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<b>Item No.</b> 7.1	<b>Classification:</b> Open	<b>Date:</b> 8 January 2020	<b>Meeting Name:</b> Planning Committee
<b>Report title:</b>	<b>Development Management planning application:</b> Application 19/AP/1322 for: FULL PLANNING APPLICATION  <b>Address:</b> 840 OLD KENT ROAD, LONDON SE15 1NQ  <b>Proposal:</b> Demolition of existing building and redevelopment of the site to provide a new building of up to 13 and 21 storeys in height (maximum height 73.60m above ground level). Redevelopment to comprise 168 residential units (Class C3), a 1,778 sqm (GIA) retail unit (Class A1) and a 52 sqm (GIA) flexible retail unit (Class A1/A3), with associated landscaping, car parking, servicing, refuse and plant areas, and all ancillary or associated works.		
<b>Ward(s) or groups affected:</b>	Old Kent Road		
<b>From:</b>	Director of Planning		
<b>Application Start Date</b> 26/04/2019		<b>Application Expiry Date</b> 26/07/2019	
<b>Earliest Decision Date</b> 20/06/2019			

## RECOMMENDATION

1.
  - a) That planning permission is granted, subject to conditions and referral to the Mayor of London, and the applicant entering into an appropriate legal agreement by no later than the 8 July 2020.
  - b) That the environmental information be taken into account as required by Regulation 30 of the Town and Country Planning (Environmental Impact Assessments) Regulations 2017.
  - c) That following issue of the decision it be confirmed that the director of planning shall place a statement on the Statutory Register pursuant to Regulation 30 of the Town and Country Planning (Environmental Impact Assessments) Regulations and that for the purposes of Regulation 30(1) (d) the main reasons and considerations on which the Local Planning Authority's decision is based shall be set out as in this report.
  - d) In the event that the requirements of (a) are not met by 8 July 2020 that the director of planning be authorised to refuse planning permission, if appropriate, for the reasons set out at paragraph 499 of this report.

## EXECUTIVE SUMMARY

2. The proposed development comprises the comprehensive redevelopment of the application site on the south-western side of Old Kent Road that involves the re-provision of a new high-quality Aldi store and a separate flexible unit in Use Class A1/A3 Unit on the ground floor. The subject site is approximately 4,610sqm in area comprising of a parcel of land that is 39 metres wide and 109 metres long that runs parallel to Old Kent Road.
3. The application site is within the boundaries of Site Allocation OKR17 in the Old Kent Road Opportunity Area. OKR17 indicates that the site is available for redevelopment, subject to securing a solution that enables the Aldi store to continue trading. A separate application, 19/AP/1766 is submitted alongside this application proposing a temporary Aldi store on site whilst the development of the buildings is carried out. The delivery of the operationally viable store is to incentivise Aldi to bring the site forward to enable the redevelopment.
4. In accordance with the Site Allocation, the Proposed Development is for demolition of the existing building and re-provision of a new high-quality Aldi store on the ground floor, with 168 new homes on the upper floors. This includes the provision of 36% affordable housing (72% Social Rent at no more than HCA rent cap levels inclusive of service charge, and 28% Shared Ownership by habitable rooms) with potential to increase this provision to 40% in total subject to grant funding. The two buildings will be 13 and 21 storeys respectively.
5. The comprehensive redevelopment proposes significant improvements to the surrounding public realm through providing a new and improved active frontage along Old Kent Road and greater integration with the nearby Brimington Park.
6. The proposed development would be of a high quality architectural standard that would also contribute positively to the London skyline, eventually as part of a cluster of strategically located tall buildings following the regeneration of the area.
7. 78% (120 homes) of the proposed dwellings would be dual aspect. Of the single aspect homes (48), 21.31% (13 homes) would be affordable and 72.91% (35 homes) would be private.
8. The scheme would deliver major regeneration benefits, including a significant contribution to the borough's housing stock, a policy compliant level of affordable housing, job creation, high quality retail space, and flexible space.
9. The proposed development would have a significant impact on many of the views assessed, becoming a highly visible feature in the surrounding townscape. However, in the majority of cases, the impact is not considered to be harmful. Indeed in many views it is considered beneficial. The quality of design would be high, with a good composition of buildings, strong vertical emphasis and characterful tops creating new interest on the skyline
10. Where amenity space is proposed on site, it is well planned, with efficient layouts that do not restrict movement or circulation. The landscape proposals are well thought through and of high quality
11. At least two of the initial four electric charging points will be rapid. There is a provision to increase the number of charging points to 25 post development. This is considered promising in providing a benefit to the population in encouraging a shift

to a more climate friendly vehicle.

## BACKGROUND INFORMATION

### Site location and description

12. The subject site is a rectangular parcel of land located on the southern side of Old Kent Road comprising of 0.46 hectares. A single storey Aldi store is located on site in Use Class A1 with a Gross Internal Area of 1,459sqm. At the north-western end of the site is the associated car parking space for customer use that comprises of 59 spaces including four blue-badge spaces.
13. To the southeast of the site is Brimington Park, Leo Street borders the site from the northwest, the Tustin Estate and Old Kent Road/Ilderton Road junction is located adjacent, with dwellings along Drovers Place and Clifton Crescent, including a listed row of terraced dwellings along Clifton Crescent are located to the rear of the site. The site location plan below demonstrates the site within the surrounding context.

Image: Site Plan



14. Regarding the context of the site in relation to transport options and accessibility, on the Public Transport Accessibility Level, (PTAL), a rating of 4 is achieved which demonstrates above average accessibility to public transport options. Along the Old Kent Road pavement outside of the application site is Bus Stop WA which accommodates six Transport for London (TfL) bus routes (21, 53, 172, 453, N21, N53). Approximately 1.4 miles north of the site is the Bermondsey Underground Station on the Jubilee Line with the Queens Road Peckham and New Cross Gate Station located 0.3 miles and 0.6 miles away respectively.
15. The location of the site along the Old Kent Road is likely to result in an increase of the PTAL rating given that the proposed Bakerloo Line Extension (BLE) would provide another transport option and link to the site and surrounding area.
16. The application site is within the boundaries of the Old Kent Road Opportunity Area within sub-section OKR17. This sub-section is known as 'South of Old Kent Road

(760, 812 and 840 Old Kent Road, Toys'R'Us and Aldi Stores'. The OKR17 allocation has a total site area of two hectares with an indicative capacity for the creation of 1,700 new homes and 316 new jobs. The intention of this allocation is to provide retail uses at ground floor, and residential and other uses to the upper floors.

17. The Old Kent Road Area Action Plan (OKR AAP) directly references the subject site as being available for redevelopment subject to securing a solution that enables trading to continue whilst the redevelopment of the site is undertaken.
18. The table below demonstrates the existing area schedule on the application site.

**Table: Existing Area Schedule**

Occupier	Aldi
Use Class	A1
Sqm (GIA)	1,459

**Details of proposal**

19. Planning permission is sought for the comprehensive redevelopment of the application site to facilitate the demolition of the existing single storey building and construction of a 13 storey block and a 21 storey block accommodating a retail unit in Use Class A1, and flexible retail unit in Use Class A1/A3 at ground level and 168 residential units in Use Class C3 on the upper floors. Additional works within the scheme propose landscaping, car parking, cycle parking, and servicing, refuse and plant areas.
20. The development comprises a total of 16,997sqm of Gross Internal Area floor space including residential, retail and flexible retail, and other associated back of house and ancillary areas. The table below sets out the proposed floor space areas within each individual use class identified above.

**Table: Proposed land uses**

Land Use	Use Class	GIA
<b>Residential</b>	C3	15,167
<b>Flexible Retail</b>	A1/A3	52
<b>Retail</b>	A1	1,778

21. The proposal would facilitate the provision of 36% affordable housing units within the scheme comprising 72% social rent at no more than HCA rent cap levels inclusive of service charge and 28% for shared ownership. There is potential for the delivery of 40% affordable homes subject to grant funding. In line with the aspirations of section OKR17 within the AAP that subject to the securing of a solution that allows the Aldi store on site to continue trading during the development phase, a separate application has been created under planning reference 19/AP/1766 that proposes a scheme to facilitate a temporary Aldi store.
22. As part of the joint proposal to redevelop the site and retain an area to accommodate a temporary Aldi store, the proposed car parking will at first be reduced to 16 spaces during the lifespan of the temporary store. Once the main

development site has been completed, the temporary store is to be removed to facilitate additional car parking capacity on site. Upon completion of the overall development, 66 car parking spaces (including four blue-badge spaces) will be facilitated for the new high-quality Aldi store with a further five surface level blue badge spaces will be accommodated for the residential dwellings. Furthermore, the initial provision of four electric charging points (two of which are rapid charging points) can be increased to 25 following the completion of the development, as demand for electric car charging increases.

23. The provision of cycle parking on site will total 170 long stay cycle spaces (113 spaces for private housing, 57 for affordable housing) for the residential aspect of the development with short stay spaces provided along the Old Kent Road frontage that would facilitate both retail and residential visitors to the site. The short stay spaces would consist of 23 Sheffield stands equating to 46 short stay spaces
24. The following diagrams and tables demonstrate the tenure mix that is proposed for the development. 55 units form the 36% of the overall development that will be affordable, with 37 units provided for Social Rent, and 18 for Intermediate. The affordable mix provides a total of 83% dual aspect affordable apartments with the private units offering 73%. The scheme has potential to provide a further six intermediate units that can improve the affordable unit provision to 40% subject to grant funding.
25. Across the whole site, the housing mix would be as follows:

**Table: Housing mix**

Unit size	No. of homes	% of homes
Studio	0	0%
1 bed	56	33.3%
2 bed	92	54.7%
3 bed	18	10.8%
4 bed	2	1.2%
Total	168	100%

26. The amenity and play space for the residents of the development is required by a shared communal garden on the transfer floor consisting of 340sqm. At the rear of the communal garden is an enclosed community space designated for small gatherings at a size of 50sqm and providing seats and tables within. Doorstep play will be provided on the terrace in the form of sculptural play elements and seating as well as graphics set within the resin bound gravel surface to promote informal and imaginative play. All of the play provision will be subject to a condition requiring details to be approved. The close proximity of Brimington Park will allow for additional open space and play provision for a range of age groups. The developer will be contributing £369,410 to upgrade the park. Public realm improvements along Old Kent Road will include the provision of new planters and seating between the retained mature trees, shrub and herbaceous planting within and to the perimeter of the car park.

#### Revisions and amendments

27. A number of amendments were made during the course of the application as a result of consultation responses and negotiation with officers. These revisions and amendments are fully incorporated into this report. Due to the nature of the

revisions, re-consultation was not required.

28. The most significant changes and revisions were as follows:

- Increase from 35% to 36% Affordable units with the potential to provide 40% subject to funding;
- Reduction of units from 170 to 168
- Increase in amenity space on the podium from 315 sqm to 340 sqm
- Introduction of two four- bedroom units to the housing mix
- Indicative cladding material incorporated into the design

### **Relevant planning history**

29. The Application Site has been subject to one planning application of note which is detailed below:

13/AP/0366

*'Installation of aluminium backed non-illuminated vinyl graphic signage measuring 1.8m in height x 45.6m width along the Old Kent Road Elevation'*

Decision: Granted

#### Pre-application advice

30. Pre-application advice was provided in advance of the submission of this application, details of which are held electronically by the local planning authority. A number of meetings were held with the applicant and discussions centred around the provision of affordable housing, the height and massing of the proposals, the re-provision of the Aldi store, access and servicing, the materials of the scheme preserving the appearance of the terraced row of listed buildings in Clifton Crescent, the amenity space and play space, the quality of the residential accommodation and potential impacts upon surrounding occupiers.

#### Scoping Opinion

31. An environmental impact assessment scoping opinion was not required for this development.

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

32. The council has received a number of planning applications recently in the Old Kent Road Opportunity Area. These include the following:

33. 18/AP/0564 16 Peckham Park Road and 1 Livesey Place

Application type: FULL

34. Demolition of existing buildings and construction of a part three, part four storey building with retail and warehouse (A1) use on the ground floor and five residential units (three x two-bedroom and two studio flats) on upper floors.

35. Decision: Granted with Grampian Condition (3 August 2018).

36. 17/AP/2773 Malt Street Regeneration Site, Land Bounded By Bianca Road, Latona Road, Haymerle Road, Frensham Street, and Malt Street

Application type: FULL and OUTLINE

37. Hybrid application comprising a full planning application for Phase 1 (the “Detailed Component”) and outline planning permission (the “Outline Component”) for Phases 2 and 3:

38. Detailed Component (Phase 1):

39. Full planning permission for the demolition of existing buildings and structures and redevelopment of the central area for the erection of a total of four buildings, two at seven storeys (Buildings B9 and B12), one at 15 storeys (Building B10), and one at 44 storeys (Building B4) (max height 147.12m AOD) to provide 420 homes, 1,197 sqm GEA of Class B1(c)

floorspace and 785 sqm GEA of non-residential floor space within classes A1-A4 (retail), Class B1 (business) and Class D1 (public services) and D2 (entertainment and leisure) use, an energy centre (750 sqm) and new public open space and public realm with on street and basement car parking spaces and cycle spaces.

40. Outline Component (Phase 2 and 3):

Outline planning permission (scale, layout, landscaping, access and appearance reserved) for the demolition of existing buildings and structures and the erection of a seven buildings (B1, B2, B3, B5, B6, B7, B11) ranging in height from five to 39 storeys (max height 132.9m AOD) to provide up to 88,052sqm floorspace GEA, comprising up to 880 residential units, up to 3,316 sqm GEA of Class B1(c) floorspace and up to 1,702sqm GEA of non-residential floor space within Classes A1-A4 (retail), Class B1 (business), Class D1 (public services) and D2 (entertainment and leisure) use and car parking spaces at ground level and cycle spaces, with associated new open space, public realm, car parking and associated works.

Totals: Up to 1,300 homes and up to 7,000sqm commercial floorspace.

41. Decision: Resolution to grant, subject to a legal agreement, referral to the Mayor of London and Secretary of State (3rd June 2019).

42. 18/AP/0897 Ruby Triangle Site, Land bounded by Old Kent Road, Ruby Street and Sandgate Street

Application type: FULL

43. Full planning permission is sought for demolition of existing buildings and structures on the site, and redevelopment consisting of three buildings at maximum heights of 17 storeys (including mezzanine) ( +64.735m AOD), 48 Storeys (+170.830m AOD) and 40 storeys (including mezzanine) (+144.750m AOD), plus single storey basement under part of the site. Development would provide 1,152 residential dwellings (Class C3), retail, business and community spaces (Classes A1, A2, A3, A4, B1(a),(b),(c) and D1), public sports hall and gym (Class D2), public and private open space, formation of new accesses and alterations to existing accesses, energy centre, associated car and cycle parking and other associated works.

44. Decision: Granted (6<sup>th</sup> June 2019)

45. 18/AP/3246 Land at Cantium Retail Park, 520 Old Kent Road

Application type: FULL

46. Demolition of existing buildings and redevelopment of the site to provide a new basement level and buildings ranging from three to 48 storeys in height (max height 159.05m above ground level) comprising up to 1,113 residential units (Class C3), up to 5,659 sq. m of office floorspace (Class B1(a)), up to 2,228 sq. m of retail floorspace (Class A1), up to 2,336 sq. m of flexible space including use within Classes A1, A3, B1(a), B1(b), D1, D2 and / or Sui Generis (Theatre) within Block B and up to 596 sq. m of flexible space within Classes A1, A2 and / or A3 within Block C together with associated access, car parking, landscaping and infrastructure works.

47. Decision: Resolution to grant, subject to a legal agreement, referral to the GLA and Secretary of State (5 March 2019).

48. 17/AP/4596 13-14 Frensham Street, (Nye's Wharf)

Application Type: FULL

49. Demolition of existing buildings and erection of mixed-use scheme comprising 321sqm (GIA) of flexible A1, A2, A3, A4, B1, D1 and D2 floorspace and 882sqm (GIA) of B1 floorspace at ground and mezzanine levels; with 153 Residential units (Class C3) above in two blocks ranging from nine to 18 storeys with hard and soft landscaping and associated infrastructure works, including three disabled spaces and cycle parking.

50. Decision: Resolution to grant, subject to a legal agreement and referral to the GLA (3 September 2018).

51. 17/AP/4612 49-53 Glengall Road

Application type: FULL

52. Demolition of all existing buildings and structures (excluding some of the facades along Glengall Road and Bianca Road and the industrial chimney) and erection of a part six, eight and 15 storey mixed-use development comprising 3,855 sqm (GIA) of flexible workspace (Use Class B1) and 181 residential units (Use Class C3) with amenity spaces and associated infrastructure.

53. Decision: Resolution to grant, subject to a legal agreement, referral to the GLA and Secretary of State (15 January 2019).

54. 18/AP/3551 Southernwood Retail Park

Application type: FULL and OUTLINE

55. Hybrid planning application for detailed permission for Phase 1 and outline planning

permission for Phase 2 comprising:

56. Application for full planning permission for 'Phase 1' comprising demolition of existing buildings and the erection of a part 9, part 14, part 15, part 48 storey development (plus basement) up to 161.25m AOD, with 940 sqm GIA of (Class A1) retail use, 541 sqm GIA of flexible (Class A1/A2/A3) retail/financial and professional services/restaurant and café use, 8671 sqm GIA (Class C1) hotel; 541 (class C3) residential units (51,757 sqm GIA); landscaping, public realm and highway works, car and cycle parking and servicing area, plant and associated works.
57. Application for outline planning permission (with details of internal layouts and external appearance reserved) for 'Phase 2' comprising demolition of existing buildings and the erection of a part 9, part 12, storey development (plus basement) up to 42.80m AOD, with 1049 sqm GIA of flexible (Class A1/A2/A3) retail/financial and professional services/restaurant and café use; 183 (Class C3) residential units (17,847sqm GIA), 1141 sqm GIA (Class D2) cinema and the creation of a 475 sqm GIA (Class C1) hotel service area at basement level; landscaping, public realm and highway works, car and cycle parking and servicing area, plant and associated works.
58. Decision: Resolution to grant, subject to legal agreement, and referral to GLA (28 May 2019).

## **KEY ISSUES FOR CONSIDERATION**

### **Summary of main issues**

59. The main issues to be considered in respect of this application are:
  - Environmental impact assessment;
  - Aldi temporary store
  - Affordable housing;
  - Design, layout, heritage assets and tall buildings including views;
  - Public realm, landscaping and trees;
  - Housing mix including wheelchair housing;
  - Quality of accommodation;
  - Density;
  - Impact of proposed development on amenity of adjoining occupiers and surrounding area;
  - Transport;
  - Noise and vibration;
  - Planning obligations (S.106 undertaking or agreement);
  - Mayoral and Borough community infrastructure levy (CIL);
  - Sustainable development implications;
  - Energy;
  - Ecology;
  - Air quality;
  - Ground conditions and contamination;
  - Water resources and flood risk;
  - Archaeology;
  - Wind microclimate;
  - Light pollution;
  - Health Impact Assessment;

- Socio-economic impacts;
- Equalities and human rights;
- Statement of community involvement; and
- Other matters.

### **Legal context**

60. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. In this instance the development plan comprises the London Plan 2016, the Core Strategy 2011, and the Saved Southwark Plan 2007.
61. There are also specific statutory duties in respect of the Public Sector Equalities Duty which are highlighted in the relevant sections below and in the overall assessment at the end of the report.

### **Planning policy**

62. The statutory development plans for the Borough comprise the National Planning Policy Framework 2019, London Plan 2016, Southwark Core Strategy 2011, and saved policies from The Southwark Plan (2007 - July). The site falls within the area covered by the draft Old Kent Road Area Action Plan (draft OKR AAP).

### **Planning policy designations**

63. The application site is found within the following planning policy designations:
- The Old Kent Road Opportunity Area;
  - Draft OKR AAP site OKR 17;
  - The Urban Density Zone;
  - Old Kent Road Archaeological Priority Zone;
  - The Air Quality Management Area;
  - Public Transport Accessibility Level (PTAL) of 4;
  - Extended background area (Wider Setting Consultation Area) of LVMF views 2A.1, 3A.1, and 6A.1 and
  - Flood Zone 3.
64. The nearest conservation area is Caroline Gardens which is located approximately 170 metres to the west of the subject site.
65. To the south of the site lies the Grade II Terraced row of dwellings and attached railings of nos. 1-50 Clifton Crescent, approximately 50-60 metres away.
66. This application should be determined in accordance with the development plan unless material considerations indicate otherwise; and the following national framework, regional and local policy and guidance are particularly relevant.

