

107 Redriff Road: fully support application

93 Brunswick Quay: questioned tenure mix

57 **Comment**

6 Kings Stairs: there is a lack of suitable restaurants in the area; should be more space allocated to A3 use, especially along the water's edge

## 58 **Developer consultation**

The developer has undertaken its own public consultation during pre-application stages on this scheme as well as previous proposals. As well as public exhibitions on 24<sup>th</sup> and 25<sup>th</sup> October 2008, the scheme has been presented to the Canada Water Consultative Forum. In addition, flyers were distributed to homes within the vicinity, press releases in local media, and correspondence to Ward Councillors.

The applicant also presented the scheme at a Members Briefing on 11 March, 2009.

## 59 **PLANNING CONSIDERATIONS**

### **Principle of development**

60 Policy 7.2 iii of the Southwark Plan calls for the Canada Water area to be developed as a mixed use area with appropriate densities to enable the most efficient use of land and to reduce the need to travel. Key sites in Canada Water have been designated on the Proposals Map for particular uses. It is necessary to protect these sites for particular uses to create the type of place envisaged in the Action Area. The form of development at Canada Water should be at an appropriate density to make the best use of the highly accessible previously developed sites and be sufficient to support local public transport infrastructure and facilities. However, development should be sensitive to the scale and character of the local area.

61 Proposal Site 29P of the Southwark Plan lists Uses Required as A Use Class, D1 or D2 Use Class and C3 Use Class. B1 Use Class is accepted as another use with no other use permitted. The Notes state that the site could be considered for PTAZ densities and give an estimated residential capacity (illustrative) of 580 units. The proposed development is in accordance with these land use provisions and so the scheme is considered to be in compliance with the site's allocation within the Southwark Plan.

62 The Metropolitan Police Authority have requested space within the development for police facilities (a Safer Neighbourhoods office). This use would be supported since it would increase the police presence within the new town centre at a time when a number of new developments are under construction and being brought forward. The facility could be accommodated within part of the space identified for Class D1 Use within the ground floor of Phase 2. The MPA requested that certain obligations be secured through the Section 106 agreement which has not been accepted by the applicant and this is discussed in the Planning Obligations section of the report.

63 There are no other specific policy restrictions affecting this site in terms of use and, as such, it is considered that there are no in-principle objections to the mixed-use scheme proposed.

64 The Canada Water Action Area sets out the aspiration of the Council to reinforce the Canada Water area as a town centre. The provision of a mixed-use scheme will improve links to the shopping centre and enhance the public realm, and thus assist in the regeneration of the area. The applicant has submitted a Retail Impact Assessment in order to demonstrate that the enlarged Decathlon store will not adversely affect shopping areas within the catchment; this discussed in further detail below.

65 As set out in paragraph 47, the Council is currently preparing an Area Action Plan for

Canada Water.

- 66 The Canada Water AAP allows for more homes, more shops, enhanced leisure facilities and opportunities for local job creation. It states that a greater scale of development would help pay for major road improvements, enhancements to Southwark Park and Russia Dock Woodland and a new leisure centre. Surrey Quays shopping centre could be remodelled to provide space for a new department store as well as independent shops. Whilst the AAP has no significant weight at this time, this development is consistent with the AAP in land use terms and the scale is appropriate for a town centre.

### **Retail Impacts**

- 67 The large retail unit within the scheme is being designed around the trading needs of the Decathlon store, who are currently on the site and wish to relocate into the new unit. As a sports good store, they are defined as a comparison goods outlet. The applicant has submitted a Retail Impact Assessment based on an assessment of need for comparison goods space in support of the scheme to demonstrate that the increase in retail floorspace will not adversely impact the existing shopping areas. This is an existing retail site within an identified town centre, so it is an appropriate location for new retail space. The additional space will support the future health of the town centre, and its potential re-designation as a Major centre.
- 68 Southwark's Retail Study was published in 2009 and reports that the comparison goods turnover of Canada Water is projected to increase from £71.2 million (2008) to £90.7 million in 2013 as a result of population growth and an increase in available expenditure. The increase in projected comparison goods turnover – some £19.5 million – would support an additional 3,650 square metres of sales floorspace (calculated at an average sales density of £5,336/m<sup>2</sup>).
- 69 The applicants retail assessment is based on the net change in total gross internal retail floorspace taking both Sites C and E together as they are both in the same ownership:  
- Combined total of existing retail area on both sites (E and C) – 8,110 m<sup>2</sup>  
- Total sales area for new retail space store – 9,858 m<sup>2</sup> (gross)  
The applicant has advised that, given their plans to redevelop Site E for a mixed use scheme, they are willing to decommission Site E for retail purposes prior to occupation of Site C. Accordingly, the total increase in retail area is 1,748 m<sup>2</sup> (gross).
- 70 Discounting the loss of retail on Site E, the Site C proposal would currently account for around 41% (£7.9 m of £19.5 m) of the projected increase in turnover from 2008 to 2013, whilst in 2013, the proposal would account for approximately 21% of the total turnover in the town centre (£19 m of £90.7 m). The proposal also includes the potential for a number of other new small retail units, wrapped around the Planned Decathlon Store, and on the frontages of the other buildings. These have been designed as flexible A Class space, with their design and location lending themselves to either restaurant/café or bar uses as well as shopping. It is not considered that, given their limited size, they would create any significant additional impact on the turnover within the centre.
- 71 The above RIS was based on the increased retail space being for comparable goods which does not take account for the potential change of operator selling convenience goods, such as a supermarket for example. The LBS Retail Study indicates that there is capacity for 8,044sqm of new convenience goods floorspace in Southwark by 2013 rising to 11,554 by 2018. The figures for the north-east of the borough, which includes Canada Water, are 2,538sqm in 2013 rising to 3,855sqm in 2018. The application proposes a large store of 9,858sqm. If this were converted into a

supermarket, or other large convenience goods store, it would significantly exceed the 2018 capacity. Accordingly, any permission should be controlled via condition to limit the store to the sale of comparison goods only, given the size of the unit and its potential impacts on other centres.

