

**Chief executive's department**

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Date: 03/10/2017

Dear Sir/Madam

TOWN & COUNTRY PLANNING ACT 1990 (as amended)
PRE-APPLICATION ENQUIRY

At: 136-142 NEW KENT ROAD, LONDON SE1 6TU

Proposal: Demolition of the existing building and construction of an fifteen-storey residential led mixed-use scheme providing 86 residential units, with commercial space at ground floor.

1. I write further to your pre-application enquiry received on 03/05/2017 and amended plans submitted on 28/08/2017, and also following our meeting held with council officers on 02/06/2017. The key issues considered within the pre-application meeting were: the principle of the proposed development including the re-provision of existing employment floor space, the principle of a tall building, the proposed servicing route, the provision of active uses at the ground floor, the quality of the accommodation proposed and the provision of affordable housing. Other issues briefly considered include the impact on the amenity of neighbouring residents in terms of daylight/sunlight/outlook and privacy. The following can be considered a summary of the Council's position with regards to these key planning issues as well as matters not yet touched upon in discussions. During the course of the pre-application discussions revised plans have been submitted reducing the scale of the frontage block from 18 storeys to 15 and reducing the total number of units from 111 to 86.

Planning Policy

2. The statutory development plan for the borough comprises The London Plan consolidated with further alterations (March 2015); The Core Strategy (2011) and saved policies from the Southwark Plan (2007).
3. The site is located within the:
 - Central Activities Zone
 - Air Quality Management Area
 - Elephant and Castle Opportunity Area.
4. There are no heritage assets within the site boundary however the site is within the setting of the following heritage assets:
 - Grade II listed building 154-170 New Kent Road
 - Grade II listed building Driscoll House, 172 New Kent Road
 - Grade II listed building Elephant House, 4 Victory Place
 - Grade II listed building Joseph Lancaster Primary School, Harper Road
 - Grade II listed building Geoffrey Chaucer School, Harper Road
5. The site is not within an archaeological priority zone however it is close to the Bermondsey, Borough

and Rivers Archaeological Priority Zone and is close to sites where there have been Roman and Post Medieval archaeological finds.

6. The site is also within the Background Assessment Area of two viewing corridors, the Alexandra Palace Viewing terrace to St Paul's Cathedral (View 1A.2) and the Centre of Bridge over the Serpentine to the Palace of Westminster (View 23A.1).
7. The site is within the Elephant and Castle Opportunity Area and is situated in the Heygate Street Character Area. This Character Area is largely dominated by the Heygate estate which is currently under development in accordance with a Masterplan approved in 2013. The Opportunity Area SPD specifies that this area is to provide around 3000 new homes with approximately 2500 of this being provided through the phased development of the Heygate Estate.
8. The site was identified in the Elephant and Castle SPD 2012 and the NSP Options version as a potential site for mixed use development. It has not been taken forward as a site allocation in the preferred options NSP due to the limited site area and limited development potential as a strategic development site. The site is located on the edge of two opportunity areas but it is not considered to be a gateway development site to achieve the aspirations of either the Elephant and Castle or Old Kent Road strategic visions. New Kent Road and the area surrounding the site is characterised by low-mid rise buildings along a linear route. The council remain supportive of redevelopment of the site for mixed use and consider this could be achieved in the context of applying adopted planning policies i.e. to provide high quality development that is consistent with the character of the area.

Other key material considerations

9. The National Planning Policy Framework
New Southwark Plan Preferred Option - Area Visions and Site Allocations (February 2017)
Development Viability SPD (2016)
Residential Design Standards SPD (2015)
Section 106 Planning Obligations and Community Infrastructure Levy SPD (2015)
Sustainable Design and Construction SPD (2009)
Sustainable Transport (2009)
Draft Affordable Housing SPD (2011)