### **Adopted policy**

#### National Planning Policy Framework

67. The revised National Planning Policy Framework ('NPPF') was published in

February 2019 which sets out the national planning policy and how this needs to be applied. The NPPF focuses on sustainable development with three key objectives: economic, social and environmental.

68. Paragraph 212 states that the policies in the Framework are material considerations which should be taken into account in dealing with applications.
69. Section 2 - Achieving sustainable development  
Section 5 - Delivering a sufficient supply of homes  
Section 6 - Building a strong, competitive economy  
Section 7 - Ensuring the vitality of town centres  
Section 8 - Promoting healthy and safe communities  
Section 9 - Promoting sustainable transport  
Section 11 - Making effective use of land  
Section 12 - Achieving well-designed places  
Section 14 - Meeting the challenge of climate change, flooding and coastal change  
Section 15 - Conserving and enhancing the natural environment  
Section 16 - Conserving and enhancing the historic environment
70. National Planning Policy Guidance (2014) is a web-based resource which brings together planning guidance on various topics into one place.

#### London Plan 2016

71. The London Plan is the regional planning framework and was adopted in 2016. The most relevant policies are those listed below.
72. Policy 3.1 Ensuring Equal Life Chances for All  
Policy 3.3 Increasing housing supply  
Policy 3.5 Quality and design of housing developments  
Policy 3.6 Children and young people's play and informal recreation facilities  
Policy 3.8 Housing choice  
Policy 3.9 Mixed and balanced communities  
Policy 3.10 Definition of affordable housing  
Policy 3.11 Affordable housing targets  
Policy 3.12 Negotiating affordable housing on individual private residential and mixed use schemes  
Policy 3.13 Affordable housing thresholds  
Policy 3.16 Protection and Enhancement of Social Infrastructure  
Policy 4.3 Mixed use development and offices  
Policy 5.7 Renewable energy  
Policy 5.8 Innovative energy technologies  
Policy 5.11 Green roofs and development site environs  
Policy 5.12 Flood risk management  
Policy 5.13 Sustainable drainage  
Policy 5.21 Contaminated land  
Policy 6.9 Cycling  
Policy 6.10 Walking  
Policy 6.13 Parking  
Policy 7.2 An inclusive environment  
Policy 7.3 Designing out crime  
Policy 7.4 Local character  
Policy 7.6 Architecture  
Policy 7.8 Heritage assets and archaeology  
Policy 7.21 Trees and woodlands

Policy 8.2 Planning obligations  
Policy 8.3 Community infrastructure levy

73. The London Plan 2016 identifies the Old Kent Road as an Opportunity Area with “significant potential for residential – led development along the Old Kent Road corridor”. Opportunity Areas are described in the London Plan (2016) as London’s major reservoirs of brownfield land with significant capacity to accommodate new housing, commercial and other development linked to existing or potential improvements to public transport accessibility.
74. Policy 2.13 in the London Plan 2016 sets out the strategic policy for the development and intensification of opportunity areas. Annex 1 includes an indicative capacity for Old Kent Road of 2,500 homes and 1,000 jobs and supports the development of a planning framework to realise the area’s full growth potential. It goes on to state that the employment and minimum homes figures should be explored further and refined in a planning framework for the area.

#### Mayoral SPGs

75. The following Mayoral SPGs are relevant to the consideration of this application:
76. Homes for Londoners (2017)  
London View Management Framework (2012)  
London's World Heritage Sites SPG (2012)  
Providing for Children and Young People’s Play and Informal Recreation (2008)  
Use of planning obligations in the funding of Crossrail (2010)  
Affordable Housing and Viability SPG (2017)

#### Core Strategy 2011

77. The Core Strategy was adopted in 2011 providing the spatial planning strategy for the borough. The strategic policies in the Core Strategy are relevant alongside the saved Southwark Plan (2007) policies. The relevant policies of the Core Strategy 2011 are:

Strategic policy 1 - Sustainable development  
Strategic policy 2 - Sustainable transport  
Strategic policy 3 - Shopping, leisure and entertainment  
Strategic policy 4 - Places for learning, enjoyment and healthy lifestyles  
Strategic policy 5 - Providing new homes  
Strategic policy 6 - Homes for people on different incomes  
Strategic policy 7 - Family homes  
Strategic policy 10 - Jobs and businesses  
Strategic policy 11 - Open spaces and wildlife  
Strategic policy 12 - Design and conservation  
Strategic policy 13 - High environmental standards  
Strategic policy 14 - Implementation and delivery

#### Southwark Plan 2007 (July) - Saved Policies

78. In 2013, the council resolved to ‘save’ all of the policies in the Southwark Plan 2007 unless they had been updated by the Core Strategy with the exception of Policy 1.8 (location of retail outside town centres). Paragraph 213 of the NPPF states that existing policies should not be considered out of date simply because they were

adopted or made prior to publication of the Framework. Due weight should be given to them, according to their degree of consistency with the Framework. The relevant policies of the Southwark Plan 2007 are:

- 1.1 - Access to employment opportunities
- 1.5 - Small businesses
- 2.2 - Provision of new community facilities
- 2.5 - Planning obligations
- 3.2 - Protection of amenity
- 3.3 - Sustainability assessment
- 3.4 - Energy efficiency
- 3.6 - Air quality
- 3.7 - Waste reduction
- 3.9 - Water
- 3.11 - Efficient use of land
- 3.12 - Quality in design
- 3.13 - Urban design
- 3.14 - Designing out crime
- 3.15 - Conservation of the Historic Environment
- 3.18 – Setting of Listed Buildings, Conservation Areas and World Heritage Sites
- 3.19 – Archaeology
- 3.20 – Tall Buildings
- 3.22 – Important Local Views
- 3.28 - Biodiversity
- 4.2 - Quality of residential accommodation
- 4.3 - Mix of dwellings
- 4.4 - Affordable housing
- 4.5 - Wheelchair affordable housing
- 5.2 - Transport impacts
- 5.3 - Walking and cycling
- 5.6 - Car parking
- 5.7 - Parking standards for disabled people and the mobility impaired

#### Supplementary Planning Documents (SPDs)

79. The following Southwark SPDs are relevant to the consideration of this application:

Development Viability SPD (2016)  
Technical Update to the Residential Design Standards SPD (2015)  
Section 106 Planning Obligations/CIL SPD (2015)  
Affordable housing SPD (2008 - Adopted and 2011 - Draft)  
Residential Design Standards SPD (2011)  
Sustainable Transport SPD (2010)  
Sustainable design and construction SPD (2009)  
Sustainability assessments SPD (2009)

#### **Emerging planning policy**

#### Draft New London Plan

80. The draft New London Plan was published on 30 November 2017 and the first and only stage of consultation closed on 2 March 2018. Minor suggested changes to the plan were published on 13 August 2018 and an Examination in Public (EIP) began on 15 January 2019. Further suggested changes to the Plan have been proposed

by the Mayor and published in response to the EIP Panel of Inspector's matters at the examination sessions. The Inspector's recently completed their report, however, given the stage of preparation it can only be attributed moderate weight.

81. The draft New London Plan identifies the Old Kent Road as having a minimum capacity for 12,000 homes and a jobs target of 5,000, which increases the capacity of the adopted London Plan of 2,500 homes and 1,000 jobs.

#### New Southwark Plan

82. For the last five years the council has been preparing the New Southwark Plan (NSP) which will replace the saved policies of the 2007 Southwark Plan and the 2011 Core Strategy. The council concluded consultation on the Proposed Submission version (Regulation 19) in February 2018 and some Amended Policies were consulted on between January and May 2019. It is anticipated that the plan will be adopted in early 2020 following an Examination in Public (EIP). As the NSP is not yet adopted policy, it can only be attributed limited weight. Nevertheless paragraph 48 of the NPPF states that decision makers may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan, the extent to which there are unresolved objections to the policy and the degree of consistency with the Framework.

#### Old Kent Road Area Action Plan (OKR AAP/OAPF)

83. The council is preparing an Area Action Plan/Opportunity Area Planning Framework for Old Kent Road (AAP/OAPF) which proposes significant transformation of the Old Kent Road area over the next 20 years, including the extension of the Bakerloo Line with new stations along the Old Kent Road towards New Cross and Lewisham. Consultation has been underway for four years, with a first draft published in 2016. A further preferred option of the Old Kent Road AAP (Regulation 18) was published in December 2017 and concluded consultation on 21 March 2018. As the document is still in draft form, it can only be attributed limited weight.
84. Whilst acknowledging this limited weight, members are advised that the draft OKR AAP places the application site within the proposed Action Area Core, and within proposal site OKR 17 which covers the area bounded by Ilderton Road, Asylum Road and Old Kent Road. Requirements for this allocation site include the re-provision of existing retail floorspace in Use Class A, and to provide residential or office space above the employment space and frontages along Old Kent Road activated through provision of retail (A Class), business (B Class) or community uses (D Class). Also relevant to OKR17 and the subject site are the requirements to provide a relationship between the site and Brimington Park to the south.

#### **Equalities**

85. The Equality Act (2010) provides protection from discrimination for the following protected characteristics: race, age, gender reassignment, pregnancy and maternity, disability, sexual orientation, religion or belief, sex, marriage and civil partnership. Section 149 of the Equality Act 2010 places the Local Planning Authority under a legal duty to have due regard to the advancement of equality in the exercise of its powers, including planning powers. Officers have taken this into account in the assessment of this application and Members must be mindful of this duty, inter alia, when determining all planning applications. In particular Members must pay due regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act; and
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

86. As set out in the Essential Guide to the Public Sector Equality Duty (2014), “the duty is on the decision maker personally in terms of what he or she knew and took into account. A decision maker cannot be assumed to know what was in the minds of his or her officials giving advice on the decision”. A public authority must have sufficient evidence in which to base consideration of the impact of a decision.

87. Whilst it is acknowledged that the site to the northwest of this development is a travellers site. Given that the subject site does not directly adjoin the property as Leo Street is located between the properties, it is not considered that this development would adversely affect the travellers site. Therefore, no adverse impacts to any groups with protected characteristics have been identified.

#### Other equality impacts

88. The Strategic Housing Market Assessment (SHMA) prepared on behalf of a number of South East London boroughs states that Southwark, together with Lewisham, has the most ethnically mixed population in the South East London sub-region. Compared to the population at large a very high proportion of black households (70%) are housed in the social/affordable rented sector. These groups could therefore stand to benefit from the proposed affordable housing, which would include social rented units. The provision of communal amenity spaces to be shared by different tenures would also contribute to the potential for increased social cohesion. This is a positive aspect of the scheme.

89. Proposed enhancements to the streetscape on Old Kent Road would prioritise the movement of pedestrians and promote “healthier, active lives” in accordance with draft Policy AAP 10 of the draft OKR AAP.

90. The proposed development would also generate additional opportunities for local employment. The proposed development would deliver 1778 sqm (GIA) A class floorspace on the ground floor with an ancillary flexible A1/A3 unit of 52 sqm, which represents an increase of 371 sqm over the existing A floorspace.

#### Conclusion on equality impacts

91. The proposed development would not result in any adverse equality impacts in relation to the protected characteristics of religion or belief and race as a result of the re-provision of the Aldi store with an ancillary A1/A3 unit, and upper floor residential units. Notwithstanding that the development would result in a significant change to the site, Officers are satisfied that equality implications have been carefully considered throughout the planning process and that Members have sufficient information available to them to have due regard to the equality impacts of the proposal as required by Section 149 of the Equality Act 2010 in determining whether planning permission should be granted.

92. The proposed development would undoubtedly result in a significant change to the site. The public sector equality duty does not prevent change but it is important that

the council consider the acceptability of the change with a careful eye on the equality implications of that change given its duty under Section 149 of the Equality Act 2010. The council's duty is to have due regard to the objectives identified above when making its decision. In the present context, this means focusing carefully on how the proposed change would affect those with protected characteristics and ensuring that their interests are protected and equality objectives promoted as far as possible.

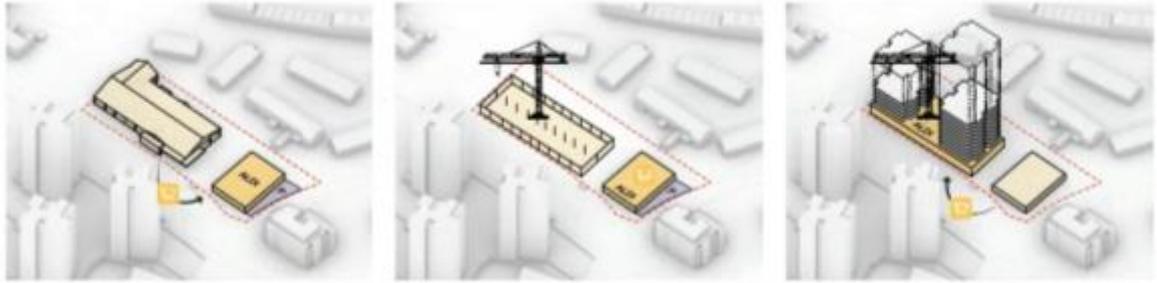
### **Environmental impact assessment**

93. An environmental impact assessment (EIA) screening was submitted under planning reference 19/AP/0971. This was carried out in accordance with Regulation 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.
94. The development would introduce more than 150 dwellinghouses, and was therefore necessary to assess the potential impact of the proposal against Schedule 3 of the EIA Regulations. This was to determine whether the proposed development should be subject to a formal EIA, taking into account a number of factors relating to the characteristics of the development, its location, and the types and characteristics of the potential impacts.
95. Based on the required assessment, no significantly likely impacts were identified and it was considered that the development would not impact upon the environment virtue of factors such as its nature, size and location. Given this assessment the conclusion was that the proposed development did not constitute EIA development and therefore an assessment is not required with this application.

### **Temporary Aldi store**

96. The subject site currently facilitates a single storey Aldi store and associated at grade car parking. In order to successfully develop the site, the scheme put forward proposes a temporary store that would enable Aldi to continue trading during construction and after. It is important to note that in detailing OKR 17 within the Draft OKR AAP (Page 130), it is stated that *'The Aldi site is available for re-development, subject to finding a solution that enables the store to continue trading'*
97. The Temporary store is subject to a separate planning application under reference 19/AP/1766. Officers have reviewed the temporary store proposal and are of the view that it is acceptable in terms of servicing and highways considerations. It would satisfy the policy requirements of the OKR AAP to maintain continuous trading on the site, and should this scheme be approved Members are asked to agree that the Director of Planning be allowed to determine this application using their delegated powers.

**Image: Relationship between the temporary Aldi store and the proposed development.**



### **Principle of development in terms of land use**

98. The NPPF (2019) offers a number of key principles that emphasise a focus on driving and supporting sustainable economic development to facilitate the delivery of new homes and commercial business units etc. The application site is located within the Old Kent Road Opportunity Area. In locations such as this, both London Plan and Southwark Plan policies strive for higher density, high quality mixed use developments which assist in addressing the need for new homes and ranges of employment opportunities.
99. In the draft OKR AAP, the site is identified as falling within Proposal Site OKR17. The draft site allocation states that redevelopment on this site must:
- Replace existing employment space including retail floorspace (A Class);
  - Provide residential flats or office space above the employment space
  - Provide on site servicing.
  - Confirms that the Aldi site is available for redevelopment subject to a solution that allows the store to continue trading.
100. The existing use on the site (Aldi supermarket) is considered to maximise the potential of this Opportunity Area Proposal Site. The proposed replacement of the Aldi supermarket with the provision of a mixed A1/A3 Use Class Unit, and the delivery of 168 new homes would deliver major regeneration benefits that are further discussed in the proceeding parts of this report.

Image: OKR Sub Area 4, showing Site Allocation OKR 17 at the bottom of the picture.



Image: Subject site within the OKR area.



Employment re-provision (No Net Loss)

101. The existing floor space of Aldi on the application site comes to a total of 1,459 sqm (GIA). The development would provide an additional 319 sqm of A1 floor space for a total of 1778 sqm (GIA). A further 52 sqm is provided for a flexible A1/A3 Unit. Overall, this represents an uplift of 371 sqm (GIA) of A class floor space compared with the existing provision.

**Image: Employment floor space proposed at ground floor**



#### Job creation

102. Whilst it is acknowledged that the major use on the ground floor of the site is the re-provision of the Aldi store, given that the new store would be larger in floor space, the development of the site is considered to create additional jobs through the increased size of the new Aldi that would be able to facilitate more stock and more employees to work within the enlarged unit. Additionally, the mixed A1/A3 unit to the southeast corner would create further jobs that would add to the local economy.
103. LBS's Local Economy Team (LET) recognises that there would be uplift in employment floor space. The development is projected to deliver 36 sustained jobs to unemployed Southwark residents, 36 short courses, and take on nine construction industry apprentices during the construction phase, or meet the Employment and Training Contribution. All LET recommendations would be secured through the Section 106 agreement. If any of these expectations were not to be achieved, financial contributions would be sought in accordance with the council's Planning Obligations and CIL SPD. An Employment, Skills and Business Support Plan would also be secured through the Section 106 Agreement.

#### **Assessment of main town centre uses**

104. The site is not currently within a designated Town Centre. It does however fall within the boundary of the new Town Centre proposed in emerging policy in the draft New Southwark Plan (under Policy P30, Town and Local Centres) and draft OKR AAP. In the AAP Consultation Summary, published in January 2019, this was updated to show two new designated Town Centres. Given the direction of the draft London Plan, these are likely to be "District Centres".
105. Two new designated centres are proposed in the emerging plan in order to better meet the needs of existing and new residents and workers in the Old Kent Road area. The new centres would include retail, leisure, entertainment and recreation facilities in a significantly more attractive and accessible environment. The proposals under consideration here would help to contribute to the vitality and viability of the new centre within which they would sit.

106. Acknowledging its limited weight, draft NSP Policy P30 states that town centre uses will be permitted in town centres where:
- The scale and nature is appropriate to the role and catchment of the centre; and
  - A Use Classes are retained or replaced by an alternative use that provides a service to the general public, and would not harm the vitality and viability of the centre; and
  - The development would not harm the amenity of surrounding occupiers or result in a concentration of uses that harms the character of the area; and
  - The development provides an active use at ground floor in locations with high footfall; and
  - Large schemes for town centre uses that are 1,000 sqm or more provide public toilets, public drinking fountains and public seating.
107. The existing retail (A1 use class) offer on the site is the Aldi supermarket, which has a floor area of 1,459 sqm (GIA). This would be retained and increased to 1,778 sqm with an additional flexible unit proposes an A1/A3 mix accommodating a further 52 sqm. It is therefore considered that the development would provide a sufficient uplift in retail provision on site. In retaining the Aldi store within a larger floorspace, the development would keep a unit that offers a sufficient service to the surrounding community and the provision of an additional flexible unit creates variety to the function of the Aldi supermarket whereby the unit can offer a service to the customers shopping at Aldi. The proposal would therefore result in a clear benefit to the surrounding area, and contribute to the vision for OKR17 within the Old Kent Road Area.
108. In terms of the allocation sites identified in the draft NSP, the application site is found within NSP 72 (840 Old Kent Road – Aldi store). NSP 72 states that development here should provide new homes, and offer either A1, A2, A3, or A4 Uses. Additionally, redevelopment of the site could facilitate community and employment uses within Use Class D and B, respectively. Furthermore, NSP 72 states that development in the area will need to respond positively to the objectives of the AAP and should reinforce the high street by delivering a new part of the Town Centre.
109. Again, acknowledging its very limited weight, draft OKR AAP Policy AAP 7, Town Centres, Leisure and Entertainment, identifies the subject site as falling within a district centre and identifies the uses that would be appropriate, including retail, community, leisure, cultural and offices above shops. Furthermore, Policy AAP7 of the Draft OKR AAP notes that generally within the Old Kent Road (not just in Town Centres) development should seek to increase both the quantum and types of retail, provide a mix of sizes of unit and provide a range of shop sizes including supermarkets.
110. The site is within the OKR 17 site allocation in the draft OKR AAP, which seeks the re-provision of existing retail floorspace in Use Class A, and to provide residential or office space above the employment space whilst incorporating a relationship between the subject site and Brimington Park to the rear of the site.
111. The Southwark Retail Study 2015 and the 2018 Old Kent Road update provide a robust and credible evidence base to inform the council's work on the NSP and AAP. This identified that Old Kent Road is the dominant destination for comparison

shopping in the borough, and the proposal to introduce new designated centres supports future capacity and growth. In retaining the food supermarket on site, the proposal would preserve the vitality of the town centre area that forms part of OKR 17, and would offer an additional flexible unit that provides an extra food and drink option to users of the Aldi store. It is therefore considered that the proposed development would make a positive contribution to this objective.