### **Environmental impact assessment**

- 72 The applicant submitted a Screening Opinion to the Council in 2005 in respect of Environmental Impact Assessment regulations. The Council formally advised that it considered the development proposed at that time would constitute development defined in Schedule 2 of the Environmental Impact Assessment Regulations 1999.
- 73 The opinion expressed by the Council in 2005 was based on a scheme that comprised buildings ranging from 26m (seven floors) at the waterside to 50 metres (14 floors plus) at the highest point on the Surrey Quays Road side encompassing c800 flats, re-provision of the Decathlon store, a library, Class A3 type accommodation, and basement car parking for 565 spaces.
- 74 Despite the 2009 scheme being considerably reduced in scale and quantum from the 2005 scheme, the applicant submitted an Environmental Statement with the withdrawn application, however, a Screening Opinion was requested prior to submission of the current application and a further request was made during the application to confirm the Council's opinion.
- 75 According to the Regulations, the site can be classified as a Schedule 2 'urban development project' by virtue of its site area of 2.2ha. EIA is only required if the site is located within a 'sensitive area' or the proposals are likely to generate significant environmental effects. The site is not located within a defined 'sensitive area'. Assessment has been made as to whether the development is likely to have a significant effect upon the environment by virtue of its nature, size or location, based on a review of the Schedule 3 selection criteria for screening Schedule 2 Development.
- 76 The site is located outside of a sensitive area as per Regulation 2(1), meaning that the development is unlikely to generate any significant environmental effects and an Environmental Impact Assessment will not be required. Further, it is acknowledged that any likely effects will be addressed as part of a full planning application.
- 77 The opinion expressed by the Council in 2009 was also based on the reduced scale and quantum from that proposed in 2005. The 2005 opinion referenced potential impacts on local transport and traffic. The previous scheme proposed c800 residential units and 565 parking spaces. By comparison, the proposed scheme incorporates 430 flats and 340 parking spaces. This considerable reduction in quantum and parking is considered to no longer result in potential significant environmental impacts in relation to local transport and traffic or the extent of impact on local services.
- 78 The 2005 opinion also referenced potential impacts on the Canada Water Basin. The previous scheme proposed c800 residential units within buildings ranging from 7 storeys at the waterside to 14 plus storeys, whereas the proposed scheme has 4 to 7 storeys on the waterside, which has been setback behind public realm improvements, to a maximum 10 storeys. In addition, there is no proposal to disturb the dock wall. It is considered the reduction in quantum and scale of the development no longer results in potential significant environmental impacts in relation to the Canada Water Basin.
- 79 Accordingly, it has been determined that the proposed scheme does not constitute development defined in Schedule 2 of the Environmental Impact Assessment Regulations 1999 and that an Environmental Statement is not required to be

submitted.

## **Density**

- 80 Policy 3A.3 of the London Plan notes that development should achieve the maximum intensity of use compatible with local context, Development Plan design principles, and with public transport capacity. Policy 3.11 of the Southwark Plan asserts that all development should maximise the efficient use of land whilst protecting amenity, ensuring a satisfactory standard of accommodation, positively responding to the local context, not compromising development on adjoining sites, make adequate provision for servicing, circulation and site access, and be of a scale appropriate to the accessibility of the site.
- 81 In the Southwark Plan the site is in the Urban Zone where a density of development of between 200 and 700 habitable rooms per hectare is sought. The Southwark Plan notes that appropriate density ranges are related to location, setting in terms of existing building form and massing, and the index of public transport accessibility. It also notes that in achieving any density the design and scale of development must respond positively to the local context. In the London Plan in an 'urban setting' with a PTAL of 5 a density of between 200-700 habitable rooms per hectare is sought.
- 82 Policy 4.4 allows (and Proposal Site 31P reinforces) that sites located within a PTAZ may exceed 700hrh provided the following three tests are met: the development is of exemplary design; it provides an excellent standard of living accommodation; and it provides a significant contribution to environmental improvements in the area particularly relating to public transport/cycle/pedestrian movement, safety and security and public realm improvements.
- 83 The calculated density for the scheme is 756 habitable rooms per hectare which is in excess of the maximum expected for this area in accordance with the Southwark Plan. Accordingly, it would need to demonstrate to the satisfaction of the Council that it has met the tests required in order to justify the proposed density. Whether the scheme satisfies these requirements is addressed in the relevant sections below.

## **Design**

- 84 It is accepted that the existing development on the site is not of any architectural merit and does not make a positive contribution to Canada Water, being effectively an industrial-scaled development on an underutilised waterfront. The Decathlon store turns its back on the Basin with its customer entrances from the car park and, as such, does little to animate the Basin edge.
- 85 The site benefits from an excellent location being opposite the Canada Water underground and bus station which increases its prominence and visibility to those visiting Canada Water and, as such, creating a scheme of exemplary design is of critical importance.
- 86 Of crucial importance are the views of the scheme from across the water – the application site is a key location within the town centre and is critical to redefining the character of the area.

## **Urban Design**

- 87 Policy 3.13 of the Southwark Plan asserts that the principles of good urban design must be taken into account in all developments, with consideration given to height, scale and massing of buildings, urban structure, space and movement, townscape, local context and character, site layout, streetscape, landscaping and inclusive design. Policy 3.20 of the Southwark Plan requires tall buildings to make a positive

contribution to the landscape, be located at point of landmark significance, be of the highest architectural quality, relate to their surroundings particularly at street level, and contribute positively to the skyline. These policies are supported by Policies 4B.1, 4B.2, 4B.3, 4B.6, 4B.9, 4B.10 and 4B.12 of the London Plan, PPS1, PPS3, PPS6 and PPS13.

- 88 The scheme addresses the principal frontages onto the Canada Water Basin and Surrey Quays Road and establishes a strong urban character that picks up and reinforces the natural pedestrian linkages and desire lines across the site. The site has been divided into two phases borne out of the practicality of accommodating the existing (re-housed) Decathlon store in the proposed development and the developer has chosen to use two architects not only to add interest but also to give these two parts of the site their own distinctive character split by a predominantly pedestrianised 'boulevard' that leads from the Surrey Quays Road to the Canada Water Basin.
- 89 Phase 1:  
This component includes the new Decathlon store and has had to accommodate their corporate requirements. The prevailing heights in this 'wrap-around' development offer a residential scale through the use of brick structures to a height of four storeys and a crenellated arrangement of pod-type structures at the roof in a copper material of varying tones to provide interest. This design approach extends along both the Canada Water frontage and the boulevard. The frontage onto the basin is well animated with retail facilities within a tall ground level and residential properties above and the Decathlon store retains its presence with its entrance at the prominent junction of the boulevard with the basin promenade.
- 90 The Surrey Quays Road frontage addresses the street more deliberately and establishes a serrated built form to create generous pavements along this busy road frontage. Here the development generally responds to the prevailing heights but includes two taller elements (of 9 and 10-storeys) to add variety and act as visual anchors for this frontage.
- 91 At the southern end of Phase 1, a separate block (Block 2) presents an active edge to the development where it faced the largely uninterrupted flank wall of the existing shopping centre and encloses a private resident's courtyard garden. Here the inclusion of a children's play area, gives this space a relevant purpose. Block 2 has a distinctive brick face that is clearly defined as three distinct parts of the composition with the stair cores expressed as divisions giving a strong frontage both onto the Basin and Surrey Quays Road.
- 92 In terms of height, the highest point of the 10 storey element is 30 metres. This is considered acceptable in this instance given the urban realm context within the area. The form of Block 1 has been deliberately scaled to have a lower, more modest height adjacent to the water that gradually rises to the taller elements on Surrey Quays Road.
- 93 The scale of the immediate area has changed with the implementation of recent developments. The developments at Site D and Site B have created a new context along Surrey Quays Road of up to 8/10 storeys. The proposed building heights along Surrey Quays Road add to this new urban context with varying heights of mostly 6 and 7 storeys punctuated by elements of 9 and 10 storeys. The juxtaposition and location of these elements creates a logical rhythm along the streetscape.
- 94 At the fourth floor, the roof of the Decathlon store allows the creation of a generous landscaped shared amenity space. This space is accessible to all residences and allows views of the basin above the Decathlon store entrance. It not only offers visual and practical amenity but gives the development its generous feel. The development



that surrounds this space is generally two storeys high above the amenity space with the towers onto the Surrey Quays Road defining the main road frontage.