Land Use

10. The principle land use policies are:
Core Strategy Policies: SP5 – Providing new homes, SP10 – Jobs and businesses
Saved Southwark Plan Policies: 1.4 – Employment Sites outside the Preferred Office Locations and Preferred Industrial Locations
EACOA SPD Policy 25: Heygate Character Area Land Uses.
11. The proposed mixed use development is acceptable in principle on the site subject to the proposed development providing replacement employment space in accordance with Saved Southwark Plan policy 1.4, which requires the retention of employment floor space on sites which have a direct access to a classified road and are within the CAZ. This is supported by the EACOA SPD Policy 25 states that development should retain business space as part of mixed use development unless replaced by a suitable town centre use and that additional residential uses will be supported. The proposed development which seeks to provide equivalent replacement employment floor space and residential uses above is supported in land use terms.
12. The amended proposal includes the provision of commercial space within the basement. This would be laid out to provide two flexible use B1/D1 units 359sqm and 310sqm in size and one retail unit at 122sqm in size. At the ground floor level there would be four separate units. One commercial A1 unit with a floor space of 454sqm, and three flexible B1/D1 use class units of 100sqm, 122sqm and 299sqm in area. The larger units would front onto the parking area accessed from New Kent Road. A further 93sqm of commercial floor space is provided at the first floor level. The proposal relies on the provision of a significant proportion of employment space at the basement level. Given the limited daylight potential for the commercial accommodation it should be demonstrated that high quality and viable commercial floor space can be provided.

Access and site layout

13. The principle policies relating to access and site layout are:
Core Strategy Policies: SP2 – Sustainable transport, SP12 – Design and conservation
Saved Southwark Plan Policies: 3.11 Efficient use of land, 3.12 Quality in design, 3.13 – Urban design

EACOA SPD Policy 27: Heygate Character Area Built Environment.
Residential Design Standards:

14. The site is laid out with two buildings. The larger building (Block A) extends across the full width of the site fronting onto and set back from New Kent Road, and is part 8 storey/part 15 storey in height. To the rear a 6 storey building (Block B) is proposed fronting onto Munton Road. This will be linked to the frontage building at the ground floor level. There is a parking area proposed in front of building A.
15. The provision of active uses on the ground floor along the New Kent Road would be supported. Entrances to the proposed buildings should be welcoming and easily identifiable and should relate to the function of the building. Having commercial uses on the ground floor helps provide activity although the visual impact of parking and servicing areas should be minimised.
16. The proximity of Block A to Block B results in facing habitable rooms and balconies being situated within 15m. The council's Residential Design Standards require a minimum set in distance of 21m at the rear of a building.
17. There are no existing landscaping features on the site that would require protection however there is a mature tree within the public realm directly outside of the site adjacent to the New Kent Road. Should the site be redeveloped it would need to be demonstrated that this tree would not be harmed. High quality landscaping would be required to complement any proposed building. This should encourage biodiversity through tree planting, water features and habitat creation.

Tall buildings Scale, height and massing

18. The principle policies relating to scale, height and massing are:
Core Strategy Policies: SP12 – Design and conservation
Saved Southwark Plan Policies: 3.11 Efficient use of land, 3.12 Quality in design, 3.13 – Urban design
EACOA SPD Policy 27: Heygate Character Area Built Environment.
Residential Design Standards
19. The proposed height and massing is considered inappropriate and fails to respond well to the surrounding context. The main concern relates to the proposal for a tall building of up to 18 storeys (75m AOD) on the site. Saved Policy 3.20 of the Southwark Plan states that tall buildings may be permitted on sites within the CAZ, with excellent public transport accessibility and outside landmark viewing corridors where the building:
 - i. Makes a positive contribution to the landscape; and
 - ii. Is located at a point of landmark significance; and
 - iii. Is of the highest architectural standard; and
 - iv. Relates well to its surroundings, particularly at street level; and
 - v. Contributes positively to the London skyline as a whole consolidating a cluster within that skyline or providing key focus within views.
20. Whilst the site has been identified as an opportunity site in the E&C SPD, it is suitable for redevelopment but not appropriate for a tall building. This proposal fails to meet all the criteria of this policy, for example, it is not a landmark site or a destination in its own right, the tall building is isolated from a number of viewing points and the contribution to public landscape would not be sufficient. In addition to this the site would be situated within 2 viewing corridors: the Alexandra Palace Viewing terrace to St Paul's Cathedral (View 1A.2) and the Centre of Bridge over the Serpentine to the Palace of Westminster (View 23A.1).
21. The tower also has the potential to affect the setting of a number of listed buildings. In particular, the group of listed buildings on New Kent Road which includes the listed terrace and Driscoll House, are part of the immediate setting of this development and where a tower of this scale is likely to cause substantial harm. This impact will need to be tested in the views of the listed buildings from the New Kent Road, Harper Road, Bartholomew Street and Victory Place and any harm should be avoided.
22. Reference has been made within the submission documents and at the meeting to the context of the site in relation to the tall buildings situated within the Heygate Masterplan area along the New Kent Road. It is the view of the Council that the presence of tall buildings on these sites is not a precedent for similar scale development on other sites, particularly as the tall buildings on the Heygate site are situated on larger plots close to the town centre and within a wider planning context and masterplan, that will also deliver benefits such as a significant sized public park. In any case the Elephant Park