112. In light of the above, it is clear that emerging policy and the existing evidence base for the Old Kent Opportunity Road area support mixed use development and the designation of the Old Kent Road as a high street and town centre. Noting however, that the site doesn't sit within a currently designated town centre, the NPPF, London Plan and Strategic Policy 3 of the Core Strategy, all require applications for "town centre" uses over a certain size, outside defined town centres to undertake a sequential approach to site selection, demonstrating that there would be no unacceptable impacts to any defined town centres.
113. The NPPF states that when assessing applications for retail, leisure and office development outside town centres, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floor space threshold, or if there is no locally set threshold, the default threshold should be 2,500 sqm. Southwark has no adopted local threshold.
114. The proposals under consideration would incorporate a mix of residential and retail uses to the site. The retail use is concentrated on the ground floor of the proposed buildings. A breakdown of non residential land uses proposed is set out in detail in Section 24 of this report, but to summarise it consists of 1,830 sqm (GIA) of non residential floor space. 1,778 sqm of this would be for the Aldi Supermarket in A1 Use, and 52 sqm would be for the flexible A1/A3 unit. The total of 1,830 sqm falls comfortably below the 2,500 sqm threshold set in the NPPF and draft London Plan. As such, and given the direction of travel in the emerging NSP and OKR AAP, it is not considered that a sequential test is necessary in this instance, and the retail uses proposed are supported.
115. The maximum 1,830 sqm of town centre uses proposed would be complementary to the delivery of the major components in the scheme, which are housing and retail uses. They would activate the ground floor frontages, particularly onto Brimmington Park to the southeast, and Old Kent Road to the north. It is therefore considered that the proposed scheme would not create adverse impacts for the wider area or any other defined town centre.
116. The provision of this floor space would also contribute to the uplift in employment discussed above, which would further intensify the contribution of the proposal to the local economy.

#### Independent retail

117. Draft NSP Policy 28 and London Plan policy 4.9 Local Shops state that development must incorporate well designed and flexible units suitable for small and independent businesses. The ground floor plan proposed demonstrates that the flexible A1/A3 unit would be sited in the south eastern corner of the floorplan with access provided from Old Kent Road, next to seven Sheffield Stands. The ease of access and location of the unit fronting Old Kent Road makes the flexible unit an attractive space within the development. The Legal Agreement will also require the submission and approval of a retail marketing strategy to ensure that local independent businesses are targeted first.

## Enhancement of Brimington Park

118. To the south and south east of the subject site is Brimington Park. £369,410 is proposed to be provided and the contribution is to the council's project to improve Brimington Park. This contribution would provide a green link to Brimington Park along Old Kent Road that would improve the existing street scene with an abundance of planting and seating areas that reinforces the existing character of the area. The extensive planting is also considered to provide a range of seasonal interest and ecological benefits. As detailed drawings come forward as required by condition, the relationship between the development and park will be part of the finalised drawings to be agreed in writing with LBS. The council's plan for the park has gone through a first round of consultation with the current design shown below. The council will review the design following responses from the public with a view to go to a second round of consultation in the coming months.

Image: Layout of Brimington Park



## Provision of housing, including affordable housing

119. The scheme would deliver 168 new homes, including policy compliant affordable housing (36% by habitable room with the option to increase the provision to 40% subject to grant funding). This is a significant positive aspect of the scheme. There is a pressing need for housing in the borough. Policy 3.3 of the London Plan supports the provision of a range of housing and sets the borough a target of 27,362 new homes between 2015 and 2025. This is reinforced through Strategic Policy 5 of the Core Strategy and emerging policy in the draft new London Plan, NSP and draft OKR AAP.

## Prematurity

120. Legal Advice received in relation to this issue highlights the following from the National Planning Policy Guidance:
121. “arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:
- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or neighbourhood planning; and
  - b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.
122. Refusal of planning permission on grounds of prematurity would seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process.”
123. The most up to date adopted development plan document pertinent to the Old Kent Road is the 2016 London Plan. This identifies the Old Kent Road Opportunity Area as having significant potential for housing led growth. The draft OKR AAP has been developed in response to this adopted plan and has also sought to address the emerging policy position of the draft New London Plan including the increased housing target for the opportunity area and the need to ensure that the draft New London Plan aspirations for industrial land and employment are addressed. The scheme under consideration here is not considered to undermine either the strategic or local plan making process, and reflects the adopted statutory development plan position of the 2016 London Plan and the direction of travel of the draft NSP and the 2016 and 2017 draft OKR AAPs and the 2018 draft New London Plan. It is not therefore considered to be premature.

#### Conclusion on land use

124. The scheme would deliver major regeneration benefits, including a significant contribution to the borough’s housing stock, a policy compliant level of affordable housing, job creation, high quality retail space, and flexible space, and contribution to the enhancement of the nearby Brimington Park. In light of the above, it is considered that the development, in land use terms, is acceptable, and its contribution to the Old Kent Road and surrounding area should be supported.
125. In relation to town centre uses, whilst the proposed development would introduce main town centre uses outside a currently designated town centre, the proposals would fall below the threshold set out in the NPPF, and would not be to the detriment of other designated centres. In addition, they would also help deliver the draft OKR AAP’s aspirations to create two new designated centres in Old Kent Road. Together, the mix of uses proposed would help to create a vibrant, genuine mixed use neighbourhood.

## **Affordable housing and development viability**

### **Affordable housing**

126. In summary, the proposed scheme would deliver 55 affordable homes to the borough's housing stock. When calculated as habitable rooms, this represents a policy compliant 36% affordable housing offer. Again, this has the potential to increase to 61 affordable homes subject to grant funding. In line with draft New Southwark Plan Policy P1, 26% of the all proposed habitable rooms would be for social rent (at least 25% is required by policy), and 10% would be intermediate with a potential to increase to 14% subject to grant funding.
127. Southwark Plan Saved Policy 4.4 requires at least 35% of all new housing to be provided as affordable housing. Of that 35%, there is a requirement for 50% social housing and 50% intermediate housing in the Old Kent Road Action Area. The adopted London Plan (2017) sets a strategic requirement of 60% social housing and 40% intermediate housing. Emerging New Southwark Plan Policy P1 sets a requirement for a minimum of 25% of all the housing to be provided as social rented and a minimum of 10% intermediate housing to be provided, this equates to 73.70% social housing and 26.30% intermediate housing.
128. The requirement for social housing set out in the New Southwark Plan is higher than the London Plan and the saved Southwark Plan policy given the acute need for social housing in Southwark. Approximately 57% of the borough's total affordable housing need is for intermediate housing to meet the housing needs of lower and middle income residents. However, the most acute affordable housing need is for social rented housing to meet the needs of homeless households living in unsuitable temporary accommodation such as bed and breakfasts or overcrowded conditions. Overcrowding is strongly related to poor physical and mental health and can strain family relationships. Children in overcrowded homes often achieve poorly at school and suffer disturbed sleep. Social rented housing is vital to social regeneration as it allows residents who cannot afford suitable market housing to remain close to their families, friends and employment. For this reason draft Policy P1 of the New Southwark Plan requires a minimum 25% of homes to be provided as social rented housing, which the proposed development complies with.
129. In accordance with the council's Affordable Housing SPD, rooms that are over 27.5sqm have been counted twice for the purposes of calculating affordable housing. This accounts for large open plan living room spaces that include kitchens and dining areas.
130. In total, 590 habitable rooms would be provided. 214 of these would be affordable habitable rooms, which would equate to an overall provision of 36% and is therefore fully policy compliant and a very positive aspect of the scheme. Viability information has been submitted which supports the delivery of the quantum of affordable housing proposed.
131. With regard to tenure split, out of the total 590 habitable rooms, 154 would be social rented (26%), 60 would be intermediate (10%) with the possibility of a further 22 habitable intermediate rooms (4%) subject to grant funding. This exceeds the requirement for 25% of homes to be social rented.

**Table: Tenure Split**

<b>Tenure</b>	<b>Habitable Rooms</b>		<b>Units</b>	
	No.	%	No.	%
Private	354	60%	107	63.70%
Social rented	154	26.10%	37	22.02%
Intermediate	60	10.16%	18	10.71%
Intermediate subject to funding	22	3.74%	6	3.57%
Total	590		168	

132. All 37 social rented homes would be delivered in Building A, with views over Brimington Park to the rear. The 18 intermediate homes (24 if grant funding is secured) would be delivered in both buildings. All 107 private homes will be located in Building B. The Section 106 Legal Agreement would secure the delivery of these units
133. As with all Old Kent Road schemes, service charge costs to social rent tenants would be capped within social rent cap levels. This would be required in the Section 106 and confirmed when a registered social landlord is on board.
134. A contribution of £8,338.05 (a charge of £193.90 per affordable home) has been agreed towards affordable housing monitoring and maintained provision of these units, and would be secured by the legal agreement.

#### **Development viability**

135. Southwark's Development Viability SPD requires a Financial Viability Appraisal (FVA) to be submitted for all planning applications which trigger a requirement to provide affordable housing. The FVA should identify the maximum level of affordable housing that can be sustained and justify any proposed departures from planning policy requirements.
136. This application is therefore accompanied by a FVA, which was reviewed by independent consultants on behalf of the council. An addendum report was also received from the applicant during the course of the application, which provided clarification on a number of points raised by the independent consultant, and responded to revisions to the scheme, including raising the level of affordable housing from 35% to 40% (by habitable rooms) on the basis of securing grant funding.
137. The independent consultant's review and subsequent addendum report concludes that the application scheme would produce a return below the target rate of return (profit on GDV) and therefore the maximum reasonable affordable housing provision has been proposed.
138. In the addendum to their FVA, the applicant proposes a blended rate of return on a present day basis of 17.53% profit on GDV. Due to the deficit against the benchmark land value, the sales value will need to grow by 20%, accompanied by a reduction in costs of 10% to mitigate the deficit.
139. The FVA addendum sets out sensitivity analysis on the viability of the proposals, to

demonstrate the changes in sales values and construction costs that would be required to make the scheme viable. This sensitivity analysis indicates that the proposals could potentially become viable (with a policy compliant level of affordable housing) with significant growth required to achieve this.

140. The site would benefit from the wider regeneration of the area, including the Bakerloo Line Extension, which would boost sales and have a major impact on the area. Consultation on the BLE has been undertaken and is ongoing and construction could start in 2023 and thus the scheme would be likely to directly benefit from increases in residential pricing in the longer term.
141. The sensitivity analysis also considered the possibility of increasing the level of affordable housing to 40% by accessing GLA housing grant. The analysis indicates that a 15% reduction in building costs and a 15% increase in sales values would be required in order for the development to be technically viable in planning terms when providing Southwark's policy target quantum and tenure of affordable housing at 40%.
142. The entrances to both blocks would be identical. They would be accessible to all tenures from street level. Similarly, the shared space at podium level and the communal room would all be fully accessible to all tenures.

#### Conclusion on affordable housing

143. In conclusion, the level of affordable housing proposed is a very positive aspect of the proposals. The scheme would deliver 36% affordable housing with the potential to increase to 40% subject to GLA grant funding, which could become viable with sales values increasing over time. The 36% affordable housing offer is therefore considered deliverable on this basis and terms to secure the affordable housing would be included in the legal agreement, together with an early stage viability review.

#### **Design considerations**

144. Strategic Policy 12 of the Southwark Core Strategy (2011) states that all development in the borough will be expected to "achieve the highest possible standards of design for buildings and public spaces to help create attractive and distinctive places which are safe, easy to get around and a pleasure to be in." Saved Policy 3.12 'Quality in design' of the Southwark Plan asserts that developments should achieve a high quality of both architectural and urban design, enhancing the quality of the built environment in order to create attractive, high amenity environments people will choose to live in, work in and visit. Saved Policy 3.13 of the Southwark Plan asserts that the principles of good urban design must be taken into account in all developments. This includes height, scale and massing of buildings, consideration of the local context, its character and townscape as well as the local views and resultant streetscape. With specific reference to tall buildings, Policy 7.7 of the London Plan (2016), 'Location and Design of Tall and Large Buildings' and Saved Policy 3.20 of the Southwark Plan sets out design requirements for tall buildings, both of which are discussed in further detail in the following paragraphs.
145. The emerging design policy in the New Southwark Plan includes P12, Design Quality and P14 Tall Buildings. P12 states that development must provide, amongst other things, high standards of design with appropriate fabric, function and composition. P14 sets out a series of tests for tall buildings (defined as significantly

taller than surrounding buildings or their context). It also states that the highest tall buildings will be located in areas where there is the greatest opportunity for regeneration, including Opportunity Areas, such as the Old Kent Road.

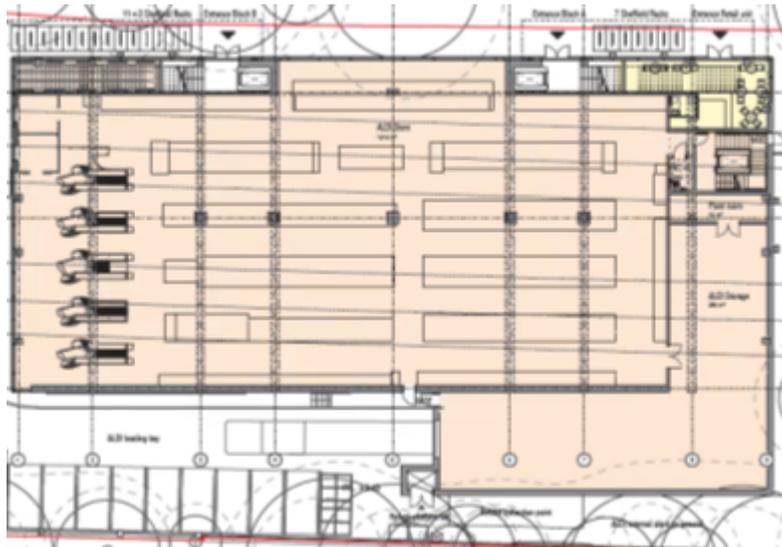
### Site layout

146. The proposed site layout would comprise one single urban block, with two distinct residential buildings (referred to as Building A and Building B) above a ground floor Aldi Supermarket. There would be shared external amenity space on the transfer floor/podium above the supermarket. This level would provide 340 sqm of external amenity space with a 50 sqm community hall proposed, for a total amenity area of 390 sqm.
147. The amenity area would be centralised on top of the ground floor supermarket and between the two buildings. Each building at this level provides non-residential uses such a transfer between buildings as well as bicycle and refuse storage, concierge, meeting rooms and mechanical plant.
148. Regarding public realm improvements, the development would incorporate the provision of a green link between the subject site and Brimington Park. This involves the enhancement of the existing street scene including the provision of new seating areas and planting that reinforces the existing character of the area. Furthermore, new planting is proposed within the car park perimeter with a landscaped podium created for the residents of the development to enjoy. The total amount of public realm at ground floor would be 56 sqm.
149. A contribution to the improvements of Brimington Park will be provided by the applicant in the range of £369,410 given the shortfall of play space, private amenity and public open space within the development of the subject site.

**Image: Site layout and interaction with Brimington Park**



**Image: Ground floor layout**



**Image: Active frontage Old Kent Road**



Elevation - Continuous active frontage along Old Kent Road

150. The ground floor layout would be outward-looking, with active frontages along Old Kent Road and to the southeast, looking towards Brimington Park. The existing Aldi does not provide an active frontage or overlooking of the Old Kent Road, so this represents a major benefit of the scheme under consideration. The active frontages take the form of corner retail entrances, two residential entrances, and the Aldi store.
151. The result of the ground floor design would be a variety of street character throughout the development, with appropriate levels of activity on each edge of the urban block. A condition requiring a shop front design strategy is recommended to ensure that all necessary details, including signage and lighting, are considered and delivered in a high quality manner.
152. It is considered that the neighbouring Brimington Park would be addressed by the active frontages with the flexible A1/A3 unit on the corner of the subject site facing Brimington Park providing a unit that would allow for residents and customers to take food and drink and use the opportunity for sitting out within the park. The active frontages would enable a strong relationship between the development and the park with the improved landscape and public realm proposals on the development site facilitating a stronger presence along the Old Kent Road.

153. In addition to the new public realm and active frontages, the proposed site layout would also increase connectivity and permeability in the area. At present, the site is dominated by an abundance of car-parking spaces to accommodate customers when shopping at Aldi. In its current state, the number of spaces produces a challenge for pedestrians within the site. As detailed above, the proposed layout and improvements to the public realm would open up the site and extend it to Brimington Park. Whilst some spaces would be retained to facilitate the temporary Aldi store during the construction phase, once the overall development is complete and the temporary store is removed, the pedestrian permeability and the relationship with Brimington Park would be further enhanced.

### **Height scale and massing (including consideration of tall buildings)**

**Image: The development, viewed from Old Kent Road**



154. The heights of the two buildings range from 13 storeys to Building A at the southeast end, to 21 storeys for Building B towards the Leo Street junction. The siting of the buildings, complete with the podium and transfer floor have been appropriately located within the site to ensure breaks in the massing that would allow natural light into and views out of the proposed residential accommodation. Additionally, the buildings would also be located and oriented to achieve appropriate privacy and outlook between adjacent homes. This is discussed in further detail elsewhere in this report.
155. The proposed massing strategy places the tallest building, Building B, on the northwest area of the site, marking the junction of the edge of the development and the proposed location of where the temporary Aldi store will be located, and what will become a possible further phase of development on site. Building B would be ground plus 20 storeys (+73.40m AOD). Building A is located towards the southern boundary of the site, nearby to the shared boundary with Brimington Park.

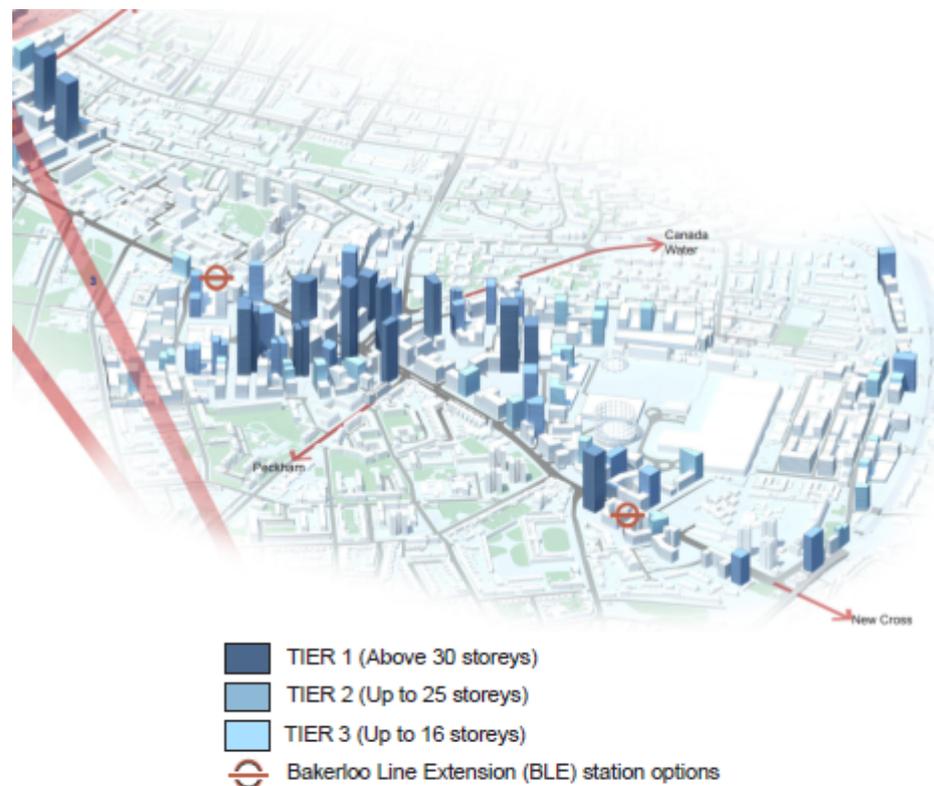
### Draft OKR AAP

156. Policy 8 of the draft OKR AAP sets out a tall building strategy, the OKR 'Stations and Crossings' that should be adhered to in order to maximise the potential of the Old Kent Road. 'Tier One' buildings represent developments that exceed 30 storeys in height. These developments are proposed to be sited in the vicinity of the proposed BLE stations, to mark their city wide significance and optimise the use of land in the most accessible locations. A 'Tier Two' development proposes building

heights within the range of 16 to 25 storeys. The strategic locations of Tier Two buildings located along important crossings and junctions of the Old Kent Road, and near to the boundary between Ilderton Road, New Bermondsey and the Old Kent Road. Building B, at a height of 21 storeys is compliant with the height range proposed within the AAP.

157. The AAP states that other buildings in the area will vary in height from eight to 16 storeys depending on their immediate context. Given the nearby Tustin Estate towers and the location of the site to the north of Brimington Park, the proposed height of Building A meets the requirements of the draft OKR AAP.