95 Concerns raised previously by officers in terms of cantilevered walkways out into the courtyard have been addressed by internalising access to the upper flats.

96 Phase 2:

This component of the scheme is designed as a perimeter development and encloses a common courtyard garden at the ground floor. It responds sensitively to its varying boundaries, with a confident angular building that addresses the basin, the Albion Channel and the boulevard. Along its flanks the development has two distinctive features, being a slightly curved terrace that fronts onto the boulevard and a group of townhouses in a serrated arrangement fronting onto the channel. These two arms of the development not only enclose the landscaped amenity space but also offer pedestrian links across the site and link up to existing bridges across the channel to Site B and beyond.

97 This part of the development is anchored by Block C that fronts onto Surrey Quays Road. This building presents a strong frontage onto the busy road being 9 storeys tall stepping down to 7 storeys to the boulevard edge with a 6 storey element projecting out adjacent to the Albion Channel. It takes on the curved form of the road and includes retail and community uses at the ground floor to animate the street.

98 The strip balconies of Block C have an elegant vertical element that gives these features an improved legibility whilst the roof elements incorporate deep recesses on each side to make the three top storeys read as distinct buildings sitting on the main body of the building. The facade along Surrey Quays Road has also been broken up since the previous application was withdrawn with a cut being made towards the channel end that breaks the elevation and improves cross-ventilation and light to the adjoining flats and corridor.

99 General:

In its urban design this scheme creates permeability and establishes an accessible new quarter in this most prominent location. It forms a strong but not dominant frontage to Canada Water Basin and creates a more intimate scale onto the Albion Channel which opens up new routes across the site, not only in the boulevard and adjacent to the shopping centre frontage to the south, but allows pedestrians to cut across it from existing bridges and thoroughfares. The development has a strong and complex civic presence onto the Surrey Quays Road and promotes the new public spaces it has created drawing the visitor to the area down the boulevard and along the Canada Water frontage to the new informal square at the water's edge.

100 The routes across and through the site are well considered in terms of their physical layout as well as the spaces they create. As well as the existing routes through along the channel and the basin edge and the southern link through to Surrey Quays Road from the shopping centre, the additional routes comprising the boulevard between the two phases and link through Phase 2 have enhanced the permeability of the site. The waterfront promenade is up to 10 metres wide and is planted with a row of trees and seating benches and there are also trees and benches provided on the southern link. The boulevard incorporates private front gardens lined with trees on Phase 2 whilst there is a water channel running the length of Phase 1 that is also lined with trees. These works are considered to create pleasant environments for pedestrians to move through and experience the development.

### Quality in design

101 Policy 3.12 of the Southwark Plan asserts that development should achieve a high standard of both architectural and urban design and enhance the quality of the built

environment.

- 102 The fabric proposed for this development includes a strong palette of materials that not only help give the development its residential and human character but also ensure that the scheme remains fresh and contemporary. Materials are chosen well and employed appropriately. Brick is used throughout and particularly up to the 'shoulders' of buildings to give the development its tactile quality whilst metal, timber and copper are used at high level to give it its distinctive skyline. Accent materials are used sparingly in specific areas and for special effect. These include the use of textured white concrete on the building fronting onto the basin, flashes of colour at entrances and other features and the variety of brick faces to the townhouses fronting onto the Albion Channel.
- 103 The geometry of the development is used to create a unique place. The angular geometry of the Phase 1 development is deliberately contrasted with the curves of Phase 2. This is taken through to the detail of the two schemes and where Phase 1 rigidly adheres to its strong order, whilst Phase 2 introduces a new rhythm of serrated and curved facades.
- 104 In terms of its function, this development succeeds by the mix of uses it accommodates, from the retail promenade and civic scale of the Canada Water basin frontage to the more intimate scale of Albion Channel frontage and the generous boulevard that gives this development its sense of place. In each building the range of dwellings is used to give this development its distinctive feel. The roof-top townhouses give the Phase 1 scheme its crenellated skyline. The taller scaled towers on the Surrey Quays Road announce the development and draw the viewer towards the boulevard.
- 105 There are different types of spaces created, from the grander scale of the podium development to the private children's play area at the southern end, from the new public square at the end of the boulevard to the enclosed triangular court in Phase 2. The landscaping works well to draw these two phases together and it employs high quality materials and features including channels of water, lawned areas, and mature trees along promenades and naturally formed children's play areas.
- 106 The proposed development presents a scheme that has been well conceived and designed by two architects that results in two distinct phases that are linked in terms of urban landscape and form yet retain distinct characters. The concerns raised by officers in the previous application have been addressed and it is considered that the development now meets the test of being of exemplary design.
- 107 Whilst the GLA have raised the issue of the London View Management Framework, the site lies outside of the protected viewing corridor from Greenwich and is also outside the wider consultation zone. Accordingly, officers are satisfied that there will not be any impacts on any of London's protected views. The GLA officer has verified that there is unlikely to be any impact, but has requested a Qualitative Visual Assessment to confirm this; the applicant advised that an assessment would be prepared and delivered to the GLA.

### **Environmental issues**

- 108 Ecology  
The Canada Water basin is designated as Borough Open Land and as a Site of Importance for Nature Conservation. Following consultee responses from the Ecology Officer, the following issues have been raised with the applicant:
- The brown roofs are now to be crushed brick in order to assist black redstarts

- Sustainable Urban Drainage Systems (SUDS) have been introduced
- The potential provision for bat or bird brick/boxes are being considered

The detail of the above may be secured via condition.