proposals which form the New Kent Road frontage, display a deliberate reduction in scale as one travels east along the New Kent Road. This is evidenced in your visualisations which your scheme fails to address.

Detailed design

23. As a result of the concerns raised regarding the scale and massing of the proposed building and the nature of the changes required to address these concerns it is likely that the detailed design will change considerably from what is currently proposed and will require further consideration. However general comments and recommendations are made based on the current proposals and planning policy. The materials proposed should be complementary to and reinforce local identity. In this instance brick and masonry would be considered appropriate.

Density

24. The principle density policies are:

London Plan 2.4 – Optimising housing potential,
Core Strategy SP 5 – Providing New Homes

25. The proposal is estimated to have a density well in excess of 1500 habitable rooms per hectare in the Central Activities Zone, which significantly exceeds the expected density range of 650 to 1,100 set out within Core Strategy Policy 5.

26. Detailed layouts of each floor have been provided. There are concerns that the proposed development exhibits some of the usual aspects of overdevelopment which would need to be addressed by reducing the overall scale of development.

27. The proposed density is unacceptable by virtue of the cramped layout demonstrated by the inadequate separation distance between the residential blocks, the lack of amenity and play space and the high proportion of single aspect residential units. Maximum densities may be exceeded where developments achieve the highest standard of design, exceeding minimum internal space standards as well as providing an acceptable standard of daylight and sunlight, privacy, good outlook and amenity space. It is considered that this scheme does not meet these standards and amounts to overdevelopment. Hence the standard of design demonstrated is considered unacceptable.

Housing Mix

28. The proposed dwelling mix would include 39 x 1 bed units (45%), 37 x 2 bed units (43%), 10 x 3 bed units (12%). The proposed provision of family units would be in accordance with the recommended minimum level for the Elephant and Castle Opportunity Area. As the combined total of the two and three bed units would be significantly below the minimum requirement of 60% as set out under Core Strategy Policy 7 the proposed dwelling mix is considered unacceptable.

Housing tenure

29. The principle Affordable Housing Policies are:

London Plan Policy 3.12: Negotiating affordable housing on individual private residential and mixed use schemes.

Core Strategy SP6: Homes for people on different incomes

Saved Southwark Plan Policy: 4.4 – Affordable housing.

EACOA SPD 5: High quality homes: Providing more and better homes.

30. No information has been submitted with regard to the proposed affordable housing provision within the development which should be in accordance with Core Strategy Policy 6 which requires a minimum of 35% with a tenure split (within the OKRAAP) of 50% social rent and 50% intermediate as required by Saved Southwark Plan Policy 4.4. Flexibility in the mix of homes provided and in the nature and type of affordable housing provided may be justified where a development proposes covenanted private rented homes.

31. In relation to the tenure split it should be noted that the emerging New Southwark Plan policy DM1 would seek to secure a minimum of 25% of total homes provided as social rent and up to 10% of the total homes provided as intermediate tenure homes. This policy currently has limited weight but it sets out the Council's intention to increase the provision of social rented accommodation. This policy is likely to form part of the Council's final option and would have some weight as a material consideration. The NSP is expected to be adopted by mid 2018.