**Image: The ‘Stations and Crossings Strategy in the draft OKR AAP**



158. In line with the draft OKR AAP, the design of the tall buildings would be exemplary, with careful consideration of their impact on the skyline. The separation distance between the two buildings above the ground floor successfully enables the development to provide amenity and play space on the podium and transfer floor, with the distances between the buildings permitting daylight to penetrate in between the blocks to existing residential properties nearby, and would also allow for natural daylight to reach key habitable windows within the development.

London Plan (2016)

159. As the development would be substantially taller than its existing surroundings, it would be defined as a tall building in the adopted London Plan (2016). Policy 7.7 of the 2016 London Plan, ‘Location and Design of Tall and Large Buildings’, states that tall buildings should be limited to sites in the Central Activity Zone, Opportunity Areas, areas of intensification or town centres that have good access to public

transport. Furthermore, London Plan Policy 2.13 requires development in Opportunity Areas to optimise residential and non residential output densities, meet or exceed minimum housing and employment guidelines and support wider regeneration objectives. Annexe 1 of the 2016 London Plan sets out the specific requirements for the Old Kent Road Opportunity Area, identifying it as having significant potential for residential-led redevelopment. As such, the Old Kent Road Opportunity Area is, in principle, an appropriate location for tall buildings which optimise housing delivery and regeneration benefits. The proposed development is considered to achieve both, whilst also meeting the other requirements of London Plan Policy 7.7.

160. National, Regional, and Local Policy state that the impact of tall buildings in sensitive locations, including the settings of conservation areas and listed buildings should be given particular consideration. Although the proposed development is not within a conservation area, it is important to note that, given the heights of the buildings proposed, they would be visible from a number of sensitive locations. These include the row of Grade II Listed Buildings at the rear of the site comprising of nos. 1-50 Clifton Crescent, nos. 864 and 866 to the southeast of Brimington Park, and nos. 880, 882, and 884 Old Kent Road, near the junction with Chesterfield Way. The specific impact of the proposed development on these sensitive settings, and the wider townscape context is assessed in more detail below where the submitted Townscape and Visual Impact Analysis (TVIA) is considered.
161. The south side of the Old Kent Road is dominated by retail parks (Toys R Us) and supermarkets, with limited active frontages and poor urban streetscapes. The 'big box retail shed' nature of the existing townscape is not considered worthy of protection, and its replacement with a scheme of high quality architectural and urban design is considered a significant public benefit of the proposals.
162. The proposed tall buildings would relate well to their surroundings, particularly at street level. The new urban block would create active frontages that are sensitive to the unique character of each edge, increased connectivity and permeability and contribute to the creation of a new public open space, and an improved public park at the rear of the site. The retail and flexible unit uses proposed on the ground floor along the Old Kent Road itself would contribute to the 'high street' character envisaged in the draft AAP. The urban grain of the surrounding area would be enhanced as the site would be better presented on the Old Kent Road and provides new open spaces. The considerably detailed architectural design of the towers (discussed in further detail below) would respond sympathetically to the existing local townscape, whilst introducing a new high quality aesthetic.
163. As a pair, the proposed tall buildings would improve the legibility of the area by signifying the junction of the Old Kent Road and Ilderton Road with the improved accessibility and entrance to Brimington Park providing an enhanced public open space. Given its strategic location within London's road network, the application site is already considered to be at a point of geographical significance. The improved park, open space and proposed Use Classes would also give it an important public function within the Opportunity Area. The design proposed would enhance the skyline and image of London with the two tall buildings forming a well considered composition of varying heights, facades and high quality materiality.
164. The elevational strategy and material palettes are discussed in more detail below. In order to secure this design quality, planning conditions requiring detailed drawings, material samples and full scale mock ups are recommended.

165. The positive nature of the ground floor uses proposed, their relationship to the surrounding streets and the increased permeability proposed would all represent significant public benefits. There would be amenity space for residents on the upper floors, including private balconies and internal communal amenity play space. In addition, the public space on the podium would be appropriately landscaped and facilitate an acceptable level of amenity provision to the development.
166. As discussed elsewhere in this report, the proposals under consideration would deliver significant contributions to local regeneration. This would include the delivery of housing (including affordable housing), new employment floor space, and a new flexible retail/café space, as well as a better integration with Brimington Park.
167. The impact of the proposed development on microclimate, wind turbulence, overshadowing, noise, aviation, navigation and telecommunication interference is all assessed and presented elsewhere in this report. In the majority of cases however, there would be no significant adverse impacts. Please see the relevant section of this report for more detail.
168. Finally, it is also considered that there would be no unjustifiably harmful impact on local or strategic views, although as identified below there would be a small number of sensitive locations from which this needs a carefully balanced decision.

#### Southwark Plan

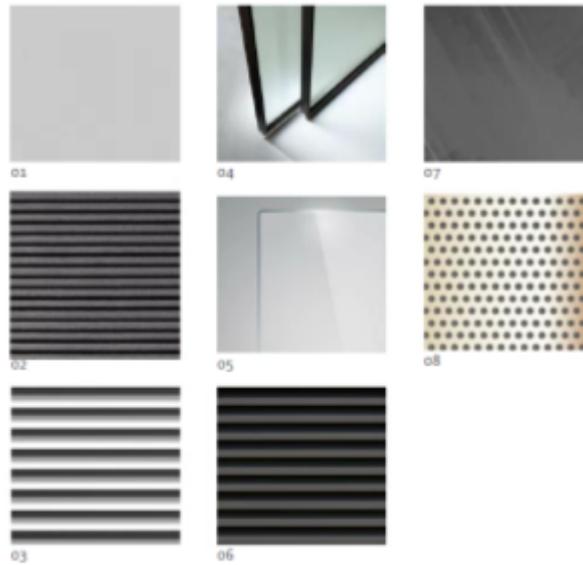
169. As the most recently adopted document in the Local Plan, and the only document adopted after the Old Kent Road was designated as an Opportunity Area with significant potential for residential-led redevelopment, it is considered that these London Plan (2016) policies in relation to tall buildings are more relevant than Southwark Plan Saved Policy 3.20 dating from 2007. Nevertheless, the proposed development has also been assessed against the requirements of this saved policy. Saved Policy 3.20 requires any building over 30 metres tall to ensure that it:
  - Makes a positive contribution to the landscape; and
  - Is located at a point of landmark significance; and
  - Is of the highest architectural standard; and
  - Relates well to its surroundings, particularly at street level; and
  - Contributes positively to the London skyline as a whole consolidating a cluster within that skyline or providing key focus within views.
170. The scheme would make a very positive contribution to the landscape in the area in two main ways. Firstly, as set out in the section of this report on Outdoor Amenity Space, the applicant would make a substantial financial contribution to the enhancement, improvement and accessibility of Brimington Park whilst facilitating an acceptable play space within the podium level of the development.
171. Secondly, where new public realm would be created within the red line boundary, it is well considered and would make very positive enhancements to existing conditions. This includes an important contribution to Brimington Park and the widening of the Old Kent Road footway. By adding this generosity to the existing public realm of Old Kent Road, the landscape of the area would accommodate the greater numbers of people either living in or visiting the application site. Furthermore, the relationship between the public realm and the improvements to Brimington Park is considered to create a positive contribution to the immediate area and the overall Opportunity Area.

172. The proposed development would be of a quality architectural standard and, as set out above. It would also contribute positively to the London skyline, eventually as part of a cluster of strategically located tall buildings following the regeneration of the area.

### **Architectural design and materiality**

173. The proposed buildings would share a common architectural language, but would be distinctive with the division of each building into quadrants. This approach leads to an architectural approach of ordered quality. Externally, the projecting frame around the main part of the each elevation, the use of alternating deep and shallow horizontal bands, and the incorporation of recessed balconies enables the development to provide elevations with considerable depth and articulation.
174. At the ground floor, extensive glazing to the Aldi unit and the flexible A1/A3 unit and to the transfer floor above leading to the residential accommodation provides a strong quality to the Old Kent Road street scene. Through the pre-application meetings and taking into consideration of the major urban influence of the Tustin Estate located on the opposite side of Old Kent Road from the application site, the design has evolved to where a contemporary reinterpretation of the horizontality be explored to enable the buildings to read as a local cluster. The influence is clear on the evolved design with architectural approaches including the alternating 'propeller' like floor plates, clear division of each block into four segments, strong horizontality by the exposed slab edges, and dark brick infill material between the slab edges have all been incorporated into the final design. In order to ensure that this is realised in the final building planning conditions requiring detailed drawings, material samples and full scale mock ups are recommended. The Section 106 Legal Agreement would also require the architect, Bogle Architects, to be retained throughout the detailed design and construction phases of the project unless otherwise agreed in writing.

Image: Proposed material palette



- 01) Light grey GRC cladding
- 02) Warm grey profiled GRC cladding
- 03) Graphite GRC louvres
- 04) Neutral high performance glazing in dark grey metal frame
- 05) Neutral glass balustrade
- 06) Metal louvre plant screen
- 07) Tinted glass
- 08) Perforated metal panel

175. The material palette of the proposal would consist of glass reinforced concrete, aluminium screens and glass balustrades to assist in creating a modern and contemporary interpretation of the neighbouring context. The simple palette is supplemented with special detailing features such as projecting slab edge and balcony detailing with metal shading screens along the sides of the windows.

Image: palette and façade detail



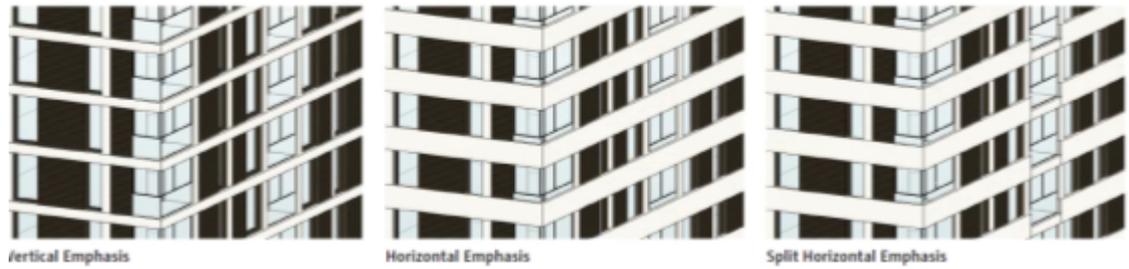
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- 05) Neutral glass balustrade
- 06) Metal louvre plant screen
- 07) Tinted glass
- 08) Perforated metal panel

Design development:

176. A first pre-application discussion for a proposal on the subject site took place in June 2018 where it was envisioned that the scheme would incorporate two separate residential towers that were connected by a lower block facing the street. The residential blocks were proposed at 12 and 20 storeys respectively with the tallest block at the southeast of the site. No façade concepts were considered at the initial pre-application stage.
177. The evolution of the design to February 2019 amended the scheme to retain two residential towers with the siting of the buildings reversed. The 13 storey building now occupies the southeast of the site, whilst the 21 storey building occupies a section of the site to the northwest. The two residential blocks are connected by the ground floor Aldi store. Full height entrances to the residential element of the proposal have been introduced with enlarged external canopies with staircases provided for access to the large reception spaces on the arrival floor. It is considered that the entrances provide the generosity required for a development of this scale, with both entrances also being accessible to all tenures.
178. With respect to the façade design, its intention is formed from the previously referred to context that surrounds the immediate site. The design of residential facades has to respond to often contradictory needs of the internal apartments including thermal and acoustic performances, ventilation, daylight and sunlight, maintenance and the requirements of the users for a sense of enclosure, and the needs for privacy and views out of the accommodation. At the ground floor level, the façade is a fully glazed ground to ceiling for the Aldi supermarket that facilitates visual continuity between the Aldi use and the public realm. The two residential entrances are also fully glazed with only a small section of the façade screened where the stairs meet the ground. These are clad with dark grey fibre cement louvres placed in front of the glazing.
179. At the upper floor levels, five options were considered for the final façade design prior to the result of the final evolution. These options considered the following:
1. Vertical emphasis – strong vertical emphasis over horizontal elements
  2. Horizontal emphasis - strong vertical emphasis over horizontal elements
  3. Split horizontal emphasis – Focused the façade on strong horizontal emphasis divided into two sections on each façade emphasising the corners of each block
  4. Major/Minor horizontal emphasis – Introduction of a hierarchy to the horizontal emphasis that creates a ‘major’ and ‘minor’ element to each façade on the north and south elevations
  5. ‘Pin wheel’ emphasis – Adopting the major and minor horizontal banding on option 4, however, the finish create a ‘pin wheel’ arrangement that compliments the appearance of the Tustin Estate residential blocks.

180. The final evolution of the façade incorporates the banding on alternate elements of the 'pin wheel' that articulates the façade and creates a contemporary interpretation of the neighbouring blocks whilst also defining a clearly articulated base, middle and top. The final façade design is considered to successfully design an exterior that responds proactively to the character and appearance of the immediate surroundings of the site.

Images: Façade evolution options 1-3



Images: Façade evolution options 4-5 and final design

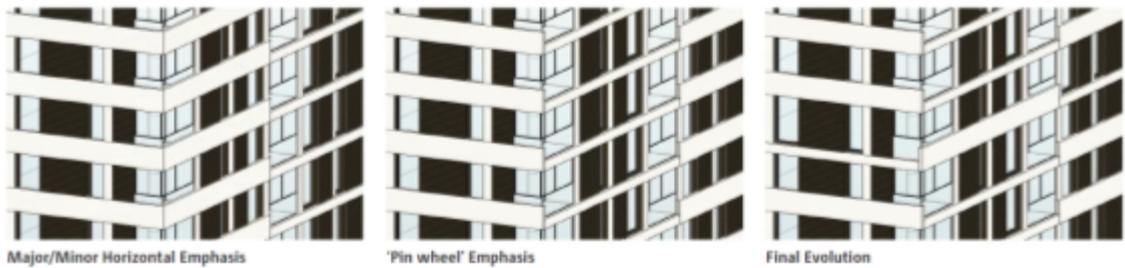


Image: Façade proposal



Image: Façade of residential buildings



## Landscaping

181. The key landscape principles that are proposed to provide a high quality southern gateway to the Old Kent Road area consist of;
- Provide planting that reinforces the existing character of the area, offers seasonal interest and colour with a range of ecological benefits
  - Establish a strong identity through hard and soft landscaping proposals
  - Public realm improvements to the Old Kent Road frontage including the provision of new planters and seating
  - Establish a stronger connection between the site and Brimington Park
  - Podium communal gardens that provides a functional and usable space with informal play for toddlers and children.
182. The proposed enhancements to Old Kent Road frontage would include the provision of new planters and seating between retained mature trees and new trees, shrub and herbaceous planting within, and to the perimeter of the car park. The proposed planting is considered to improve the biodiversity in the area, whilst also allowing a degree of screening from the Old Kent Road streetscene. A 'green' car park is proposed with rain gardens to slow water runoff and permeable paving incorporated to promote natural drainage. The building frontage focuses landscape elements to influence pedestrian movement whilst also providing a visual link through material use. This will be accomplished by integrating planters and seating between the mature trees fronting Old Kent Road. Furthermore, visitor cycle parking will be

provided at each end of the Old Kent Road Frontage to encourage sustainable transport use to and from the site.

183. These proposals should be treated as indicative at this stage, with detail to be agreed through the Section 278 process with both London Borough of Southwark and TfL. The principles established in this indicative material will be secured, as well as the requirement to enter into Section 278 agreements would be secured through the Section 106 Legal Agreement.
184. Along the front of the flexible unit to the southeast of the application site where the development meets Brimington Park, a 'green avenue' is proposed to enhance biodiversity with the provision of linear platform benches to create flexible and social seating areas. At the connecting point between the site and Brimington Park, enhanced mature trees and green space is proposed with a pathway located centrally that facilitates an attractive green link with ornamental structural planting and raised planter and seating proposed to improve the appearance aesthetically, whilst also improving permeability and visible lines within the park. Again, the proposed details are only notional and subject to Section 278 agreement.
185. The podium terrace on the transfer level between the two buildings offers a generous area of open space for use by the residents within the development. The open space aspect will provide 340 sqm of usable play space and amenity with a further 50 sqm provided for a community hall/room. The palette of landscaping materials used in the podium communal garden includes the introduction of raised lawns and planter beds with seating and an assortment of play equipment that would be suitable for both children and toddler play. This would include sand pits and the provision for wet play.
186. By incorporating the child and toddler play space, the podium communal area is designed to be a mixed use and multifunctional play space. Alongside play space areas would be places for sitting and an assortment of more intimate spaces, larger areas of green and textured and interesting planting with a sensory focus. The overall character would therefore offer a thriving and diverse shared garden suitable for all ages that would also facilitate areas for quiet relaxation. The submitted details for the play spaces would be reviewed by planning committee members following submission.

Image: Podium landscape and play space examples



Image: Podium landscape and play space examples



187. All plant species would be chosen for their hardiness and drought tolerance. Where possible surface water would be collected and redistributed to natural irrigate planting beds, and should form part of a sustainable drainage strategy. At the southwest corner of Building A, at the rear of the plant, refuse, bicycle storage and community hall is a proposed Green Roof. The Green Roof is a flat area proposed to be a 'Living Green Wall' that will further enhance the ecological value of the site and assist in linking the development with Brimington Park.

Image: 'Green' wall viewed from Brimington Park



188. The council's ecology officer has reviewed the proposals. Further bat surveys were requested in line with the potential ecology impacts in relation to the siting of Building A. The additional Bat survey was submitted in August. The additional information was found to be acceptable by the ecology officer. The recommendations contained within Section 6 of the additional information are advised to be implemented. Recommendations include:
189. The construction of three bat boxes, suitable for pipistrelle species, within or in close proximity to the Site, e.g. on the mature trees away from the main building. These should be attached to a single tree at approximately 120 degrees providing a range of potential roosts with different micro-conditions. This is required to ensure a safe place for bats should they be found during the works.
190. If bats or evidence of bats are found at any stage all works must stop and not recommence until advice has been received from an appropriately qualified ecologist. Liaising with Nature England may be necessary, and a European Protected Species Licence may be necessary before works can recommence.
191. The public realm, streetscape and communal amenity spaces would be fully accessible, and provide a level threshold between internal and external spaces and across the open spaces. Any gradients would be in line with building regulations.
192. The security of existing and new residents has also been considered, with planting and lighting arranged in such a way that there are no hidden corners within the landscape. A lighting strategy would be secured by condition and the metropolitan police are satisfied that this scheme could achieve Secured By Design accreditation.

193. The landscape details submitted to date are considered to be of good quality and appropriate for the development of this part of the Old Kent Road. Final details of the design, materials and planting proposed would be required by condition.

### **Trees**

194. Saved Policy 3.13 of the Southwark Plan requires high quality and appropriately designed streetscape and landscape proposals.
195. The proposed development results in the removal of ten trees and one offsite tree. The trees that are removed include one A category Whitebeam tree, B category trees consisting of Maple, Lime and Sycamore trees, and C category Maple and Sycamore trees. As part of the development, suitable replacement planting forms part of the hard and soft landscaping aspect to the site. More trees will be replanted rather than removed. A condition will require the trees to be semi mature. The applicant is advised that this should adhere to relevant draft Southwark and London Plan policies so that there is no net loss of canopy cover. The submitted tree assessment states that during the post construction phase, the project arboriculturalist will re-inspect the retained trees and specify if any remedial works are required. This is a welcomed initiative.
196. The council's urban forester has reviewed the proposals. The evaluation undertaken demonstrates a net shortfall of 574cm stem girth that amounts to a total of £15,186 inclusive of any new planting. This can be agreed via condition and is attached to the draft decision notice. The urban forester also notes that where planting is shown in or adjacent to car parking a sustainable volume of rootable soil is needed which can be provided via a suitable proprietary soil design such as SilvaCell or GreenBlueUrban. Conditions recommended by the Urban Forester are attached to the draft decision notice.

### **Southwark Design Review Panel (DRP)**

197. This scheme has been presented to the Southwark DRP twice, first on 14 January 2019, and again on 11 March 2019. At the time of the first review, the scheme had just completed pre-application discussions. At this stage of the process the development proposed the continuity of trade for Aldi by constructing a temporary store on the existing car park with circa 180 residential apartments located above. The proposal sought a 35% affordable housing contribution with a 70%-30% social and intermediate split.