- 109 In terms of the Canada Water Dock and Albion Channel, the development may result in impacts such as overshadowing and contaminated run-off during demolition/construction phase and operational phase of development. Mitigation measures have been included to minimise impacts including the location of the tallest elements of the scheme away from the basin on Surrey Quays Road as well as safeguards against contamination from laden silts or chemical pollutants. An Environmental Management Plan would be required with any permission that would control such measures as well as general environmental protections such as the minimisation of dust during construction.
- 110 Extensive landscape planting, comprising native species of known wildlife value, will be undertaken as part of the proposals including the planting of 190 trees. In addition, 19 green roofs will be created on the new buildings as part of the proposals which will provide opportunities for wildlife within the local area and provide a net gain for biodiversity in the area.
- 111 Noise  
Policy 3.2 of the Southwark Plan seeks to protect the amenity of existing and future occupiers in the surrounding area or on the site.
- 112 The northern crescent of the building is located on Surrey Quays which carries a moderate amount of traffic, including night-time traffic from the Harmsworth Quays Print Works. The Noise Report submitted with the application demonstrates that flats facing onto the road will be subject to an NEC Level C which allows for new development subject to the imposition of conditions to mitigate against noise and such conditions will be imposed.
- 113 Sunlight/Daylight  
A Sunlight/Daylight Report was submitted with the application to assess the acceptability of the internal accommodation as well as potential impacts on existing adjoining developments.
- 114 In terms of daylight, new developments should not adversely affect the vertical sky component of windows of an existing neighbouring building in such a way that the windows of living spaces have a new vertical sky component less than 27% and less than 0.8 times the former value. The vertical sky component is a measure of the quantity of skylight that falls on a vertical surface, such as a window. If this criterion is not met then the daylight factor in the occupied rooms in the dwelling should be no worse than the recommended Average Daylight Factor values contained in the British Standard Code of Practice for Daylight:
- 2% for kitchens
  - 1.5% for living rooms
  - 1% for bedrooms
- 115 The adjoining development most likely to be affected is the Watergardens to the north east of the site, with particular reference to Giverny House, Heligan House, and Eden House.
- 116 The Sunlight/Daylight report demonstrated that there are a number of windows that result in a VSC of less than 27% in Giverny and Heligan Houses and, accordingly, reference is made to the Average Daylight Factor.

- 117 The report verified that the average daylight factor still exceeded the value recommended by BRE guidance for all adjoining properties and that no areas outside of the development are prevented from receiving sunlight at all on 21<sup>st</sup> March. Based on the detailed sample of the worst case room studied, all habitable rooms within the Watergardens that may have been adversely affected by Site C meet the recommendations for daylighted rooms in BS8206 and the BRE guidance.
- 118 The annual probable sunlight has been calculated for windows that are within 90 degrees of due south. The lower floor windows of Giverny House, Heligan House, and Eden House have been assessed as they represent the worst case for the dwellings in these buildings with all windows onto habitable rooms that face within 90° of south having an availability of sunlight hours in compliance with the BRE guidelines.
- 119 From the detail submitted, it is considered that there are no significant concerns in relation to Sunlight/Daylight and overshadowing which would warrant refusal of the application.
- 120 Contamination  
Given the varied history of the site, it is expected that there is the potential for soil contamination. The Contamination section of the Environmental Information report records potential sources of contamination, including historic dockland uses, infilling, substations and unexploded ordnance (UXO). The levels achieved are not considered critical and can be mitigated against through the imposition of standard contamination conditions.

### **Trees**

- 121 The existing site incorporates a number of semi-mature trees planted when the site was developed in the 1980s that are situated mainly along Surrey Quays Road and along the Albion Channel. Due to the layout of the development, many of these trees will need to be removed during construction, however, the proposed landscaping plan proposes considerable planting of trees within the development that are considered to be acceptable in terms of mitigating against the loss of the trees currently on site. In total there are 115 trees to be removed and 190 new trees to be planted that will offer habitats to birds and insects as well as providing visual amenity.
- 122 Due to the proposed building line of the mews houses within Phase 2, the applicant has advised that it is not possible to retain the existing line of trees along the Albion Channel that are matched on the opposite side on the edge of Site B. Whilst the loss of these established trees is disappointing, the applicant is willing to plant replacement trees along the canal edge which shall be secured via condition.

### **Standard of Accommodation**

- 123 Policy 4.2 of the Southwark Plan asserts that planning permission will be granted provided the proposal achieves good quality living conditions, and includes high standards of accessibility, privacy and outlook, natural light, ventilation, space, safety and security, and protection from pollution. This policy is reinforced by the Supplementary Planning Document on Residential Design Standards (September 2008), adopted Supplementary Planning Guidance on Standards, Controls and Guidelines for Residential Development, and Policy 3A.6 of the London Plan.
- 124 Mix of Dwellings  
Policy 4.3 of the Southwark Plan requires development to provide a mix of dwellings. In particular, the majority of units should have two bedrooms or more, 10% of units should have 3 or more bedrooms with direct access to private outdoor space, and at least 10% of units should be suitable for wheelchair users.

125 In terms of mix, the scheme provides the following:

Unit	Total	%
<b>Studio</b>	1	0.2
<b>1 bed</b>	169	39.3
<b>2 bed</b>	179	41.6
<b>3 bed</b>	73	17
<b>4 bed</b>	8	1.8
<b>TOTAL</b>	<b>430</b>	<b>100</b>

126 Accordingly, this provides for a mix of 18.8% three or more bedroom flats with 60.5% two bedroom or more flats being a majority of the units. Accordingly, the scheme exceeds minimum policy requirements in this regard. The scheme also provides 35 wheelchair accessible flats within Phase 1 and 19 wheelchair accessible flats within Phase 2. This equates to 12.6% and, as such, there is sufficient provision for wheelchair accessible flats. The proposed mix exceeds the minimum policy requirements and can therefore be considered to be provided excellent standards of accommodation.

127 Flat areas and internal layout

Section 2.3 of the Residential Design Standards SPD sets out the minimum floor areas for different sized dwellings. For 1, 2, 3, and 4 bed flats the minimum floor areas of 45m<sup>2</sup>, 60m<sup>2</sup>, 75m<sup>2</sup> and 90m<sup>2</sup> is respectively sought. Further to this, there is a requirement for flats to achieve minimum room sizes.

DWELLING SIZE	STUDIO	1 BED	2 BED	3 BED	4 BED
Main Bedroom		12	12	12	12
Other Bedroom			7	7	7
Living Room (where no combined dining and kitchen area in the dwelling)		16	17	18	19
Kitchen (without a dining area)		6	7	8	8
Living Room (with a combined dining and kitchen area in the dwelling)		13	13	15	15
Kitchen and Combined Dining Area		9	11	11	12
Open Plan Development (where kitchen, dining and living room are all combined)		24	27	30	33
Bathroom	3.5	3.5	3.5	3.5	3.5
Storage (floor area)	1	1.25	1.75	2.25	2.75
<b>Overall Floor Area</b>	<b>32.5</b>	<b>45</b>	<b>60</b>	<b>75</b>	<b>90</b>

129 With the exception of some 1 bed flats within Block C of Phase 2, all flats and rooms exceed the minimum standards set out above. The majority of flats are at least 5sqm over the minimum whilst the 3 bed flats in Phase 1 are 11-41sqm over the minimum floorspace standard. Within Phase 2, the total floorspace of the 4 bedroom houses range from 108.5-122.9sqm whilst the 3 bed duplexes are 10.2-19.6sqm above the minimum which considerably exceeds the minimum standards. The 2 bed flats are mostly 5-20sqm over the minimum.