Viability

32. All planning applications which trigger a policy requirement to provide affordable housing are required to provide a financial viability appraisal. The financial viability appraisal should be prepared and presented in accordance with the guidance contained with the Council's Development Viability SPD 2016. An executive summary which summarises the key findings and conclusions should be submitted alongside the financial viability appraisal and this will be published upon the validation of the planning application. The full appraisal
33. will be published in full, one week prior to determination.
34. In accordance with the Development Viability SPD 2016 the Council will require benchmark land values (BLV) to be calculated with reference to the current use value (CUV) of the site, plus a financial incentive that would ensure the release of the land from its current use (CUV+). You are strongly encouraged to submit a draft financial viability appraisal with any further pre-application enquiry. Financial viability appraisals which support pre-application discussions will be treated as confidential.

Housing Quality

35. The principle Housing Quality Policies are:
 - London Plan Policies 3.5: Quality and design of housing developments
 - Core Strategy SP5: Homes for people on different incomes
 - Saved Southwark Plan Policy: 4.4 – Affordable housing.
 - EACOA SPD 5: High quality homes: Providing more and better homes.
 - Southwark Residential Design Standards (2011) with 2015 Technical Update
36. Core Strategy Strategic Policy 5 sets a density range of between 650 to 1,100 habitable rooms per hectare (hr/ha) within the Central Activities Zone but states that densities may be exceeded in opportunity areas when developments are of an exemplary standard of design. As the density of the proposed scheme is greater than 1100hr/ha it will be necessary to demonstrate exemplary accommodation. Section 2.2 of the council's Residential Design Standards SPD advises that for a development to be considered as being of an exemplary standard of design, applicants will be expected to demonstrate that their proposed scheme exceeds the residential design standards and includes features such as:
 - significantly exceed minimum floor space standards;
 - provide for bulk storage;
 - minimise corridor lengths by having an increase in number of cores and maximum of 8 dwellings per core.
 - include a predominance of dual aspect units
 - exceed the minimum ceiling height of 2.3m
 - have natural light and ventilation in kitchens and bathrooms
 - exceed amenity space standards
 - meets good daylight and sunlight standards.
 - have excellent accessibility with all dwellings meeting M4(2) accessibility criteria of Approved Document M of Building regulations.
37. The proposed floor layouts that have been submitted demonstrate some of the abovementioned features by providing bulk storage and minimising corridor lengths with fewer than 8 units per core. However overall the proposal does not constitute exemplary accommodation in its current form. In particular the proposals should address the matters raised in the paragraphs below.
38. In relation to minimum floor space not all of the proposed units would meet the minimum floor space standards, while most would only achieve the minimum floor area. In order to demonstrate exemplary quality of accommodation minimum floorspace should be exceeded to a significant degree. Units failing to meet the minimum floor space requirements are not acceptable as they do not meet this standard.
39. The proposed development would provide only 44% dual aspect units. The standard requires a predominance of dual aspect units, which would comply with the definition of dual aspect set out in the Mayor's Housing SPG: *"a dual aspect dwelling is defined as one with openable windows on two external walls, which may be either on opposite sides of a dwelling or on adjacent sides of a dwelling where the external walls of a dwelling wrap around the corner of a building (the provision of a bay window does not constitute dual aspect)."* The proposed layouts will have to be amended to

demonstrate that a predominance of units are dual aspect.

40. All of the proposed units are shown to have balconies or private amenity spaces however there are a significant proportion that do not provide a sufficient depth for them to be classified as usable amenity space. For a balcony to be usable they should have a minimum depth of 1.5m. Therefore the proposed development has a shortfall of private amenity space of 512sqm. To offset this shortfall the development would be expected to provide a minimum of 562sqm of communal amenity space, not including child play space provision. Therefore it will be important to maximise amenity space provision on any available roof-space.
41. No details of any wheelchair units have been provided. 10% of the proposed residential accommodation proposed should be wheelchair accessible or adaptable. The proposed development provides 275 habitable rooms and 28 should be provided within wheelchair accessible/adaptable dwellings. This accommodation should be designed to meet the South East London Housing Partnership Wheelchair Housing Design Guide space standards specified within the 2015 Technical Update to the Residential Design Standards SPD (2011) on the Council's website dated October 2015.