#### DRP 1: 14 January 2019

198. During the review, The Panel raised concerns about the scheme comprising the quality of the public space and realm due to the need to retain a section of the subject site to accommodate the temporary Aldi Store and future car parking once the development is completed. The panel felt that this design was dominated by the car park at a prominent corner of the street (The Leo Street/Old Kent Road junction), and this prominence affected the relationship to the street front.
199. Officer response: The temporary Aldi store is a key component in the delivery of the overall scheme. It is considered that the an operationally viable store that includes the proposed store layout and re-provision of the car park to serve customers is necessary to incentivise Aldi in bringing forward the site for a comprehensive redevelopment. This would enable Aldi to continue satisfying the local customer

demand for the retention of an Aldi supermarket during the development phase. This has been demonstrated by the support provided for the re-provision of the Aldi during public consultation.

200. Regarding form and massing, the Panel supported the general approach of locating the height towards the northern end of the site with scale reducing towards Brimington Park and felt that this could form part of the urban rationale for the site. Before being able to endorse this massing approach information regarding impacts to the residential property surrounding should be further refined given the low scale housing.
201. Officer response: The scale of the buildings has been subject to a number of ongoing discussions with Officers. The draft OKR AAP envisages a Tier 2 Tall Building in the location of proposed Building B, and a building at the height of Building A adjacent to it. The development meets the requirements of the draft OKR AAP.
202. Regarding the architecture and design of the development the Panel felt the towers could benefit from a closer contextual reference, and an analysis of local historic buildings, materials and forms could assist in a more varied approach in the architecture.
203. Officer response: The evolution of the design process at this stage was still progressing towards the finished article that is currently being assessed within this report. The advice of the Panel was followed and further expanded on key points raised from the second Design Review Panel.
204. The Panel felt that proposal would risk divorcing residents from the public realm and amenity space, and would welcome further development of communal facilities and connections to the external communal spaces.
205. Officer response: The relationship between the public realm and the amenity space has since been enhanced from the first comments. Whilst there is a podium level that provides amenity and play space to the occupiers of the development, the improvements to the public realm have enabled the development to form a relationship with Brimington Park. The improvement to the Old Kent Road frontage allows for the proposal to link together with the park in creating a quality space that provides efficient connection to further amenity enjoyment within an enhanced Brimington Park.

#### DRP 2: 12 June 2018

206. The scheme was presented to the DRP for the second time on 12 June 2018. In conclusion, the Panel felt that the importance to re-provide the Aldi placed an unnecessary constraint on the site that restricted the site from maximising its potential. The particular sticking point of concern from the Panel was the constraint of the Aldi store being contrary to the aspirations of the draft OKR AAP as a specific user for the site should not take precedence over the long term development opportunities for this important site. Overall, the amendments made since the first Panel have been acknowledged and some issues had been resolved to the satisfaction of the Panel.
207. Officer response: The reiteration that the delivery of an operationally viable store is necessary to incentivise Aldi to bring forward the site for development. This is to ensure that the retail shop can continue to meet local customer demand. During the

public consultation phase, strong support was provided for the re-provision of the Aldi to accommodate demand during development works. This is an imperative consideration in enabling in unlocking the site to a number of regeneration benefits including the delivery of new high quality housing in accordance with the objectives of the draft OKR AAP. The prospect of a temporary store during the construction of the development is not considered to constrain the potential of the site. Following the completion of the development, there is potential for a 'Phase 2' development on site that could facilitate more quality residential accommodation, and would enable further active frontages onto the Old Kent Road. This would require building over the current car park which isn't currently viable.

208. The Panel queried the incorporation of a community hall/room within the podium that is predominantly proposed to be used for play and amenity space. Panel members were not convinced that the proposal would adequately solve providing both spaces successfully within the podium.
209. Officer response: The community room has been included due to the comments raised in the first Design Review (see DRP comment discussed Section 218). In locating the community hall to the south of the podium area it would create a natural buffer to avoid overlooking into the properties located at the rear of the development, namely the dwellings located at nos. 51-54 Clifton Crescent, and dwellings along Drovers Place. Additionally, the room also gives a sense of space, activity and surveillance of the amenity space.
210. The Panel commented on the Old Kent Road being envisaged as a high street lined with active frontages in accordance with the recommendations of the draft OKR AAP. The Panel were concerned that the strategic ambition of the draft OKR AAP would not be achieved by a large car park and a predominantly inactive flank elevation to a large store such as what is proposed for the development.
211. Officer response: As stated previously, the temporary store is required to continue the operation of Aldi to meet customer demand in the local area. To facilitate this, an adequate area of the site needs to be provided to enable the function and accessibility of the Aldi store. Regarding the comments relating to the inactive elevations, the proposal would be significant improvement on the current site given that there are no active frontages along any elevation of the single storey Aldi. The development would offer an active frontage along the Old Kent Road in the form of corner retail entrances and the new Aldi store facing directly onto the street. The Old Kent road elevation would be an entirely active frontage with full glazing that significantly improves the appearance of the site within the Old Kent Road streetscene.
212. The Panel highlighted the narrow gap between the two buildings.
213. Officer response: The Panel members were incorrect in their 16m assertion of the distance between the two buildings. The actual distance is 17.35m and this separation distance is considered appropriate by the Building Research Establishment.
214. The Panel felt that the design of the buildings should be more fundamental and to model the buildings more deliberately. Panel members suggested shifting the plan to open up a new east/west aspect for the centrally located flats and thus improve the dual aspect of each building.

215. Officer response: The design of the building has further evolved from the first review with the introduction of a balcony that allows the central apartments the required 'dual aspect' as suggested by the Panel. The subtle articulation of the rotated corner balcony design adds to the building's quality and is a clever architectural interpretation. The structural requirements of the transfer floor do not allow for further 'shifting on plan' to echo the Tustin 'pin wheel' arrangement without adding significant and unnecessary costs to the development
216. The Panel were concerned that the quality of residential development fell short of the high benchmark that would be expected from a development site of this scale and density. More concern came from the residential entrances which were considered to lack generosity and grandeur.
217. Officer response: The proposed units have been designed to meet at least the minimum sqm required for respective one, two, three and four bedroom units with many far exceeding minimum standards. This is an extremely positive aspect of the development and the proposal is considered to provide an exceptional quality of residential accommodation. Additionally, the entrances to the buildings consist of full height entrances that are double height in appearance, have enlarged external canopies, and provide generous staircases up to the large reception space on the upper arrival floor.
218. The Panel were concerned about the fire-fighting requirements of the residential entrances as they are the primary means of escape from both buildings. The Panel challenged the designers to demonstrate how this design will comply with the regulations in the light of recent concerns about fires and high-rise residential development.
219. In the early stage concept of this development, the applicant instructed WYG Group to review and advise on the design of a fire strategy. From this early interaction, the proposal is compliant with the recommendations of Approved Document B (ADB). Furthermore, the proposal and subsequent fire strategy has been discussed with the London Fire Brigade in December and no objections were received regarding the strategy or design.

## **HERITAGE AND TOWNSCAPE CONSIDERATIONS**

220. London Plan (2016) Policy 7.4, Local Character, states that development proposals should respond to their context, including buildings, open spaces, street patterns and the historic environment and Policy 7.8, Heritage Assets and Archaeology, seeks to record, maintain and protect London's heritage assets in order to utilise their potential within the community. It states that development should conserve the significance of any heritage asset it affects. Southwark Core Strategy Strategic Policy 12, 'Design and Conservation', states that development should ensure that the significance of built heritage assets is conserved. Saved Policy 3.15, Conservation of the Historic Environment of the Southwark Plan (2007) states that development should preserve or enhance the special interest or historic character or appearance of buildings or areas of historical or architectural significance and Policy 3.18, Setting of Listed Buildings, Conservation Areas and World Heritage Sites states that the immediate or wider settings of designated heritage assets must be preserved. The NPPF (2019) requires Local Authorities to consider the impact of a proposed development on the significance of a designated heritage asset. Any harm to, or loss of, the significance of a designated heritage asset (including from development within its setting) should be categorised as either substantial or less than substantial. Substantial harm should only be permitted in exceptional

circumstances. Less than substantial harm should be weighed against the public benefits of the proposal.

### Conservation areas

221. The application site does not sit within a conservation area and it contains no listed buildings. There are however, two conservation areas within 1km of the site, meaning that their settings could be impacted upon by the proposed development. These conservation areas are listed below:

**Table: Conservation areas within 1km of the application site**

Conservation Area	Distance from Application Site
Caroline Gardens Conservation Area	Approximately 160m
Peckham Hill Street Conservation Area	Approximately 920m

222. Also within the area surrounding the application site are a number of Grade II listed buildings and structures, including the following:

- Nos. 1-50 Clifton Crescent and attached railings
- Nos. 864 and 866 Old Kent Road;
- Nos. 880, 882 and 884 Old Kent Road;
- Nos. 6 and 8 Carlton Cottages;
- Nos. 10 and 12 Carlton Cottages;
- Licensed Victuallers Benevolent Institution (Caroline Gardens);
- Licensed Victuallers Almshouses (Caroline Gardens);
- Gasholders Nos. 10, 12 and 13.

### Draft OKR APP and Draft Local List

223. Although of very limited weight, the draft OKR AAP also identifies buildings and features of townscape merit and buildings of architectural or historic interest. The following buildings, within the immediate vicinity of the site, are identified as such. These buildings are also included on the draft Local List published by the council in March 2018. The following are within or immediately adjacent to the application site:

224. The following buildings are within the immediate vicinity of the application site:

**Table: Draft AAP Building or Feature of Townscape Merit within the immediate vicinity of the site:**

Property	Description
Grenier Apartments	Building of Architectural or Historic Interest
Prince of Windsor Public House	Building of Architectural or Historic Interest

225. The Grenier Apartments are located approximately 132m from what will be the flank wall of Building B within the site. The building is former school that has been converted into residential use. It is a part three, part six storey building in height finished in stock brick with red brick and stone detailing. At the western end of the building is a bay topped with broken pediments. The current single storey Aldi is shielded from views of Grenier Apartments by the row of terraced dwellings that comprise of nos. 1-8 Drovers Place. Whilst the proposed development would be visible from Grenier Apartments, the separation distance is not considered to harm

the building of architectural interest.

226. The Prince of Windsor Public House is located approximately 106m southeast of the application site at the junction between Old Kent Road and Chesterfield Way. It is a three storey late nineteenth century red and brown brick corner pub with an ogee domed turret. Given the separation distance it is considered that this scheme will not harm the setting or the character, and appearance of the listed building.

**Townscape and Visual Impact Assessment (TVIA)**

227. The heights of the proposed buildings would result in considerable change in the townscape of the area and would therefore impact on the settings of the heritage assets surrounding the site. The submitted Townscape and Visual Impact Assessment (TVIA) report (ES Volume III) assesses the impact of the proposed development on above ground heritage assets from 20 views. The views locations have been agreed in consultation with Southwark Planning Officers in order to ensure the most sensitive views were tested, and include protected views from the London View Management Framework and locally protected views. The final selections of viewpoints were made with the aim of including a range of typical townscape locations from particular points of the compass from which the development would be visible.
228. The methodology used in the assessment process for the most appropriate views involves the identification of buildings, open spaces townscape and views that could be affected by the proposed development, the site and its surrounding. The Site analysis considers the physical characteristics of the Site and the character of the surroundings.
229. This assessment is informed by ‘as existing’ photographs and ‘as proposed’ views, shown through computer generated images showing a photomontage of the Proposed Development layered onto the existing photograph, from selected viewpoints. The assessment of individual views considers the effect on the townscape and views as they will be experienced by viewers in reality. The images are no more than an approximation to this, as viewers have peripheral vision and their view is not restricted. Viewpoints themselves are not generally fixed. Townscape is experienced for the most part as a progression of views or vistas by people who are moving through streets or spaces rather than standing still.

London View Management Framework (LVMF) Views

230. London Plan (2016) Policy 7.11, London View Management Framework, and Policy 7.12, Implementing the London View Management Framework, relate to the identified strategic views in London. They state that development should not harm these views, and where possible should make a positive contribution to the characteristics and composition of strategic views. Supplementary Planning Guidance on the LVMF was published in March 2012.
231. The LVMF views likely to be impacted upon by the proposed development are 2A.1 from Parliament Hill, 3A.1 from Kenwood and 6A.1 from Blackheath Point.

<b>View 18 (LVMF View 6A.1)</b>	
View location	Panoramic north facing view from Blackheath Point
Heritage Significance	LVMF protected view. Panoramic view, primarily concerned with St Paul’s Cathedral, which is visible towards the centre of this image, to the left of the cluster of tall buildings in the

	City. The foreground of the view is largely occupied by low and medium scale development in Greenwich and Deptford. Further in the distance, post war towers near Old Kent Road are visible, including the Tustin Estate and Ledbury Estate towers. In the far background of the view, clusters of tall buildings at Vauxhall/ Nine Elms, Elephant and Castle, Blackfriars and London Bridge are evident.
Other Significance	Public Open Space
Sensitivity to change	High
Impact of proposal	The proposed development would be visible in the distance, on the left side of the panorama, well to the side of St. Paul's Cathedral. The proposed development would appear as part of an extensive panorama and would contribute to a layered townscape effect, set between Greenwich/Deptford in the foreground and clusters of tall buildings in the far background of the view. Together they would be a high quality addition to the view, and would mark a substantial area of regeneration around Old Kent Road.
HE Comments	None
GLA Comments	The proposed heights and massing respond successfully to the draft OKR AAP's placemaking strategy and also relates to the scale and massing of the existing residential towers that comprise of the Tustin Estate located adjacent to the development site. The principle of the height arrangement is therefore supported.
Conclusion	The development site does not lie within the protected vista therefore no harm to the significance of this view would arise. St Paul's Cathedral would remain clearly visible, well to the right of the proposed cumulative development; there would be no harm to the significance of this view.

<b>View 16 (LVMF 2A.1 Parliament Hill)</b>	
View location	The summit of Parliament Hill
Heritage Significance	LVMF protected view. The view crosses a wide span of London. The foreground is occupied by the open space of Hampstead Heath. The tall buildings of central London appear in the distance, including the City of London cluster. The vista to St Paul's Cathedral in the centre of the view is protected.
Other Significance	Public open space.
Sensitivity to change	High
Impact of proposal	The proposed development would be obscured to a significant extent by the Guy's Hospital tower. The marginal part visible (Building B) would have a considerably lower apparent height than Guy's Hospital, and could be understood to lie further in the distance than that building.
HE Comments	None
GLA Comments	The proposal would not have any impact on the view from Parliament Hill as the scale and massing at the bottom end of Old Kent Road would be shielded by buildings closer to the city. The proposal would also no impact on the appreciation of St. Paul's Cathedral from this view.
Conclusion	The proposed scheme would have no impact on the

	silhouette of St. Paul's Cathedral or the ability to appreciate St. Paul's in this view. As the silhouette of the Cathedral would be preserved, and the wider setting consultation area would not be encroached upon, it is not considered that there would be any harm to this view. Furthermore, the Shard would remain the tallest feature in the view, by quite some degree of magnitude.
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<b>View 17 (LVMF 3A.1 Kenwood House)</b>	
View location	The viewing gazebo at Kenwood House, set within an estate bordering Hampstead Heath.
Heritage Significance	LVMF protected view. The foreground of the view is occupied by the open parkland, with a band of mature trees providing a sense of containment beyond. Central London, and particularly the tall buildings of the City, is visible beyond to the left of centre in the view. St Paul's Cathedral is visible to the right of the Shard. The vista towards St Paul's is protected.
Other Significance	Public open space.
Sensitivity to change	High
Impact of proposals	The proposed development would be partially visible behind and to the east of the Shard and the News Building. The development would have a substantially lower apparent height than the Shard, Guy's Hospital and the dome of the St. Paul's Cathedral. From this, the proposed buildings are understood to lie in the distance and would be seen well to the side of the St. Paul's Cathedral, with no effect on the Cathedral's profile. Therefore, the ability to appreciate the Cathedral would be unaffected by the proposed development.
HE Comments	None
GLA Comments	The proposal would not have any impact on the view from Kenwood House as the scale and massing at the bottom end of Old Kent Road would be shielded by buildings closer to the city. The proposal would also no impact on the appreciation of St. Paul's Cathedral from this view.
Conclusion	As there would be no impact on the perception of St Paul's Cathedral, there would be no harm to the view.

#### Borough protected views

232. Although of limited weight, the draft New Southwark Plan Policy P19, 'Borough Views', states that development must positively enhance the borough views which have been identified. The borough views potentially impacted on by the proposed development are P19:1 The London panorama of St Pauls Cathedral from One Tree Hill, and P19:2 The linear view of St Pauls Cathedral from Nunhead Cemetery. The draft policy states in both cases that development must "maintain the view of St. Paul's Cathedral from the viewpoint place", "not exceed the threshold height of the view's Landmark Viewing Corridor", and "not compromise the sensitive Wider Assessment Area that is located either side of the Landmark Viewing Corridor to ensure the viewer's ability to recognise and appreciate St. Paul's Cathedral and its setting". It also states that a canyon effect of the view of St. Paul's Cathedral must be avoided.

<b>View 19 (Local View P19.2)</b>	
View location	View of St. Pauls Cathedral from Nunhead Cemetery
Heritage Significance	Protected borough view identified in the draft New Southwark Plan. The view is towards St. Paul's Cathedral, with Highgate West Hill beyond it in the distance. The view is framed by trees, specifically maintained to ensure the view is visible. The dome and western towers of the Cathedral are seen clearly against a backdrop dominated by trees in this summer view. A variety of development is visible in the foreground of St. Paul's and the Guy's Hospital Cancer Centre near London Bridge, constructed in recent years, obscures a small part of the eastern end of the Cathedral.
Other Significance	Public open space and cemetery.
Sensitivity to change	High.
Impact of proposal	The proposed buildings would be located well to the side of St. Paul's Cathedral and would be completely obscured by trees from this viewing location.
HE Comments	None
GLA Comments	None
Conclusion	The proposed development would not be visible in this protected view and therefore would not cause any harm to its significance.

<b>View 20 (Local View P19.1)</b>	
View location	Panoramic north facing view from One Tree Hill
Heritage Significance	Protected borough view identified in the draft New Southwark Plan. St. Paul's Cathedral is visible to the east of the Shard with its profile almost entirely uninterrupted by development in its foreground (albeit slightly obscured by foliage in this summer view). The towers of central London, including the Shard and towers in the City of London, appear further west. A range of development in south London, including post-war towers, appears closer to the viewpoint, in the middle ground of the view.
Other Significance	Public Open Space
Sensitivity to change	High
Impact of proposal	The proposed development would be located well to the side of St. Paul's Cathedral and would be completely by the existing trees in this view.
HE Comments	None
GLA Comments	None
Conclusion	As the proposal is located away from the viewing corridor to the St Paul's Cathedral (to the left of the Cathedral), it would remain clearly visible. With this in mind, there would be no harm to its significance.

### Local Views

233. In addition to the strategic views protected by planning policy, the submitted TVIA sets out the impact on 15 local views within the immediate vicinity of the site. On the whole, in local views the proposed development would result in a high quality and well-proportioned addition to the skyline. The impact on each local view is summarised below.

<b>View 1</b>	
View location	Old Kent Road/Devonshire Grove junction opposite Asylum Road
Heritage Significance	None (NOTE: this view is from a road junction looking in the direction of southeast to the application site. There is a row of identified buildings of townscape merit to the northwest of the junction with Devonshire Grove; however, as the view is looking southeast it is not seen in the same context)
Other Significance	None.
Sensitivity to change	Low
Impact of proposal	The proposed development appears in the middle distance of the view, beyond the large Toys R Us retail store and the residential building of Radford Court (No. 814 Old Kent Road). The extent of the trees along this section of Old Kent Road screens the trees to some extent, and this is the case even in winter time. Building B would be the most visible part of the development. Building A, to a limited extent, would be visible. The division of Building B into quadrants is apparent from this view, and provides an articulated form within the view. Building B appears at a slightly apparent height than the Tustin Estate towers.
HE Comments	None
GLA Comments	None
Conclusion	Both buildings are visible from this point and can be seen to share the same form and are considered to form a coherent pairing. Given that Building B is the more prominent view the height and scale of the development overall would be consistent with the existing character of the view given the close proximity to the similar in height Tustin Estate towers.

Image: View 1 showing the existing view and proposed view



<b>View 2</b>	
View location	Old Kent Road/Hillbeck Road junction
Heritage Significance	None.
Other Significance	None
Sensitivity to change	Low
Impact of proposal	The proposed development is closer to the site than the previous view. The direction of the view is to the southeast. Beyond the surface of Old Kent Road is a footpath and a retail building in the foreground. The Tustin Estate is located in the middle of the view, on the northern side of the road. Radford Court at no. 814 Old Kent Road is a part four and five storey building with ground floor retail is located on the southern side of Old Kent Road. The subject site sits beyond Radford Court to the east. The current single storey Aldi on the development site has little visual presence.
HE Comments	None
GLA Comments	None
Conclusion	The impact on this view would be beneficial. The development would provide an attractive and high quality backdrop.