- 130 The standard of accommodation in terms of floorspace provision is particularly generous within the scheme, with the majority of flats significantly exceeding the Council's minimum standards. This substantial provision is welcomed and results in the scheme providing excellent standards of accommodation.
- 131 Dual aspect  
The Residential Design Standard SPD stipulates that developments should incorporate a majority of dual aspect flats. Given the need to 'wrap' the Decathlon store with flats, this has been a challenge for the applicant. However, through a number of design techniques, the architects have managed to create a scheme that has 75.3% full dual aspect or enhanced aspect (meaning windows on at least two sides of a flat).
- 132 Within Phase 1, almost all of the flats above the podium level within Block A are wholly dual aspect through the inclusion of the pod-style apartments whilst within Block B, the majority of flats are dual aspect duplexes. Phase 2 incorporates multiple walk-ups, canal houses, high level access decks, and other design features to provide a high level of dual aspect flats within the scheme. The level of dual aspect flats is welcomed and will provide excellent aspect as well as increased natural light and cross-ventilation. This level of dual aspect also contributes to the scheme being considered to be providing excellent standards of living accommodation.
- 133 Amenity space  
Policy 4.2(ii) of the Southwark Plan and Section 3.2 of the draft SPD on Residential Design Standards asserts that development should provide high standards of outdoor/green amenity space. The draft SPD advises that development should as a minimum meet and seek to exceed the following standards:
- 50m<sup>2</sup> of communal space per development;
  - For units containing 3 or more bedrooms, 10m<sup>2</sup> of private amenity space;
  - For units containing 2 or less bedrooms, ideally 10m<sup>2</sup> of private amenity space, and where this is not possible the remaining amount should be provided to the communal amenity space requirement.
- 134 In addition to the above, the SPD requires the provision of child playspace and, based on the formula, the proposed development needs to provide 970sqm of playspace. Within the development, it is proposed to have 30sqm of dedicated play space and 555sqm of incorporated play within the communal amenity area between Blocks A and B within Phase 1. These areas form part of the 11,000sqm of amenity space provided within the scheme and, together with nearby open space such as Russia Dock Woodland, King George Field and Southwark Park, is considered to provide acceptable levels of play space. In addition, there are Section 106 contributions towards Open Space and Children's Play Equipment.
- 135 The scheme provides for two semi-private communal courtyards being the podium terrace on top of the Decathlon store and the ground floor section between Blocks A and B on Phase 1. More publicly accessible is the courtyard located within Phase 2. The total communal amenity space provided is 11,000sqm which is considered acceptable in terms of communal amenity space provision.
- 136 All of the three bed and above flats benefit from private amenity space in excess of 10sqm, some by a considerable amount. Within Phase 2, all private amenity areas for 1 and 2 bed flats exceed 5sqm with a large number also exceeding 10sqm whilst within Phase 1 the majority exceed 10sqm and all exceed 3sqm. Accordingly, it is considered that the provision of private amenity space is excellent.
- 137 Lifetime Homes  
Policy 4.2(ii) of the Southwark Plan, Section 2.9 of the SPD on Residential Design

Standards and Policy 3A.5 of the London Plan require all new housing to be built to 'Lifetime Homes' standards. This outcome is sought to redress the shortage of accessible housing in the Borough and wider London, to provide a cost effective way providing homes that meet the changing needs of residents, and to create balanced and more inclusive communities. The scheme has been designed so that all flats meet Lifetime Homes standards and is therefore policy compliant in this regard.

138 Excellent living standards

The Residential Design Standards SPD provides a check-list of factors to consider when determining whether a scheme can be considered to provide an excellent standard of living accommodation.

- 139 The scheme is considered to have met 13 the 15 of these requirements, the exceptions being minimising corridor lengths and obtaining Secure by Design certification which can only be received once the development is complete. Accordingly, the proposed development is therefore considered to provide an excellent standard of living accommodation.

### **Affordable Housing**

- 140 Policy 4.4 of the Southwark Plan seeks to ensure that in the 'Urban Zone' at least 35% of all new housing on a habitable room basis is affordable housing, and of that housing there should be a 70:30 Social Rented/Intermediate split. This policy is reinforced by the Affordable Housing SPD.

- 141 Policy 3A.9 of the London Plan Policy requires Boroughs to set an overall target for affordable housing. Policy 3A.10 of the London Plan asserts that Boroughs should seek the maximum reasonable amount of affordable housing when negotiating on individual private mixed use schemes, having regard to affordable housing targets, the need to encourage rather than restrain residential development, and the individual circumstances of the site. This policy is reinforced by the Mayors SPG on Housing.

- 142 It is important, particularly in areas of change and intensification such as Canada Water, that new developments make proper provision to mitigate their impacts on the area. Canada Water will need investment in new schools, health facilities, transport and other local infrastructure if it is to be able to support the new residents and workers planned to be accommodated in the area. It is therefore generally recommended that developments must, as a priority, meet the costs of mitigating the impacts through planning obligations payments or projects. This may, in some circumstances, result in lower amounts of affordable housing being achieved.

- 143 In this case, the applicant has sought to justify the level of affordable housing being provided through the submission of a 3 Dragons Financial Appraisal. The appraisal demonstrates that, at this point in time, the scheme can support 27.24% affordable housing on a 69:31 tenure split with full Section 106 contributions including the exceptional cost of £1.068m in public realm works. Policy 4.5 allows a reduction of one habitable room of affordable housing for each affordable wheelchair dwelling provided. There are 19 affordable wheelchair units provided within the development (equating to 1.3%) and, factoring these into the affordable housing calculation, the shortfall in provision is 6.7% against the normal policy requirement. The Appraisal has been scrutinised by Valuers within the Council who have accepted the inputs and agree that the level of affordable housing proposed is the maximum the scheme can deliver at this point in time.

- 144 In order for Decathlon to continue trading during construction, the phasing programme provides that Phase 2 will not be delivered for a number of years. If the housing market were to recover during that time, increased sales values for the flats could

mean that Phase 2 may be capable of delivering a higher quantity of affordable housing. Given it is not possible at this point in time to project what this improved quantity may be, it is proposed that a mechanism is put in place through the Section 106 agreement to re-appraise the scheme when Phase 2 is ready to proceed in order to determine whether any of the 6.7% shortfall can be recovered. This approach has also been supported by the GLA in their Stage 1 report.