http://www.southwark.gov.uk/downloads/download/2257/residential_design_standards_spd

42. Dwellings should be designed to have a mix of open plan living-kitchen-diners and units with separate kitchen diners to offer choice to potential occupiers. All three bed affordable dwellings should be designed to have self-contained kitchens in accordance with guidance in the 2015 Technical Update to the Residential Design Standards SPD (2011).
43. Child playspace should be provided in accordance with the Mayors Play and Informal Recreation SPG which requires a minimum of 10sqm of dedicated play space per child. This would be calculated with regard to the projected child occupancy rate of the development and it should be in addition to the communal amenity space area. Play space for the under 5s and 5-11 year olds should be provided on site, but the constraints of the site are acknowledged with regard to 12+ year olds and off site provision should be explored with the potential for a contribution to existing or future facilities in the locality. The existing housing mix would have a requirement for 400sqm of child play space. At present insufficient information has been provided to make an assessment of whether this requirement would be met although given the reductions in scale required to address the design concerns, the total quantum required is likely to be reduced.

Amenity impacts

44. The nearest neighbouring residential properties are those at 1 to 20 Edison House, 1 to 10 Morant Court, 1 to 11 Cutler Apartments and the dwelling situated to the rear of the site on Munton Road. While the proposed courtyard between frontage and rear blocks will preserve some outlook for the residents of Edison House, the proposed site layout and massing is likely to have a harmful impact on residents of this block in terms of daylight/sunlight and overlooking. The position of the proposed 6 storey rear wall directly on the boundary with the single unit on Munton Road would be particularly overbearing for the residents of this building and as it is likely that habitable room windows would be required in this elevation it would also have an unacceptable impact in terms of overlooking.
45. A daylight, sunlight and overshadowing study should be carried out at the earliest opportunity allowing time for discussions with the local authority to address any issues in advance of a formal application, however the proposed development should be significantly reduced in scale to address the concerns raised with regards to a tall building in this location and to reduce the impact on neighbouring residents.
46. The site is located in close proximity to the heavily trafficked New Kent Road where noise will impact upon potential outdoor amenity areas. As such, any application should be accompanied by a noise and vibration assessment to demonstrate that any harmful amenity impacts to future residents can be appropriately mitigated including sound insulation, design of windows and proposed ventilation. Plant noise and vibration should be designed to avoid both creep and potential disturbance to both existing residents and new occupants. An assessment of current background noise should be undertaken to influence design and mitigation. Residential units will need to be sound insulated from the proposed noise generating uses adjacent to the site. Any required mitigation should be incorporated into the design of the scheme.

Trees

47. There is one large tree situated outside of the site on the New Kent Road frontage. This tree makes an important contribution to the public realm and details of protection measures will be required with any planning application to ensure that this will not be harmed.

Transport and servicing issues

Car parking

48. The site is within a CPZ and also has very good public transport accessibility and is therefore within a location where car-free development will be supported. Consideration should also be given to reducing the proportion of wheelchair accessible parking proposed. Future occupants of the site would be excluded from being eligible for on-street parking permits (except for blue badge holders to avoid additional parking pressure on surrounding streets). 3 wheelchair accessible parking spaces are proposed within the front forecourt of building A. This would fall short of the 1:1 provision for wheelchair units required therefore it should be demonstrated that this level of provision is appropriate and that the access arrangements for wheelchair users would be sufficient.

Cycle parking

49. The submitted proposal would provide cycle parking spaces within the basement however there are no details of how many will be provided and how they will be split between the commercial and residential uses. The proposed residential cycle parking should be provided with 1 space for each 1-bed and studio units and 2 spaces for each unit with 2 beds or more a total of 133 spaces. Commercial cycle parking should be provided separately from the residential units and should include 1 space per 90sqm of floor space or in accordance with London Plan standards for the final use. The commercial units should also have showering and storage facilities to encourage staff to cycle. A combined minimum of 5 visitor cycle parking spaces should be provided for the proposed development.

50. The proposed cycle parking would need to be secure, convenient and weatherproof in accordance with policy. The preferred option would be for horizontal cycle parking such as 'Sheffield' stands. Some secure residential cycle storage should also be provided at ground floor level.