Image: View 2 showing the existing view and proposed view



<b>View 3</b>	
View location	Old Kent Road/overground railway viaduct
Heritage Significance	Medium – Nos. 881 to 887 are located on the north side of the road. This group of properties are identified as Buildings of townscape Merit within the draft OKR AAP. Behind this lies the Tustin Estate which is marginally visible from this viewpoint. Adjacent to the aforementioned groups of buildings are the Grade II listed properties comprising of nos. 864 and 866 Old Kent Road. These listed buildings are located approximately 45 metres southeast of the boundary of the development (out of shot in the proposed view, but visible from the existing panorama).
Other Significance	None
Sensitivity to change	Low – given the separation distance between the development site and the listed buildings, and the group of buildings recognised as being of Townscape Merit.
Impact of proposal	The proposed development would result in the addition of considerable height and scale compared to the existing single storey view. In this context, it is comparable with the adjacent Tustin Estate on the northern side of the road. The location of Building A at the southeast edge of the site results in a stepping down in height towards the listed buildings identified above. At street level, the manner in which the ground floor would provide an active frontage is apparent. The design of the buildings is readily apparent in this view with the elevations divided into quadrants set around central balconies or windows bays clearly visible.
HE Comments	None
GLA Comments	None
Conclusion	The impact on this view would be beneficial. The

	development would provide an attractive and high quality backdrop to the Old Kent Road, and provide a presence to the southern ‘gateway’ to the Old Kent Road area when approaching the site and overall Old Kent Road Opportunity Area from New Cross Road. It is not considered that the special architectural or historic interests of the listed building or their setting would be harmed.
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**Image: View 3 showing the existing view and proposed view**



<b>View 4</b>	
View location	Caroline Gardens
Heritage Significance	Medium. This viewpoint is within the Caroline Gardens Conservation Area.
Other Significance	None
Sensitivity to change	Medium
Impact of proposal	Compared to the green space and tree shrubs in the foreground of the existing view, the proposed development would be partially visible in the middle distance. This is out of shot from the centrepiece of the Caroline Gardens which is the U-shaped range of stock brick almshouses that combine with the chapel in the centre of the range, and as a whole are Grade II listed. Whilst the development would be partially visible in the middle distance it would be screened from view to a certain degree by trees even during winter months. The limited extent that the proposal would be seen, predominantly the top of Building B, the clear distinction is noticeable from the conservation area to the development site.
HE Comments	None

GLA Comments	None
Conclusion	The proposed development would have a very minimal effect to the heritage significance of this view. It is not considered that the special architectural or historic interests of the listed building or their setting would be harmed.

**Image: View 4 showing the existing view and proposed view (The visible aspects of the buildings are outlined in a dotted blue line, and the aspects not visible are the non-dotted blue line)**



<b>View 5</b>	
View location	Naylor Road looking along Studholme Street
Heritage Significance	None.
Other Significance	None.
Sensitivity to change	Low
Impact of proposal	The viewpoint provides a view directly east across the alignment of Studholme Street. Two storey brick terraced housing and a three storey post-war apartment block sits either side of Studholme Street. The Tustin Estate residential towers appear in the middle distance and are somewhat obscured by existing trees. The proposed development would appear in the middle distance, in the same view as the Tustin Estate. Building B would be largely prominent whilst Building A would be largely obscured from views by the existing trees. In the winter time, the buildings

	would appear more visible.
HE Comments	None
GLA Comments	None
Conclusion	The impact of the proposed development on this view would be relatively minor given its distance from the viewing position and the screening effect of the trees. In the winter months the buildings would form a visually interesting composition that comprises of two elements of different heights that share the same elevational approach.

**Image: View 5 showing the existing view and proposed view (The visible aspects of the buildings are outlined in a dotted blue line, and the aspects not visible are the non-dotted blue line)**



<b>View 6</b>	
View location	Drovers Place
Heritage Significance	None.
Other Significance	None
Sensitivity to change	Low
Impact of proposal	The viewpoint from Drovers Place looks easterly with two storey houses built in the late 1980's early 1990's visible in both viewpoints. The jumbled nature of arrangement in which small groups of the dwellings are off-set meaning that there is little coherence in the street. The Tustin Estate towers are visible beyond the dwellings, and they form a clear contrast in scale and form. Although the residential towers are located not too far away they appear as a distinct background lay of townscape within the view. The

	proposed development would appear in the near distance, closer than the viewpoint of the Tustin Estate. Building B would have particular prominence in height than the Tustin Estate. However, it would appear as part of the distinct layer of townscape beyond the houses on Drovers Place in the foreground.
HE Comments	None
GLA Comments	None
Conclusion	The impact is minimal and the greater scale of the development reflects the location of the development on an important road.

**Image: View 6 showing the existing view and proposed view**



<b>View 7</b>	
View location	Brimmington Park
Heritage Significance	High – The Grade II Listed Terraced dwellings and associated railings comprising nos. 1-50 Clifton Crescent are situated between the southern end of Brimmington Park and the subject site.
Other Significance	Open space of Brimmington Park
Sensitivity to change	Low
Impact of proposal	The viewpoint is taken looking north towards the site. The foreground of the view is occupied by the open space of the park. Trees screen views beyond this extent. The Grade II listed buildings of Clifton Crescent appear on the northern side of the park and form a coherent townscape set-piece. In the existing state, the Tustin Estate residential

	<p>towers are prominent in the background. The towers form an obvious contrast in scale, form and appearance with the terraced row of Grade II listed buildings. The proposed development would be visible in the near distance and would be located closer to the viewpoint than the towers of the Tustin Estate. The height of Building B would be more prominent due to the closer proximity; however, the view would be consistent with the existing character of the view. The Clifton Crescent terraced row and Brimmington Park being in the foreground appear distinct from the proposal in the background which improves on the existing view of the Tustin Estate.</p>
HE Comments	None
GLA Comments	None
Conclusion	<p>Whilst the background of the view would change, it is considered that the improved appearance of the proposal is an improvement to current background of the view with the Tustin Estate. Notwithstanding this, there would still be a distinction between the foreground of the view Brimmington Park/Clifton Crescent, and the background of the view. I Nonetheless, there would be some harm to the special architecture, the historic character, and the setting of the Grade II listed buildings in this view. Given the existing context it is considered that this harm, both to the special interest of the buildings and their setting would be less than substantial and would be outweighed by the wider regeneration benefits of the scheme.</p>

**Image: View 7 showing the existing view and proposed view**



<b>View 8</b>	
View location	Montague Square
Heritage Significance	None
Other Significance	None.
Sensitivity to change	Low
Impact of proposal	The viewpoint is from the southeast corner of Montague Square with the view looking northwest towards the subject site. The green space that defines the centre point of the square occupies much of the foreground and middle of the view. Three storey dwellings surround the square, and in the background of the existing view the Tustin Estate is visible. The proposed development would appear in the middle of the view, to the left of the Tustin Estate. The height of Building B would be more prominent within the view.
HE Comments	None
GLA Comments	None
Conclusion	Whilst there would be a change to the background of this view, it would be seen in the context of the existing Tustin Estate towers and would appear distinct and separate from Montague Square.

**Image: View 8 showing the existing view and proposed view**



<b>View 9</b>	
View location	Old Kent Road/ Pomeroy Street Junction
Heritage Significance	Low – The existing panorama shot shows the Grade II listed buildings consisting of nos. 5, 15, 17, 25, 29, 33, 35 and 37 New Cross Road. These properties are located in the Lewisham Borough.
Other Significance	None
Sensitivity to change	Low
Impact of proposal	This junction represents the border between Southwark and Lewisham borough. To the right of the existing photo, the listed terraced buildings mentioned above are within the Lewisham Borough. The boundaries of the borough extend to the railway bridge in the background on the right side of the photo. The left side of the photo is within the boundaries of the Southwark Borough. The setting of the listed building would not be impact from this viewpoint, as the predominant view is to the northwest away from the location of the terraced row. The proposal would appear in the middle distance of the view and the overall scale and height is comparable to that of the Tustin Estate which is also evident in the background of the view. The railway bridge acts as a threshold point where beyond this point the scale and height is greater and more pronounced compared to the immediate side contained within the view.
HE Comments	None.
GLA Comments	None.
Conclusion	The proposed development would appear distinct from the lower scale of buildings in the foreground of the view, including those that are listed. The massing on site with the

	taller Building B being located at the rear of the site within this view enables a stepping up in scale approach that is shifted away from the smaller buildings of the foreground. It is not considered that the special architectural or historic interests of the listed building or their setting would be harmed.
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**Image: View 9 showing the existing view and proposed view**



<b>View 10</b>	
View location	New Cross Road junction with Avonley Road
Heritage Significance	Low - whilst the aforementioned Grade II listed terrace discussed in the analysis of view 9 is more prominent in this view, the point of view has been moved approximately 101 metres further southeast away from the site. The viewpoint is a total of approximately 303 metres southeast of the site
Other Significance	None
Sensitivity to change	Low
Impact of proposal	Given the further separation distance from the application site highlighted above, it is considered that there would be a minimal impact on this view. There would be no material difference than the impact on view 9. With the development visible in the far background of the viewpoint the scale and massing evident in the background compared to small scale buildings in the foreground. Therefore no impacts arise from the development on this viewpoint.
HE Comments	None
GLA Comments	None
Conclusion	The distinction between the development beyond the

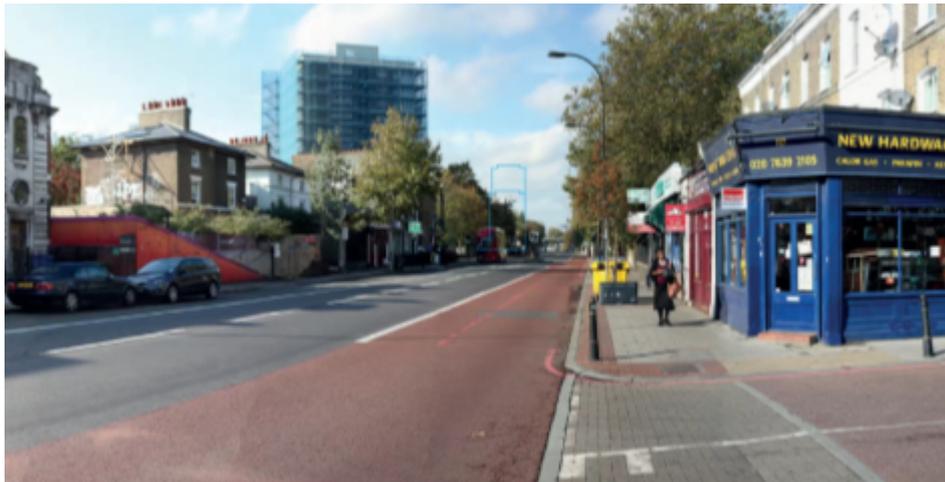
	<p>railway bridge and before the railway bridge is evident.. It is not considered that the special architectural or historic interests of the listed building or their setting would be harmed</p>
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**Image: View 10 showing the existing view and proposed view**



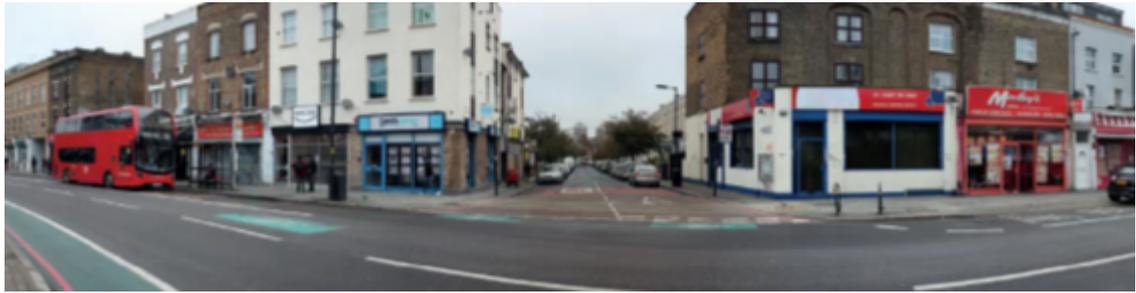
<b>View 11</b>	
View location	New Cross Road junction with Casella Road
Heritage Significance	Low. Whilst located within the Hatcham Road Conservation of the Lewisham Borough, the viewpoint is approximately 572 metres southeast of the development site.
Other Significance	None
Sensitivity to change	Low
Impact of proposal	Given the separation distance from the development site, the buildings would only be partially visible from this view.
HE Comments	None
GLA Comments	None
Conclusion	The view would not substantially change as a result of this proposal. The following image demonstrates that the dotted blue outline would be the sections of the development that would not be visible from this viewpoint with the non-dotted line representing sections of the development that would be visible. Overall, given the separation distance, no impact would arise to the conservation area setting, nor is it considered that there would be any harm to the listed building in this view.

Image: View 11 showing the existing view and proposed view (The visible aspects of the buildings are outlined in a dotted blue line, and the aspects not visible are the non-dotted blue line)



<b>View 12</b>	
View location	Queen's Road junction with Astbury Road
Heritage Significance	None
Other Significance	None
Sensitivity to change	Low
Impact of proposal	Astbury Road is a north-orientated street. At this junction, the three storey buildings with ground floor retail are located on Queen's Road whilst Astbury Road comprises of predominantly two storey 19 <sup>th</sup> century terraced housing of a relatively modest scale. In the background the residential towers of the Tustin Estate are visible. The proposed development would be sited in the middle distance of this view with the taller Building B having a greater apparent height than the Tustin Estate towers and would be the main visible point within the background of this view.
HE Comments	None
GLA Comments	None
Conclusion	The proposed development would be visible in the background and would form a focal point in this view with a directional quality.

**Image: View 12 showing the existing view and proposed view (The visible aspects of the buildings are outlined in a dotted blue line, and the aspects not visible are the non-dotted blue line)**



<b>View 13</b>	
View location	Monson Road junction with Edric Road
Heritage Significance	Low - whilst located within the Hatcham Road Conservation of the Lewisham Borough, the viewpoint is approximately 534 metres east of the development site.
Other Significance	None
Sensitivity to change	Low
Impact of proposal	Much as the same with the analysis of views 10 and 11, the separation distance between the development and the viewpoint is substantial. The dwellings along Edric Road are coherent and of two storeys in height. The proposal would not be entirely visible from this point with the visible points being viewed in conjunction with the existing Tustin Estate residential towers.
HE Comments	None
GLA Comments	None
Conclusion	The proposed development would not significantly change the views from this location, as the visible aspects of the buildings would be seen next to the Tustin Estate.

**Image: View 13 showing the existing view and proposed view (The visible aspects of the buildings are outlined in a dotted blue line, and the aspects not visible are the non-dotted blue line)**



<b>View 14</b>	
View location	Bridgehouse Meadows
Heritage Significance	None
Other Significance	Public open space/park
Sensitivity to change	Low
Impact of proposal	Bridgehouse Meadows is located to the northeast of the site, approximately 490 metres away. It is within the boundaries of the Lewisham Borough, but is located close to the administrative boundary with Southwark, to the southeast of Ilderton Road. The foreground of the view contains the meadows and green space. Towards the middle of the view is shrubbery where the edge of the meadows meets dwellinghouses. The meadows are on a higher natural ground level and the Tustin Estate is clearly visible in the background. The proposed development would be mostly visible from this viewpoint; however, Building B would predominantly be screened by the residential tower of Windermere Point within the Tustin Estate. As Building B is to be higher than Windermere Point to top few floors would be visible from this viewpoint.
HE Comments	None
GLA Comments	None
Conclusion	The aspects of the development that are visible from this viewpoint would be consistent with the existing character of

	the view therefore no harm would arise to this viewpoint.
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**Image: View 14 showing the existing view and proposed view (The visible aspects of the buildings are outlined in a dotted blue line, and the aspects not visible are the non-dotted blue line)**



<b>View 15</b>	
View location	Ilderton Road junction with Hornshay Street
Heritage Significance	None
Other Significance	None
Sensitivity to change	None
Impact of proposal	This viewpoint is located directly north of site on the administrative boundary between both Southwark and Lewisham Boroughs. This view is dominated by the towers within the Tustin Estate on the western side of Ilderton Road. A six story apartment block can also be seen in the middle of the view. The eastern side of the road is occupied by light industrial and retail shed buildings of low visual quality. The proposed development would be sited in the middle to rear distance of the view. Both buildings would be partially obscured to some extent by the residential towers of Windermere Point and Grasmere Point.
HE Comments	None
GLA Comments	None
Conclusion	The development would be consistent with the character of the existing view and can be clearly appreciated as lying in the background of the view.

Image: View 15 showing the existing view and proposed view



Conclusion on the setting of listed buildings, conservation areas and townscape

234. The following table summarises the designated heritage assets that could be impacted by the proposal, and what harm, if any has been identified.

**Table: Impact on heritage significance**

Listed Buildings and Conservation Areas	Assessment of Impact on heritage significance
LVMF Views	No harm identified
Local Views	No harm identified
Caroline Gardens Conservation Area	Some less than substantial harm identified to setting, outweighed by the wider regeneration benefits of the proposals.
Peckham Hill Street Conservation Area	No harm identified.
Listed Buildings	Some less than substantial harm identified to the special architectural, historic character, and to the setting, outweighed by the wider regeneration benefits of the proposals.
Draft Locally listed buildings/ undesignated assets identified in the draft Old Kent Road AAP	No harm identified. The buildings are of an adequate distance from the development site as to not result in any material harm.

235. In conclusion, the proposed development would have a significant impact on many of the views assessed, becoming a highly visible feature in the surrounding townscape. However, in the majority of cases, the impact is not considered to be harmful. Indeed in many views it is considered beneficial. The quality of design would be high, with a good composition of buildings, strong vertical emphasis and characterful tops creating new interest on the skyline.
236. Historic England and the Greater London Authority raised no objection to any of the viewpoints assessed. As the development is considered to significantly improve the appearance of the subject site, creates an active frontage along Old Kent Road and facilitates a high quality design, the limited harm to the surrounding assets is considered to be outweighed by the wider regeneration benefits of the proposal.
237. Whilst limited weight has been given to emerging policy, full weight has been given to adopted policies, including the NPPF (2019), London Plan (2016) and Southwark Plan (2007) and Core Strategy (2012). As can be seen from the assessment contained within this report, the proposals are considered to be in compliance with these adopted policies.

### **Housing mix, density and residential quality**

#### **Housing mix**

238. Strategic Policy 7 of the Core Strategy 'Family homes' requires developments of 10 or more units to provide at least 60% 2+ bedroom units and 20% 3+ bedroom units. No more than 5% studio units can be provided and these can only be for private housing. At least 10% of the units should be suitable for wheelchair users. The housing mix requirements are replicated in the draft OKR AAP (Policy 5).
239. The proposed housing mix would be as follows:

**Table: Proposed Housing Mix**

Unit size	No. of homes	% of homes
Studio	0	0%
1 bed	56	33.33%
2 bed	92	54.76%
3 bed	18	10.71%
4 bed	2	1.2%
Total	168	100%

240. 66.67% of the proposed homes would have two or more bedrooms. This provision comfortably exceeds the 60% target by 6.7% and is a welcomed aspect towards the overall housing stock. Notwithstanding the excess two-bed units within the scheme, 11.91% of the development would offer three-bed+ units, which is below the 20% requirement.
241. Whilst this under provision is acknowledged, the development secures 12 of the 55 affordable housing units proposed (21.81%) being for three-bedroom units. In addition, two four-bedroom units have been secured as affordable bringing the affordable total to 14 of 55 units (25.45%). If grant funding is secured to increase affordable housing provision to 40%, 14 of the 61 units would be three-bedroom units equating to 22.95%. Notwithstanding at the proposed affordable rate, the percentage of three-bedroom units at affordable is above the requirement of 20%

set out in the draft OKR AAP.

242. Regarding the affordable housing units for one-bed units, 11 of the 55 units (20%) are affordable. If grant funding is secured, this provision would increase to 13 of the 61 (21.31%) one-bedroom units. Two-bed units would provide 30 (54.54%) affordable units, and if grant funding is secured could provide 32 units (52.45%). The two four-bedroom units (3.40%) would be affordable. Whilst there would be an overall shortfall in units offering three bedrooms, the percentage of the three-bedroom units in the affordable housing mix would exceed the required levels and it is therefore considered that the housing mix is acceptable.