145 Officers preferred option, which has been accepted by the applicant, is to undertake a financial appraisal prior to implementation of Phase 2 and, should there be an improvement in the market, a higher proportion of affordable housing may be achieved. The mechanism is based on the assumptions that each phase will have a minimum of 27% affordable housing and a maximum of 35% in line with current policy.

146 With regard to the draft Heads of Terms involved in the mechanism, the following has been proposed:

#### Phase One

- Minimum 27% of affordable housing within Phase 1
- Should Phase 1 not be implemented within 2 years, a further appraisal will be required. Any subsequent appraisal shall be valid for 12 months, after which time a further appraisal shall be required.
- Maximum level of affordable housing capped at 35%

#### Phase 2

- Minimum 27% of affordable housing within Phase 2
- Maximum level of affordable housing capped at 35%
- Financial appraisal should be submitted 6 months prior to Implementation
- The financial appraisal will be valid for 12 months from date of approval by the Council. A further appraisal will be required where the development is not Implemented within the 12 months following the approval
- Phase 2 will be appraised independently, i.e. ring-fenced

#### General

- Section 106 will require the submission of the relevant sections of the building contract dealing with construction programme
- Presumption is in favour of additional units on-site rather in-lieu payment. Where this is agreed to be impractical, alternate tenures such as Shared Ownership or Intermediate Rent may be considered. Where this is not possible, the Council may consider in lieu payments for shortfalls of 10 units or less.
- Provision in legal agreement for expert determination in relation to the financial appraisal. To be based on agreed strict timeframe being:
  - i) two months for negotiation with the Council;
  - ii) in the event that the appraisal is not agreed with the Council, 2 months to appoint expert and for each party to submit its evidence;
  - iii) 1 month for the expert to adjudicate and issue his decision.

Expert would be appointed by the President of RICS and his decision would be binding on both parties.

147 The above method to secure a timely commencement and for the re-appraisal for Phase 2 is considered to be acceptable within the current economic climate to allow development to proceed on current viability assessments but to review viability for the later phase in order to ensure that the scheme does provide the maximum quantity of affordable housing in accordance with policy 4.4 of the Southwark Plan.



## Planning obligations [S.106 undertaking or agreement]

148 Policy 2.5 of the Southwark Plan and 6A.5 of the London Plan advise that planning obligations can be secured to overcome the negative impacts of a generally acceptable proposal. Policy 2.5 of the Southwark Plan is reinforced by the Supplementary Planning Document (SPD) on Section 106 Planning Obligations, which sets out in detail the type of development that qualifies for planning obligations, and Circular 05/05, which advises that every planning application will be judged on its own merits against relevant policy, guidance and other material considerations when assessing planning obligations.

149 The table below sets out the contributions offered by the applicant in this case. These figures were discussed at length with officers during pre-application and, excluding the Site Specific Transport and Public Realm contributions, are generally in line with the Planning Obligations SPD toolkit.

	SPD	Offer
<b>EDUCATION</b>	628,034	628,034
<b>EMPLOYMENT IN THE DEVELOPMENT</b>	105,973	55,544
<b>EMPLOYMENT DURING CONSTRUCTION - MANAGEMENT FEE</b>	440,202	476,995
<b>PUBLIC OPEN SPACE, CHILDRENS' PLAY EQUIPMENT, AND SPORTS DEVELOPMENT</b>	35,692	61,889
<b>TRANSPORT STRATEGIC</b>	61,889	17,925
<b>TRANSPORT SITE SPECIFIC (PAYMENT AND IN-LIEU)</b>	17,925	302,058
<b>TRANSPORT FOR LONDON (non SPD)</b>	302,058	302,058
<b>PUBLIC REALM (IN LIEU)</b>	309,569	240,815
<b>HEALTH</b>	380,990	1,238,431
<b>COMMUNITY FACILITIES</b>	304,000	270,000
<b>ADMIN CHARGE</b>	488,490	1,068,000
<b>TOTAL</b>	413,310	412,349
	62,813	62,813
	65,509	78,349
	3,616,454	4,913,202

151 In terms of the Employment in the Development contribution, the applicant argued that consideration should be given to the existing employment within the site at Decathlon. It was considered reasonable to reflect this in the calculations and so the Toolkit formula was amended in order to reflect the number of existing employees, and apply the requirement only to the additional floorspace.

152 The applicant has also agreed to a financial contribution of £726,413 towards a potential £9m local road improvement project to ease local congestion being progressed as part of the AAP. The Strategic Transport contribution is to be added to this figure to make up the total contribution required as funding will be sought from the Local Implementation Plan.

153 The developer intends to carry out substantial works to create new public routes and spaces through and around the site, which would significantly improve the public realm around Canada Water. The indicative cost of these works has been acknowledged as an 'in lieu' contribution to the table. The Public Realm figure also includes £157,500 to go towards the replacement of the existing footbridge across the Albion Channel adjacent to the basin with a wider, more accessible bridge crossing.

154 It should be noted that the site specific contributions in relation to Public Realm and Transport, whilst welcomed, are factored into the financial appraisal for the scheme

which results in a lower affordable housing provision due to the impact of these works and payments on the financial viability of the scheme.

- 155 As part of the Site Specific Transport contribution, £80,000 is to contribute, along with a matching contribution from the developments at Site A, Site E and Surrey Quays Leisure Site should these schemes be granted planning permission, towards the investigation and potential implementation of a Controlled Parking Zone for the area. The remaining Site Specific Transport contribution is an in-lieu contribution for highway works including new pedestrian crossings and intersections as well as the financial contribution for the highway improvements works referenced above.
- 156 The Metropolitan Police Authority have requested space within the development for a Safer Neighbourhoods base at a peppercorn rent for 25 years, secured through the legal agreement. This proposal was put to the applicant, with the suggestion that the Community Facility contribution of £62,813 be waived in recognition of the cost to the applicant. However, the applicant advised this was insufficient to cover the cost of the lost revenue implied by the Police terms and were not willing to agree such terms within the Section 106 legal agreement. Accordingly, the £62,813 Community Facilities contribution was reinstated.
- 157 As stated previously, there is no objection to the provision of a Safer Neighbourhoods base, however, should the MPA still wish to occupy space in the development, they will need to enter into a commercial arrangement with the applicant on mutually agreed terms.
- 158 Other aspects of the Section 106 that are to be included are:
- Requirement for the Decathlon car park to be accessible to the general public and not just Decathlon customers
  - Decommissioning of Site E
  - Car club provision
  - Schedule of works for the Public Realm and Transport works to be submitted and approved
  - Travel Plan monitoring
  - Commitment to the future connection to SELCHP should it be brought on line
  - The applicant will be required to enter into a s278 agreement with the Highways Authority in relation to any work carried out on highway land
- 159 In addition to the Council's contributions, Transport for London have requested financial contributions through the GLA Stage 1 response that includes the below figures:
- £90,000 per year for three years towards additional bus journeys in the morning peak
  - £27,000 towards improvements to the Canada Water bus station
  - £7,000 towards improvements to TfL's Strategic Walk Network.
- 160 The applicant has not accepted the latter two contributions and has offered Transport for London £270,000. Whilst disappointing, the absence of this contribution is not, by itself considered to form a justifiable reason for refusal and will be either accepted or rejected by the GLA in their Stage 2 response.
- 161 The contributions agreed are considered to a significant contribution to environmental improvements in the area and adequately mitigates against the impacts of the development in accordance with Policies 2.5 and 4.4 of the Southwark Plan.
- 162 In the absence of a legal agreement being completed by 19 April 2010, the applicant