Servicing

51. No details of servicing are provided although it is noted that an access from New Kent Road is retained. A servicing strategy and tracking drawings will need to be provided with any submission detailing what provision will be made to ensure servicing would be safe and would not have harmful impacts on either vehicle or pedestrian safety. The tracking drawings should illustrate a worst case scenario i.e. for the largest delivery vehicle that could be used by a commercial operator or refuse collection service. The servicing strategy should include the predicted number of vehicles to and from the site and the nature of those vehicles. The document should be prepared in accordance with Transport for London document "London Freight distribution plan: A Plan for London" and "Managing Freight Effectively: Delivering and Servicing Plans".

Sustainable development implications

Energy

52. London Plan Policy 5.2 requires a reduction in carbon emissions of 35% below Part L 2013 target and as of 1st October last year, new dwellings must be carbon zero. A detailed energy assessment to demonstrate how the targets for carbon dioxide emissions reduction outlined are to be met within the framework of the Mayor's energy hierarchy should be provided. Any shortfall in the CO2 reductions would need to be met through a contribution to the Council's carbon off-set fund, details of which are in the Planning Obligations and CIL SPD. Strategic policy 13 of the Core Strategy requires major development to achieve a reduction in carbon dioxide of 20% from using on-site or local low and zero carbon sources of energy.

53. The residential element of the scheme would need to offset its regulated carbon dioxide emissions to zero in accordance with the London Plan policy 5.2 and the approach to "zero carbon homes" set out in the GLA's Housing SPG (2016). In accordance with AAP24 (decentralised energy) schemes should remain future proofed for future connection to an energy network.

Air Quality

54. The site is in an Air Quality Management Area and potential air quality impacts may arise as a result of construction works and the operation of the development. An air quality assessment would therefore be required at application stage which must be in accordance with the Mayor's guidance

Flood risk

55. The site is situated in Flood Risk Zone 3a and a Flood Risk Assessment is required at application stage. Strategic policy 13 of the Core Strategy requires major developments to reduce surface water run-off by more than 50% and where feasible surface water flows should be reduced to a greenfield rate of run-off in accordance with London Plan policy 5.13.

Ground contamination

56. Based on the site's historic uses there is a risk of exposure to potential contaminants during construction and in the completed development to construction workers, future occupiers, ground water and surface water. For these reasons a full land contamination exploration and assessment will be required.

Archaeology

57. The site is not within the Archaeological Priority Zone (APZ), but is within an area of where there have been significant archaeological finds from recent archaeological works in this area. The Council's Archaeology Officer advises that the application should be accompanied by an archaeological Desk Based Assessment (DBA) to comply with Saved Policy 3.19 Archaeology of the Southwark Plan 2007. The assessment should determine, as far as is reasonably possible, the location, extent, date, character, condition, significance and quality of any surviving archaeological remains liable to be threatened by the proposed redevelopment. This work should help determine whether this development is likely to cause harm to the buried historic environment and, if so, what measures need to be in place to manage this. The applicant should contact the Council's Senior Planner Archaeology, Gillian King, for further early advice (Gillian.King@Southwark.gov.uk Direct Dial 0207 525 3969).

BREEAM

58. A rating of 'Excellent' would be required for the commercial units and a pre-assessment report should be provided at application stage. Major housing developments must achieve a potable water use target of 105 litres per person per day.

Planning obligations (S.106 undertaking or agreement)

59. Planning obligations would be required to offset the negative impacts of any development on the site. The Council's SPD on S106 Planning Obligations (2015) sets out the general expectations in relation to the type of obligations that will be sought. It is important to ensure that all future development is sustainable and contributes towards the provision of appropriate infrastructure and services in the area that future residents may use. Draft Heads of Terms should be submitted in accordance with the SPD as part of any formal application and are required for the purposes of validation.

This advice is given to assist you but is not a decision of the Council. Further issues may arise following a formal planning application, where a site visit and public consultation and consultation with statutory consultees would be undertaken.

Please accept this letter as the closure of your current enquiry.

Yours faithfully

Simon Bevan
Director of Planning