**Table: Proposed housing mix broken down by tenure**

Unit size	Private homes		Intermediate homes		Social rented homes	
	No.	%	No.	%	No.	%
Studio	0	0%	0	0%	0	0%
1 bed	43	40.20%	6	33.33%	7	16.27%
2 bed	60	56.10%	10	55.55%	22	51.16%
3 bed	4	3.70%	2	11.12%	12	27.90%
4 bed	0	0%	0	0%	2	3.40%
Total	107		18		43	

243. During the course of the application, the originally proposed 35% affordable housing delivery was increased to 36% with potential to rise to 40% subject to grant funding. As a result of this amendment, the number of social rent units provided is 37, and 18 intermediate units. Subject to grant funding, an additional six intermediate units can form the maximum 61 units of affordable housing at 40%. The number of market units would be 107 units. It is noted that as part of the amendment, the originally proposed 170 new homes has been revised to 168 new homes.

### **Wheelchair housing**

244. Saved policy 4.3 of the Southwark Plan requires at least 10% of all major new residential developments to be suitable for wheelchair users and London Plan Policy 3.8 requires 90% of new housing to meet Building regulations M4(2) “accessible and adaptable” and 10% to meet Building Regulations M4 (3) “wheelchair user dwellings”. This is reiterated in emerging policy in the draft OKR AAP and the New Southwark Plan.
245. 18 of the proposed new homes would meet Building Regulations M4 (3) “wheelchair user dwellings”, which equates to 10.71% of all dwellings. Six of the units would be private units and twelve would be for social rent. This equates to 21% social rented wheelchair units, which is considered a generous proportion as it is reflective of the overall proportion of social rent homes proposed. Of the wheelchair units, they would be evenly split at six units each for one, two and three-bedroom units. The wheelchair user dwellings would be secured through the Section 106 Legal Agreement.

### **Density**

246. Policy 3.4, Optimising Housing Potential, of the London Plan states that development proposals should optimise housing output for different types of location within the relevant density range shown in Table 3.2 of the Plan. It also requires

local context, the design principles and public transport capacity to be taken into account. Strategic Policy 5, Providing New Homes, of the Core Strategy sets out the density ranges that residential and mixed use developments would be expected to meet.

247. Emerging Policy P9 of the New Southwark Plan seeks development within the Old Kent Road Opportunity Area (OKROA) Core to provide 650-1,100 habitable rooms per hectare. However, the OKROA allows development to exceed this range where it achieves exemplary standards of residential design. The development as a whole delivers 590 habitable rooms over 0.46 hectares. This equates to 1,282 habitable rooms per hectare calculated in accordance with the Residential Design Standards SPD 2011.
248. Since the maximum upper limit of habitable rooms per hectare would be exceeded, the development would need to demonstrate that it would provide exemplary accommodation of the highest design standards. If it can be demonstrated that an excellent standard of accommodation would be provided, and the response to context and impact on local services and amenity to existing occupiers is acceptable, then a high density in this Opportunity Area location would not raise any issues to warrant withholding permission. This is considered in the following table and paragraphs.

**Table: Indicators of exemplary design**

<b>Indicators of Exemplary Design</b>	<b>Proposal</b>
Provide for bulk storage	The majority of units proposed would comfortably exceed the minimum requirements for storage for each respective housing mix. Whilst the vast majority of units far exceed, some units provide the minimum, none are below the minimum.
Exceed minimum privacy distances	<p>Minimum privacy distances would be exceeded in relation to the units within each respective building:</p> <ul style="list-style-type: none"> <li>• The distance between Building A and Building B is 17.36m</li> <li>• The minimum distance between the rear of Building A and the rear of nos. 51-54 Clifton Crescent is approximately 19m and the maximum distance is 28.17m</li> <li>• The distance between the rear of Building B and the rear of nos. 17 and 18 Drovers Place is 22.26m</li> <li>• The distance between the rear of Building B and the rear of nos. 9-16 Drovers Place is 21.71m</li> <li>• The distance between the flank wall of Building A and the flank wall of no. 864 Old Kent Road (on the southern side of Brimington Park is approximately 45m</li> <li>• The distance between Building A and the Tustin Estate residential tower 'Windermere Point' is approximately 43m</li> <li>• The distance between Building B and the Tustin Estate residential tower 'Grasmere Point' is approximately 50m</li> <li>• The distance between the flank wall of Building B</li> </ul>

	<p>and the flank wall of 'Radford Court' (located between the Leo Street and Gervase Street junction with Old Kent Road) is approximately 60m</p> <ul style="list-style-type: none"> <li>• The distance between Building a and the Public House and residential accommodation at no. 871 Old Kent road is approximately 39m</li> <li>• The minimum distance between Building A and the terraced row comprising of nos. 881-887 Old Kent Road is 56m</li> <li>• The maximum distance between Building A and the terraced row comprising of nos. 881-887 Old Kent Road is 65m</li> </ul>
Good Sunlight and daylight standards	<p>Good sunlight and daylight standards would be achieved within the proposed development.</p> <p>The orientation of the two buildings enables the majority of rooms to enjoy a generous amount of natural daylight and sunlight. It is acknowledged that there are constraints in some units given the presence of inward facing units in both Building A and Building B. Of these 175 rooms that face inwards within the development, a total of 171 meet the BRE and British Standard guidance*. This results in a 98% compliance rate from the internal facing rooms.</p> <p>Given that the remaining habitable rooms do not face inwards, their levels of access to natural daylight and sunlight are not constrained therefore resulting in a high quality access to natural daylight and sunlight to each unit and habitable room.</p>
Exceed the minimum ceiling height of 2.3m required by building regulations	All residential ceilings would exceed 2.3m. All habitable room ceilings would be at least 2.5m high.
Exceed amenity space standards (both private and communal)	Each dwelling has an external balcony of at least 5 sqm. The three bedroom dwellings have a total of 10 sqm in the form of two balconies, one beside the bedrooms and the other adjacent to the living rooms. Although the overall area of private amenity space falls short of Southwark's standards (981 sqm of private amenity that is equal to 57% of the requirement of 1700 sqm), this would be compensated for by additional external communal amenity space and a financial contribution towards Brimington Park in line with the Section 106 Planning Obligations and CIL SPD.
Secured by Design Certification	Consultation with the Met Police's Designing Out Crime Officer has taken place. They are satisfied that the proposals could meet the Secure by Design requirements.
No more the 5% studio flats	No studio flats are proposed for this development
Maximise the potential of the site	The site is currently underutilised, and allocated for development within the draft NSP and OKR AAP. The

	<p>proposals would optimise the site with potential for a phase 2 development to come forward in the future to develop the northwest of the site where the temporary Aldi store is located. The development at hand would provide 168 new homes, provide 1,778 sqm of A1 floor space and 52 sqm of flexible A1/A3 floor space.</p>
<p>A minimum of 10% of units are suitable for wheelchair users</p> <p>Excellent accessibility within buildings</p>	<p>All of the proposed dwellings are designed to meet and exceed Building Regulation M4(2), Accessible and Adaptable Dwellings. 10.71% (rounded) of these dwellings would be easily adaptable to meet the needs of a wheelchair user, to meet building regulation M4(3), Wheelchair User Dwelling.</p> <p>Level access would be provided throughout the proposed development, and all residential cores have at least two lifts, ensuring that all apartments are wheelchair accessible at all times. All corridors would be at least 1500mm wide, allowing wheelchair access to all parts of the building.</p>
<p>Exceptional environmental performance</p>	<p>The proposals would incorporate excellent fabric insulation, triple glazing, improved air tightness and low energy lighting throughout. The design aims to meet the latest London Plan Policies, Mayoral Guidance and Southwark's Sustainable Design and Construction SPD. Energy efficiency measures mentioned above will reduce dwelling emissions by 10% and the non dwelling uses by 34% when assessed against Part L of the emission rates. This equates to 15% and 29% respectively when SAP10 emission rates are applied.</p> <p>The dwellings will be served by a community heating system, that will be designed and installed in accordance with the recommendations within the CIBSE Code of Practice for heat networks with space allocated for a future heat substation and connection points identified for a future district heating system. The heat pumps serving the dwellings will act as the lead heat source for the community heating system to generate 64% of the annual heat demand reducing the residential emissions 38 tonnes.</p>
<p>Minimise noise nuisance between flats, through vertical stacking of similar room types</p>	<p>The proposed dwellings would be well vertically stacked in the majority of cases. Wherever possible, living rooms would abut living rooms across party walls. The proposals would be designed to meet or exceed Building Regulations Part E - Resistance to the passage of sound.</p>
<p>Make a positive contribution to local context, character and communities</p>	<p>The proposals would make a positive contribution to the local area. It would be of exemplary architectural design, in line with the draft OKR AAP, and would contribute to the improvement and enhancement of the adjoining Brimington Park. The existing frontage of the subject site</p>

	onto Old Kent Road would be significantly enhanced providing a high quality public realm that would create active frontages to the Old Kent Road.
Include a predominance of dual aspect units	78% (120 homes) of the proposed dwellings would be dual aspect. Of the single aspect homes (48), 21.31% (13 homes) would be affordable and 72.91% (35 homes) would be private.
Have natural light and ventilation in all kitchens and bathrooms	The kitchens would be open plan and would therefore receive natural light and ventilation via the Living / Dining rooms. Where kitchens / diners are separate, they would have opening windows.  All bathrooms would be internal. These would be provided with mechanical ventilation, a common approach to flatted development.
At least 60% of homes contain two or more bedrooms	66.67% of dwellings across the whole development would contain two or more bedrooms. Of the Social Rented homes, 44 of the 55 affordable units will be for two bedrooms or larger, equating to 80% of the overall affordable units.
Significantly exceed minimum floor space standards	All dwellings would meet or exceed the minimum space standards set out in Southwark's Residential Design Standards SPD, including extra floor space for wheelchair accessible units.
Minimise corridor lengths by having an increased number of cores	The proposed residential floors follow a central core typology with minimal corridor lengths. Therefore, it is not possible for the corridors to have access to natural light. For this reason, mechanical ventilation is provided.
No more than eight units per core	The proposed number of units per floor within both buildings ranges from a minimum of four, to a maximum of seven units per core. This is considered acceptable.
Achieve exemplary architectural design	The architectural design proposed for the buildings is of the exemplary standard

\* Noting that 1.5% ADF, rather than 2% has been applied as the target for open plan Living/Kitchen/Dining (LKD) rooms

### **Quality of residential accommodation**

249. Saved Policy 4.2 of the Southwark Plan states that development should achieve good quality living conditions and include high standards of accessibility, privacy and outlook, natural light, ventilation, space, safety and security and protection from pollution. This policy is further reinforced by the Residential design Standards SPD 2011 (including 2015 Technical Update).

### Unit size

250. Saved Policy 4.2 of the Southwark Plan advises that planning permission will be granted provided the proposal achieves good quality living conditions. The adopted standards in relation to internal layout are set out in the adopted Residential Design Standards SPD 2011 (including 2015 Technical Update).
251. All proposed homes would meet or exceed the standards as set out in the SPD. The following table sets out the minimum flat size requirements as set out in the Residential Design Standards SPD, and also the flat sizes that would be achieved:

**Table: Proposed flat sizes**

Unit Type	SPD Requirement (sqm)	Size range proposed (sqm)*
1 Bed 2 Person (flat)	50 sqm	50 – 59 sqm
2 Bed 4 Person (flat)	70 sqm	71 – 92 sqm
3 Bed 4 Person (flat)	74 sqm	74 – 108 sqm
3 Bed 5 Person (flat)	86 sqm	92 sqm
4 Bed 7 Person (Flat)	108 sqm	127 sqm

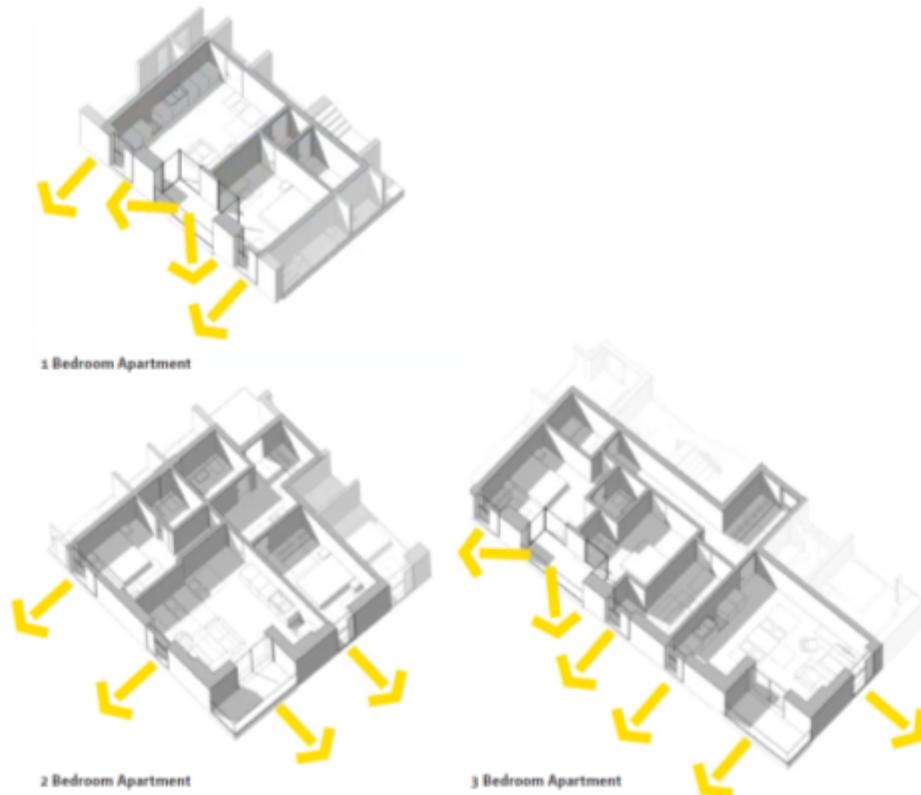
\* This includes wheelchair accessible homes, which have higher space standard requirements

252. Of the 12 three-bed social rented units proposed, the three bedroom four person units would have separate kitchens and living areas. The three bedroom five person units would have open plan living/kitchen/diners. The Residential Design Standards SPD does require that all affordable dwellings with three or more bedrooms should have a kitchen that is separate from the living room, as many Registered Providers require separate kitchens. However, the proposed mix demonstrates choice in this regard, and Officers have recent experience of working with a Registered Provider has provided this choice within the affordable offer.
253. Overall, it is therefore considered that the flat sizes and layouts are acceptable, and would provide for a very good standard of internal amenity.

### Dual aspect

254. Of the 168 dwellings proposed, 78% (120 homes) of the proposed dwellings would be dual aspect. This number represents a beneficial overall proportion which enhances the quality of accommodation afforded to the future occupiers.
255. Of the single aspect homes (48), units are provided with glazed elements at 90 degrees to provide multi directional views out. This design feature is welcomed as this would facilitate better outlook for occupiers, and enables more natural daylight and sunlight to penetrate the windows given despite the single aspect nature of some units facing north-east.
256. Overall, the high proportion of dual aspect homes, particularly for the social rented homes (48 homes dual aspect for social rent – 78.68%), is considered a very positive aspect of the proposals.

Image: Example of single and dual aspect homes for one, two and three bedroom units



### Internal daylight and sunlight

257. An Internal Daylight and Sunlight report, based on Building Research Establishment (BRE) Guidance, has been submitted. This considers light to the proposed dwellings using the Average Daylight Factor (ADF), Daylight Distribution (DD) and Probable Sunlight Hours (PSH) tests (both Annual and Winter). ADF determines the natural internal light or daylight appearance of a room and the BRE guidance recommends an ADF of 1% for bedrooms, 1.5% for living rooms and 2% for kitchens. The guidelines also recommend that in cases where a room serves more than one purpose, the minimum ADF should be that for the room type with the higher value. Accordingly, in an open plan Living/Kitchen/Dining (LKD) room, the BRE recommends minimum ADF of 2%. The report submitted in this case however, argues that the principal use of LKD rooms is as living rooms and accordingly the minimum ADF should be 1.5%.
258. The DD test calculates the proportion of a room from which the sky would be visible, and plots the change between the existing and proposed situation. The BRE advises that if there is a reduction of 20% or more in the area of sky visibility, daylight may be noticeably affected.
259. In daylight terms, when testing the proposed development in existing conditions, 171 out of the 175 (98%) habitable rooms facing inward within the development would meet the target daylight value in ADF terms (noting that 1.5% ADF, rather than 2% has been applied as the target for LKD rooms). The remaining 315

habitable rooms (590 in total) receive exceptional levels of natural daylight given that these rooms are not facing inward as and are therefore not constrained regarding access to natural daylight.

260. The four rooms that would not meet the ADF values are located in Building B. On the first floor would be available for intermediate homes. The other 3 affected bedrooms that do not meet the ADF values would be in private tenure on the fourth, fifth and sixth floors. The majority of the habitable rooms that would not meet the minimum ADF values would be in private tenure. It must be acknowledged that these affected rooms are all served by windows situated beneath balconies, which offers valuable private external amenity, but also somewhat limits the amount of daylight within the room. Notwithstanding this issue, the rooms would still provide a level of natural daylight that would not detrimentally harm the living conditions of future occupiers.
261. In sunlight terms the BRE Guidelines makes clear that sunlight is of primary importance to main living spaces. All windows within 90 degrees of due south have been assessed under the Annual Probable Sunlight Hours (APSH) sunlight assessment. The results from the studies demonstrate that all windows retain full compliance with the recommendations of the BRE guide. The effects to this development and the respective units within are therefore wholly acceptable in respect of both daylight and sunlight.
262. Overall, the internal amenity and access to natural daylight and sunlight is considered excellent for this development with the results demonstrating that only four of the 590 habitable windows (99.93%) would be affected by a degree of daylight loss.

#### Overlooking and Privacy within the Proposed Development

263. In order to prevent harmful overlooking, the Residential Design Standards SPD requires proposed developments to achieve a distance of 12m between the front elevations of buildings and/or across a highway, and a minimum of 21m between rear elevations.
264. The arrangement of Building A and Building B (adjacent to one another) is such that the possibility of overlooking is more likely given the alignments. The distance between the two buildings is approximately 17.35m, which is comfortably above the minimum 12m. Whilst it is acknowledged that the internal layouts of the units that would face each other in both respective buildings consists of a mix of bedrooms, balconies and open plan developments, it is considered that the distance is sufficient enough to mitigate any overlooking or loss of privacy to occupiers of the units.

**Image: Distance between the Building A and Building B**



Number of Units Per Core

265. Standard 12 of the Mayor’s Housing Design SPG requires that each vertical circulation core should be accessible to generally no more than eight units on each floor. As stated in the Exemplary Design Standards table, none of the cores in the proposed scheme would have more than 8 flats per core. This is a positive aspect of the design of the scheme.

**Table: Number of units per core in each building**

<b>Building A</b>	<b>Units Per Core</b>	<b>Building B</b>	<b>Units Per Core</b>
1 <sup>st</sup> to 3 <sup>rd</sup>	5	1 <sup>st</sup> to 3 <sup>rd</sup>	5
4 <sup>th</sup> to 6 <sup>th</sup>	4	4 <sup>th</sup> to 6 <sup>th</sup>	6
7 <sup>th</sup>	4	7 <sup>th</sup>	6
8 <sup>th</sup> to 11 <sup>th</sup>	6	8 <sup>th</sup> to 11 <sup>th</sup>	6
		12 <sup>th</sup>	6
		13 <sup>th</sup> and 14 <sup>th</sup>	6
		15 <sup>th</sup> to 17 <sup>th</sup>	6
		18 <sup>th</sup> and 19 <sup>th</sup>	7

Secured by Design

266. The application has been reviewed by the Metropolitan Police, Secure by Design Advisor who is satisfied that, should this application proceed, it would be able to achieve the security requirements of the Secured by Design principles. The advisor is encouraged that the design of the development has considered opportunity for natural surveillance, incorporates excellent lines of site and the development should ‘activate’ this area. These are all excellent crime prevention measures. The ground floor footprint has also been designed in such a way that there are no alcoves or secluded areas that are often crime and ASB generators. This, again, is extremely positive in relation to crime prevention.
267. Due to the number of residential units within this development, compartmentalisation of the residential buildings for security purposes will be necessary. Each floor should only be able to be accessed by persons who live on that floor or lawful visitors to that floor (excluding floors that access communal gardens). The stair core should also be secured to allow egress from the building but preventing unrestricted access across the building. Compartmentalisation can be achieved on this development by the inclusion of a ‘smart lift’ and access

controlled doors on the stair core at each floor or by creating a secure lift lobby on each individual floor within the development.