has failed to adequately mitigate against the impacts of the development and, in accordance with Article 22 of the Town and Country Planning (General Development Procedure) (England) (Amendment) Order 2003, it is recommended that the application be refused for the following reasons:

1. The development fails to adequately mitigate against the adverse impacts of the development in accordance with London Plan policies 6A.4 Priorities in Planning Contributions and 6A.5 Planning Contributions and Southwark Plan policies 2.5 Planning Obligations, SP10 Development Impacts and Supplementary Planning Document 'Section 106 Planning Obligations' 2007.
2. The development fails to contribute towards increasing the availability of school places or improving accessibility to high quality education in schools and other channels in accordance with London Plan policies 3A.15 Protection and enhancement of social infrastructure, 3A.21 Education Facilities and Southwark Plan policies 2.1 Enhancement of Community Facilities, 2.3 Enhancement of Educational Establishments and 2.4 Educational Deficiency, SP 9 Meeting Community Needs;
3. The development fails to contribute towards increasing accessibility to employment through training and other schemes in accordance with London Plan policy 3B.12 Improving the Skills and Employment Opportunities for Londoners and Southwark Plan policy 1.1 Access to Employment Opportunities, SP5 Regeneration and Employment Opportunities;
4. The development fails to contribute towards increasing the quality and quantity of open spaces and associated facilities in accordance with London Plan policies 3D.7 Realising the Value of Open Space, 3D.10 Open Space Provision in UDPs, 3D.11 Open Space Strategies and Southwark Plan policies 3.1 Environmental Effects, 3.2 Protection of Amenity, 3.11 Efficient Use of Land, 3.13 Urban Design, SP15 Open Space and Biodiversity;
5. The development fails to contribute towards increasing the capacity of public transport provision and improving accessibility to the development in accordance with London Plan policies 3C.1 Integrating Transport and Development, 3C.3 Sustainable Transport in London, 3C.16 Tackling Congestion and Reducing Traffic, 3C.17 Allocation of Street Space, 3C.20 Improving Walking Conditions, 3C.21 Improving Conditions for Cycling and Southwark Plan policies 5.1 Locating Developments, 5.2 Transport Impacts, 5.3 Walking and Cycling, 5.4 Public Transport Improvements, 5.5 Transport Development Areas, 5.6 Car Parking, SP6 Accessible Services, SP18 Sustainable Transport;
6. The development fails to contribute towards increasing the quality and quantity of the public realm, community and leisure facilities and improving community safety and reducing crime, in accordance with London Plan policies 3A.15 Protection and Enhancement of Social Infrastructure and Community Facilities, 4B.4 Enhancing the Quality of the Public Realm and 4B.5 Creating an Inclusive Environment and Southwark Plan policies 2.1 Enhancement of Community Facilities, 2.2 Provision of new Community Facilities, 3.1 Environmental Effects, 3.13 Urban Design and 3.14 Designing out Crime;
7. The development fails to contribute towards increasing the quantity of health facilities in accordance with London Plan policy 3A.15 Protection and Enhancement of Social Infrastructure and Community Facilities and Southwark Plan policies 2.1 Enhancement of Community Facilities and 2.2 Provision of new Community Facilities;

8. The development fails to contribute towards the provision of affordable housing in accordance with London Plan policies 3A.2 Borough Housing Targets, 3A.7 Affordable Housing Targets, 3A.8 Negotiating Affordable Housing and Southwark Plan policy 4.4 Affordable Housing and SP17 Housing.

### **Traffic issues**

- 163 Accessibility and traffic generation  
Policy 5.1 of the Southwark Plan seeks to ensure that development is located near transport nodes, or where they are not it must be demonstrated that sustainable transport options are available to site users, and sustainable transport is promoted. London Plan policy 3C.1 promotes the integration of transport and new development, 3C.2 seeks to match development to transport capacity, and 3C.17 seeks to address traffic congestion.
- 164 Policy 5.2(i) and (iii) require development to avoid adverse impacts on the transport network, including the bus priority network and the Transport for London road network. Policy 3C.16 of the London Plan requires, among other things, road scheme proposals to improve environmental conditions including those for pedestrians, cyclists, disabled people, public transport, freight and business, and to integrate with local and strategic land use planning policies.
- 165 The application site is located within a Public Transport Accessibility Zone and is subject to a Public Transport Accessibility Level of 5 bordering on 6. Accordingly, access to public transport is excellent and there is an expectation that car parking will be minimised. This objective is particularly relevant for the Rotherhithe peninsula which currently experiences considerable traffic congestion.
- 166 Car parking  
Policy 5.6 of the Southwark Plan requires development to minimise the number of car parking spaces provided and include justification for the amount of car parking sought taking into account the site PTAL, the impact on overspill car parking, and the demand for parking within the Controlled Parking Zones. Policy 3C.23 and Annex 4 of the London Plan seek to ensure that on-site car parking at new development is the minimum necessary and that there is no over-provision that could undermine the use of more sustainable non-car modes of transport. Parking for retail and leisure uses within town centres should be shared with public parking, not reserved for customers of a particular development.
- 167 Policy 5.6 of the Southwark Plan is in line with the requirements of PPS3, PPG 4, and PPG 13 which recommend the restriction of private car use on either housing or employment sites and improved accessibility through the encouragement of modes of transport other than the private car.
- 168 It should be recognised that within close proximity to the site there is currently a significant amount of public and customer car parking. The Surrey Quays shopping centre adjoining the site has approximately 1300 parking spaces, the Mast Leisure Site has approximately 600 parking spaces, and Site E has 104 spaces. Whilst discussions are currently being held about the redevelopment of some of these sites, the parking remains available in at least the short term.
- 169 As previously highlighted, these existing developments were approved during a previous regeneration phase in the 1980s well before the installation of the Jubilee Line and the Canada Water bus station. Given its now highly accessible location, any new development should be providing minimal car parking with a view to sharing with other developments.

- 170 Site C is within a District Town Centre, a Public Transport Accessibility Zone, and has a Public Transport Accessibility Level of 5. The site has excellent public transport links and, accordingly, it is a site where the Council would expect developments to minimise parking levels. Further to this, the Rotherhithe Peninsula experiences considerable traffic congestion that would be exacerbated by the introduction of more parking; it is an objective to reduce rather than increase existing parking provision.
- 171 The site currently has 224 parking spaces. The previous application was submitted proposing 330 spaces which was then reduced to 224 which was not accepted. Following the withdrawal of this application, Council officers and TfL had extensive discussions over the level of parking which was reduced to 193 spaces for the non-residential uses. This has been accepted by the Council's Transport Group and TfL and is considered acceptable. The Section 106 agreement will include a clause that makes the car park available to non-Decathlon customers.
- 172 The residential parking provision is 147 spaces which equates to a provision of 0.34. The Canada Water AAP is proposing a residential parking provision of 0.3 however, whilst a reduction below 0.34 would be welcomed, it is not considered to warrant a reason for refusal.
- 173 Cycle storage  
Policy 5.3 of the Southwark Plan and 3C.22 of the London Plan require development to improve conditions for cyclists including providing convenient secure and weatherproof cycle parking. For retail development the Southwark Plan requires a minimum of 1 space per 250m<sup>2</sup> be provided. For residential development, the Southwark Plan requires 1 space per units plus 1 space for visitors per 10 units.
- 174 The Transport Assessment included with the application has advised that 486 cycle spaces are to be provided for the residential component with complies with the policy requirement. 441 of these are to be located in separate stores within the basement and in other storage areas within the buildings whilst 45 are to be located at grade for visitors. All lift cores have at least one lift designed to cater for cycles.
- 175 48 spaces are being provided to cater for the commercial elements with 24 spaces being provided within the basement and another 24 spaces provided at grade. This provision is also in accordance with the Southwark Plan.
- 176 Servicing and Refuse  
Policy 5.2(ii) of the Southwark Plan requires development to provide adequate provision for servicing, circulation and access to, from and through a site.
- 177 Servicing for the site will take place in several locations. A large service yard is to be provided for Decathlon at grade within the rear of the store and accessed from Surrey Quays Road. Occasional servicing for the other commercial units can take place along the boulevard and promenade which will be access controlled whilst refuse vehicles collect from the southern link and via a loop through Phase 2 and out the boulevard which avoids any need for reversing and will again be access controlled.

### **Archaeology**

- 178 Site C lies within the former area of the Surrey Commercial Docks straddling the divisions between the former Albion Pond and the Canada Pond. It is clear from the historic map sequence submitted with the application that the docks within this development area have undergone a significant pattern of change during the use of the site. Remains from the life of the docks are worthy of record as well as the central dock edges dividing the two ponds, including the surfaces of the former yard. The Dry

dock, shown on the 1893 map is particularly worthy of record. Within the area around Canada Water prehistoric remains in the form of peat deposits, preserved timber remains and some preserved animal remain. There is also the potential for settlement evidence to be identified.

- 179 The supporting documentation submitted with the application has recommended a programme of archaeological mitigation works, consisting of the monitoring of site investigation works, an archaeological evaluation of the site and subsequent mitigation works. These may take the form of a watching brief. These measures have been agreed by the Council's Archaeology Officer who has advised they could be secured via conditions.

### **Conclusion**

- 180 The redevelopment of the Decathlon site is welcomed and supported by policies aiming to regenerate the area and create a new town centre at Canada Water. Separating the scheme into two phases allows Decathlon to continue trading but also provided the opportunity to create two phases that have a distinct character but are linked in terms of the new townscape created. The two phases have followed an extensive design evolution to the point where is considered the proposed development is of exemplary design.
- 181 The residential accommodation provided exceeds a number of minimum standards, particularly in relation to room and flat sizes and private amenity space, resulting in a scheme that provides an excellent standard of living accommodation.
- 182 The exemplary design and excellent living standards, together with the significant contributions to the public realm, are considered to satisfy the tests of policy 4.1 in relation to density and that the scheme can be supported in this regard.
- 183 In light of the current market, it is reasonable and in line with policy to consider viability in terms of the level of affordable housing provided. In this instance, where the second phase is known to be some years before implementation, it is also considered reasonable for there to be a mechanism in place to re-appraise the viability of the scheme prior to the construction of Phase 2 in order to determine whether the scheme can support more affordable housing than currently demonstrated.
- 184 The level of parking proposed is a reduction on current retail parking levels and is line with the Council's strategic and detailed policies. In addition, measures secured through the Section 106 legal agreement are considered to mitigate against any impacts that may arise.
- 185 The proposed development was previously withdrawn in order to address issues that had been raised by officers. It is considered that these issues have been resolved within the scheme and that there are no grounds that would warrant refusal. Accordingly, it is recommended that the application be approved.

### **Human Rights**

- 186 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. This application has the legitimate aim of providing a mixed use development for commercial/retail use and residential accommodation. The rights potentially engaged by this application, including a 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.

## **Community Impact Statement**

187 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.

## **Sustainable Development Implications**

188 Policies 3.4 and 3.5 of the Southwark Plan seek energy efficient development and renewable energy technology in new development, and are supported by policies 4A.5 and 4A.6 of the London Plan.

189 A Code for Sustainable Homes Pre-Assessment report has been submitted with the application demonstrating that the scheme will achieve a Code Level of 4. This is above the Council's minimum Code Level 3 and is welcomed. A condition will be imposed to secure Code Level 4 and also BREEAM 'Very Good'.

190 The Council is currently considering the installation of a district heating scheme powered by a SELCHP (South East London Combined Heat and Power) waste incinerator plant to serve one of the existing housing estates which the applicant has proposed to connect into. This would provide a reduction in carbon emissions of 31% which exceeds the minimum 20% reduction required by the London Plan. Should the SELCHP scheme not be operational or go ahead, the alternative is to provide an on-site CHP to serve the development. The CHP, combined with an absorption-chiller, would reduce carbon emissions by 30%.

191 In addition to the above, it is proposed to install Photo Voltaic panels within the scheme that will provide a 4.9% reduction in the sites predicted CO<sub>2</sub> emissions.

192 Measures to improve the efficiency of the development include best practice insulation, high efficiency luminaries, the residential component incorporating a whole house ventilation system with a heat recovery efficiency of 65%, and grey water recycling devices for the residential WCs.

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## **Neighbour Consultee Maps**