268. Planting within the public realm areas is important, including around the car park area. Shrubs and bushes are maintained so that they do not increase to anything more than 1m in height and the lower branches of tree canopies should be maintained so that they do not go lower than 2m in height. This will assist in keeping clear lines of sight across the landscaping within the scheme. Planting at ground level should not be too dense so that weapons and other items cannot be stashed within planting. Lighting within the schemes public realm areas should conform to lighting standard BS 5489:2103.
269. Planning conditions requiring the proposed development to adhere to the principles and physical security requirements of Secured By Design are included with the recommendation.

#### Conclusion on Quality of Accommodation

270. In light of the assessment above, the quality of residential accommodation proposed is generally very high, and a positive aspect of the scheme.

#### **Outdoor amenity space, play space and public open space**

271. Saved Policy 3.11, Efficient Use of Land, of the Southwark Plan (2007) requires a “satisfactory standard of accommodation and amenity for future occupiers”. Saved Policy 4.2. Quality of Residential Accommodation requires that all residential development provide an adequate amount of useable outdoor amenity space, and that the nature and scale of the amenity space should be appropriate to the location of the development, and the character of the area.
272. Four categories of open space are required in major planning applications in the Old Kent Road Opportunity Area:
- Private amenity space (usually gardens, balconies and winter gardens);
  - Communal amenity space (usually courtyards, podium gardens or roof terraces);
  - Children’s play space; and
  - Public open space.
273. The requirements for private amenity space, communal amenity space and children’s play space are set out in adopted policy and the Residential Design Standards SPD. The requirement for public open space is specific to the Old Kent Road Opportunity Area and set out in the draft Old Kent Road Area Action Plan. The policy position on each is set out in turn below:

#### **Private outdoor amenity space**

274. The supporting text to Strategic Policy 7, Family Homes, of the Core Strategy (2012) states that family housing must provide a minimum of 10sqm of private amenity space to ensure that children have somewhere safe to play. It also states that new developments must provide additional communal play areas for children, as required by the Mayor’s Supplementary Planning Guidance on Providing for Children and Young People’s Play and Informal Recreation (there is further detail on play space requirements below).

275. The private outdoor amenity space requirements are clarified further in the 2015 Technical Update to the Residential Design Standards SPD, as follows:
- Units containing three or more bedrooms should provide 10sqm of private amenity space; and
  - Units containing two bedrooms or fewer should ideally provide 10sqm of private amenity space. Where this is not possible, any shortfall should be added to the communal amenity space requirement; and
  - Private amenity spaces must be at least 3sqm in area.
276. The Residential Design SPD also states that a development is within an immediate proximity of a substantial area of public open space, accessibility to the open space, combined with better outlook, and may justify less amenity space as part of the development. In these circumstances a planning contribution may be required to provide improvements to off-site public amenity space.
277. All of the three bedroom units proposed within the site (18) would meet the minimum requirement of providing 10sqm of private amenity space for occupiers. One bedroom and two bedroom units would provide an external bolt balcony of at least 5 sqm. As the private amenity space afforded to one and two bedroom falls below the 10 sqm requirement, any shortfall should be offset within the communal amenity space. The remaining shortfall has been added to the overall communal amenity space requirements set out below.

**Communal amenity space**

278. In order to comply with the requirements of the Residential Design Standards SPD, 50sqm communal amenity space per development should be provided. This should be provided in addition to the requirement to compensate for any shortfall in private amenity space.
279. The podium located between Building A and B on the Transfer floor is the proposed location for communal amenity space within the development. This space would be made available to all residents living within the development.

**Table: External communal amenity space proposed**

<b>External Communal Amenity Space</b>	<b>Total area</b>	<b>Dedicated outdoor play space</b>	<b>Remaining communal amenity space (excluding play space)</b>
1 <sup>st</sup> floor podium	440 sqm	390 sqm	50 sqm

Private and Communal Outdoor Amenity Space Calculations

280. The following table summarises the private and communal amenity space requirements, against that proposed. This has been calculated in order to accurately account for the roof terraces on the Livesey building and Civic Tower. Please note that the third floor podium garden, which would be accessible to all residents, is considered after each of the buildings. It is at this point that the requirement for 50sqm communal amenity space in addition to any private amenity space shortfall is included.

**Table: Proposed external private amenity space for the development, and shortfall against policy requirements**

<b>Private amenity space proposed</b> (Private balconies and terraces)	<b>Dwelling size</b>	<b>Residential Design Standard SPD (2011) requirement</b> (Para 3.2 New flat developments. Outdoor amenity space (page 23))	<b>No. of flats and amenity Proposals</b>	<b>Shortfall*</b>
	3 + beds	10 sqm	All three bed homes would have at least 10sqm private amenity space.	Compliant
	1-2 bed flats	Up to 10m2 should ideally be provided. Where this is not possible the remaining amount should be added to the communal amenity space. For example, if a private balcony of 3sqm can be provided, 7sqm should be added onto the communal amenity space.	56 x 1 bed flats 92 x 2 bed flats  The 148 homes would provide at least 5sqm of amenity space	Not possible to provide all flats with 10sqm balconies or additional internal living space, resulting in a 719 sqm shortfall.
<b>Total shortfall</b>				719 sqm

\*The shortfall of private amenity is calculated per home rather than total shortfall. Oversized balconies and terrace spaces do not offset the loss in individual private amenity space on other homes.

**Table: Proposed external communal amenity space in the development, and remaining shortfall against policy requirements**

Communal amenity space proposed	Proposal	Shortfall
(Shared roof or podium space EXCLUDING play space)	50 sqm communal amenity provided on the 1 <sup>st</sup> floor podium by way of a community room/hall.	719 sqm shortfall - 50 sqm communal amenity space proposed = <b>669 sqm</b> remaining shortfall  £205 per sqm =  669 x 205 =  <b>Financial contribution of £137,145.00</b>

281. As demonstrated in the tables above, there would be a shortfall in private and communal amenity space of 669 sqm, which would generate a financial contribution of £137,145.00 in line the Section 106 Planning Obligations and Community Infrastructure Levy (CIL) SPD (2015). The payment of this financial contribution, which would be secured through the Section 106 Legal Agreement, would make the private and communal open space offer policy compliant. The money would go towards the improvement and enhancement of the Brimington Park, immediately adjacent to the proposed development. This approach has been agreed with officers as part of the council’s strategic approach to delivering public realm improvements in the Old Kent Road Opportunity Area.

### **Children’s play space**

282. The supporting text to Strategic Policy 7, Family Homes, of the Core Strategy (2012) states that new developments must provide communal play areas for children, as required by the Mayor’s Supplementary Planning Guidance on Providing for Children and Young People’s Play and Informal Recreation. Policy 3.6 of the London Plan requires new developments to make provision for play areas based on the expected child population of the development. Children’s play areas should be provided at a rate of 10sqm per child bed space, covering a range of age groups. The Mayor provides a Child Play Space calculator, which has been used in assessing this application.

283. The Mayor’s SPG sets out the intended strategic approach to delivering new and enhanced playspace both on and off-site in new developments. It explains that ‘doorstep’ play (Under 5s) should usually be provided on-site, unless there is existing provision within 100 metres. For 5-11 year olds and children over 12 years old, it recommends that off-site provision is acceptable, if there is existing provision within 100-400 metres and 400-800 metres respectively. This is summarised in Table 4.5 of the SPG, reproduced below.

**Table 4.5 of the Mayor’s Providing for Children and Young People’s Play and Informal Recreation SPG**

**Table 4.5 Provision of play space to meet the needs of new development**

		<b>Under 5s</b>	<b>5-11</b>	<b>12+</b>
<b>Existing provision</b>	within 100 m	On site or off-site contribution	Off-site contribution	Off-site contribution
	within 100-400m	On-site	On site or off-site contribution	On site or off-site contribution
	within 400-800m	On-site	On-site	On-site or off-site contribution
<b>No existing provision</b>	within 100 m	On-site	Off-site provision	Off-site provision
	within 100-400m	On-site	On-site	On site or off-site provision
	within 400-800m	On-site	On-site	On-site

284. The financial contributions required in line with the Section 106 Planning Obligations and Community Infrastructure Levy (CIL) SPD (2015) would pay for ‘off-site’ provision, directly funding new and enhanced play equipment close to the site as part of a strategic approach. In this instance, they would go towards new play space proposed in the neighbouring Brimington Park.

285. The podium terrace on the transfer level between the two buildings is proposed to facilitate the children’s play space within the development. The landscape design would integrate raised lawn and planter beds next to an assortment of play equipment that would be suitable for both children and toddler play. This will also require the submission of detailed planting and screening to mitigate against potential wind conditions as set out in paragraphs 467 and 468. This is in accordance with the Mayor’s SPG. The spaces would be welcoming for children and young people of all ages and abilities, but also for parents and carers as well as any resident of the development. Detailed drawings of the landscape design, including all play provision, will be secured by condition.

Children’s Play Space Calculations

**Table: Proposed areas of dedicated external play**

<b>Location</b>	<b>Area of dedicated play space</b>
First floor podium garden (all residents)	340 sqm

286. The following table summarises the policy requirements for children’s play space, against that proposed.

**Table showing proposed external play space in the development, and shortfall against policy requirements**

<b>Dedicated outdoor child play Space.</b> This can be provided in either the communal or public open space but must be provided in addition to that space, rather than as a sub set of that space.	<b>Required play space based on child yield.</b>	<b>Proposed play space</b>	<b>Shortfall</b>
All ages	340 sqm (629 sqm required)	Play space proposed for all ages within the podium located on the first floor.	230 shortfall - 325 sqm children's space proposed = <b>230 sqm</b> remaining shortfall  £205 per sqm =  289 x 205 = £59,245  <b>Financial contribution of £59,245.00</b>

**Public open space**

287. In addition to the adopted amenity space requirements set out above, emerging Policy AAP10 of the draft OKR AAP requires the provision of 5sqm of public open space per proposed home. Any shortfall will be charged at £205 per square metre. As set out in the Section 106 and CIL SPD, £205 per sqm represents the average cost for improving open space in Southwark.

288. 56sqm of public open space is proposed. This would consist of:

- The area between the Old Kent Road footpath and the front elevation of the development. It is noted that this could be added to if a Phase 2 development on site was pursued following the construction of this development. However, given the need for the temporary Aldi store to facilitate this development, the public open space proposed is severely restricted.

Public open space calculation

**Table: Public open space proposed**

<b>Public Open Space</b> (Public space at ground floor, excluding play space)	<b>Draft OKR AAP (2017) requirement</b> AAP 10: Parks, streets, open spaces –The Greener Belt. (page 46)	<b>Proposed public open space</b>	<b>Shortfall</b>
	Provide 5sqm of public open space per dwelling. If it is not feasible to deliver the open space on site, a financial contribution will be required.  850 sqm required	56 sqm of public open space within the development site is proposed in the space between the footpath and the front elevation of the development.	794 sqm shortfall £205 per sqm =  <b>Financial contribution of £162,770.00</b>

289. As demonstrated in the table above, there would be an overall shortfall in public open space of 794 sqm, which would generate a financial contribution of £162,770.00. The payment of the financial contribution, which would be secured through the Section 106 Legal Agreement. The money would go towards the improvement and enhancement of the Brimington Park.

**Overall contribution regarding shortfall**

290. The table below demonstrates the total shortfall of the overall development regarding Children’s Play Space, Communal Amenity, Private Amenity, and Public Open Space:

291. In total, as set out above, the proposals under consideration would generate the following financial contributions relating to amenity space, play space and public open space, all of which would go directly towards the cost of delivering the new Frensham Street Park:

**Table: Total shortfall**

	<b>Playspace</b>	<b>Communal Amenity</b>	<b>Private Amenity</b>	<b>Public Open Space</b>	<b>Total</b>
<b>Required</b>	555 sqm	50 sqm	1700 sqm	850 sqm	3,155 sqm
<b>Proposed</b>	325 sqm (58%)	50 sqm (100%)	981 sqm (57%)	56 sqm (7%)	1,412 sqm
<b>Shortfall</b>	289 sqm	0 sqm	719 sqm	794 sqm	1,802 sqm  <b>1,802 x 205 =</b>

					<b>£369,410</b>
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292. The above table demonstrates that the development would provide a contribution to the total of £369,410 towards the enhancement of the neighbouring Brimmington Park. This contribution would enable the park to be comprehensively improved that provides a strong relationship between the park and the development to the benefit of the immediate area.

### Sunlight amenity analysis within the proposed development

293. Section 7 of the submitted Daylight and Sunlight Assessment provides an analysis the internal daylight and sunlight amenity to the rooms that face inward between the two residential buildings where daylight levels are most constrained. The Average Daylight Factor (ADF) criterion was used in the analysis of the daylight study. Results from this show that 171 of the 175 (98%) rooms assessed meet the BRE and British Standard guidance criteria. It is noted that the four rooms that fall below the target are bedrooms. The diagram below with the annotation of R4 is at first floor achieving an ADF of 0.9%. The remaining rooms are identified as R3 and are located at fourth, fifth, and the six floors achieve an ADF of 0.6%. These rooms are all served by windows situated beneath balconies, which offers valuable private external amenity, but also somewhat limits the amount of daylight within each room.

Image: R4 at first floor achieving an ADF of 0.9%



**R3 at fourth, fifth and sixth floor achieving an ADF of 0.6%**



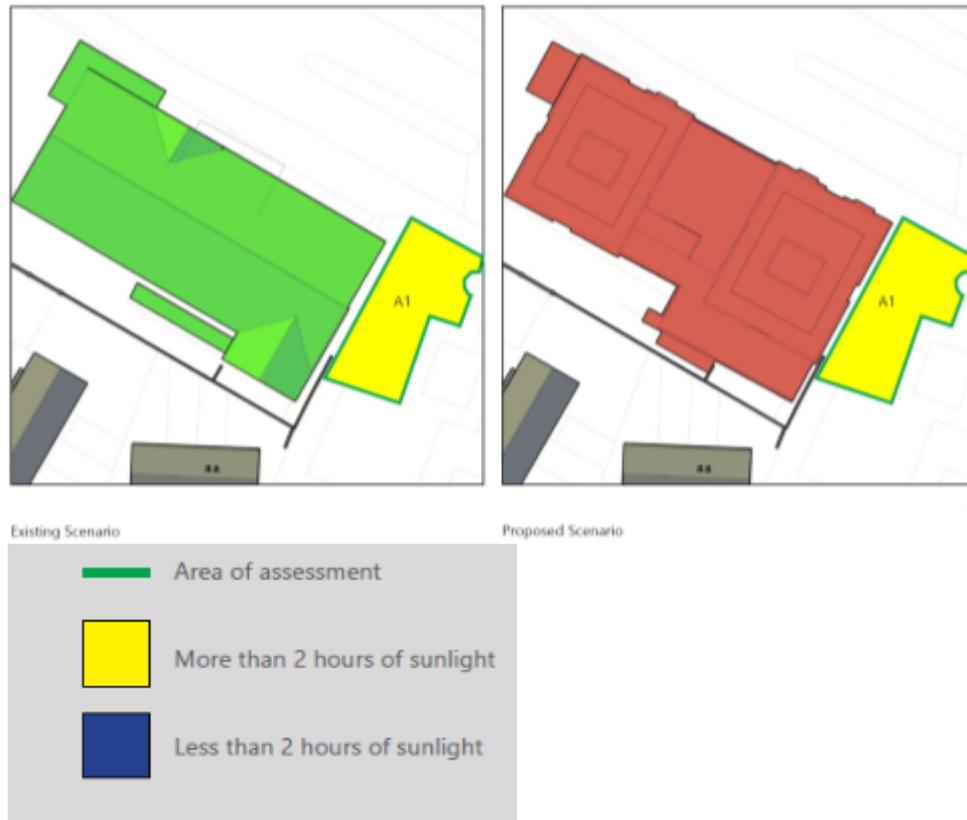
### **Sunlight amenity analysis within the first floor podium**

294. Section 8 of the submitted Daylight and Sunlight Assessment provides an analysis of the amenity and children's play area within the first floor podium. For an amenity area to be considered well sunlit throughout the year, the BRE guide suggests that at least 50% of the space should enjoy at least two hours of direct sunlight on 21 March. The results of the analysis demonstrate that the proposed first floor podium and amenity area contained within would benefit from 80% well-lit on 21 March. It is therefore considered that the sunlight amenity to the first floor podium is fully compliant with the BRE criteria. Additionally, an analysis was undertaken of the potential daylight impacts from the Old Kent Road entrance into Brimmington Park. Results show that the existing scenario of achieving 100% daylight on 21 March would not be affected by the proposed development.

Image: Sunlight amenity analysis



Image: Sunlight amenity analysis to Brimmington Park entrance from Old Kent Road



Conclusion on outdoor amenity space, play space and public open space

295. In conclusion, given the density and site coverage of the scheme under consideration, Officers are on balance satisfied with the quality and quantity of outdoor amenity space, play space and public open space proposed. Whilst there are shortfalls against policy requirements, these are fully mitigated by the agreed financial contributions that would directly fund the enhancement and improvement of Brimmington Park. Where amenity space is proposed on site, it is well planned, with efficient layouts that do not restrict movement or circulation. The landscape proposals are well thought through and of high quality, which is a positive aspect of the scheme. To ensure the spaces delivered are of the highest quality, detailed landscape design can be secured by condition.

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

296. Strategic Policy 13 of the Core Strategy sets high environmental standards and requires developments to avoid amenity and environmental problems that affect how we enjoy the environment. Saved Policy 3.2 of the Southwark Plan states that planning permission for development will not be granted where it would cause a loss of amenity, including disturbance from noise, to present and future occupiers in the surrounding area or on the application site. Furthermore, there is a requirement in Saved Policy 3.1 to ensure that development proposals will not cause material adverse effects on the environment and quality of life.

## **Impact of the proposed uses**

297. The re-provision of the Aldi store, as well as the introduction of a flexible A1/A3 unit and the facilitation of residential units to the upper floors in Use Class C3 is considered to be compatible with the surrounding land uses which include residential and retail uses. On this basis, it is considered that the proposed uses would not cause any harm to surrounding neighbour amenities, and accordingly are all found to be acceptable uses. Conditions on opening hours and noise have been included on the draft decision notice.

## **Daylight and sunlight impacts**

298. The following section of this report details the potential daylight, sunlight, and overshadowing impacts of the proposed development on surrounding residential properties. This analysis is based on guidance published by the Building Research Establishment (BRE). As required by Regulations, the submitted assessment has been undertaken by competent, experienced, registered professionals.

### BRE daylight tests

299. Guidance relating to developments and their potential effects on daylight, sunlight, and overshadowing is given within the 'Building Research Establishment (BRE) Report 209 Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice 2nd Edition (2011)' (BRE, 2011) and also in 'Lighting for Buildings Code of practice for daylighting (AMD 7391) BS 8206-2:1992' (BSI, 2008). The Building Research Establishment's (BRE) Site Layout Planning for Daylight and Sunlight, a guide to good practice (1) gives criteria and methods that are explained subsequently for calculating DSO effects on surrounding receptors as a result of the proposed development.
300. While the BRE benchmarks are widely used, these criteria should not be seen as an instrument of planning policy. As stated in the Introduction to the BRE Guidelines paragraph 1.6:
- “The guide is intended for building designers and their clients, consultants and planning officials. The advice given here is not mandatory and the guide should not be seen as an instrument of planning policy; its aim is to help rather than constrain the designer. Although it gives numerical guidelines, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design.”
301. The two most common tests for assessing the likely daylight impacts on surrounding, existing properties set out in the BRE Guidelines are the Vertical Sky Component (VSC) test and the Daylight Distribution (DD) test (otherwise known as the No Sky Line (NSL) test). The VSC test calculates the availability of daylight to the outside of a window and the DD test shows the distribution of daylight within a room.
302. The VSC test calculates the angle of vertical sky at the centre of each window and plots the change between the existing and proposed situation. The target figure for VSC recommended by the BRE is 27%, which is considered to be a good level of daylight and the level recommended for habitable rooms with windows on principal elevations. The BRE also advise that VSC can be reduced by about 20% of its original value before the loss is noticeable. In other words, if the resultant VSC with

the new development in place is less than 27% and/or less than 0.8 times its former value, then the reduction in light to the window is likely to be noticeable.

303. The DD test calculates the proportion of a room from which the sky would be visible, and plots the change between the existing and proposed situation. The BRE advises that if there is a reduction of 20% or more in the area of sky visibility, daylight may be noticeably affected.
304. To assess the likely impact on other proposed new developments where detailed internal layout are available and window positions are finalised, the BRE Guidelines state that the Average Daylight Factor (ADF) test is most appropriate. Accordingly, for surrounding consented residential developments with the potential to be affected by the proposals under consideration here, ADF analysis has been undertaken. ADF provides an absolute measure of daylight expressed as a ratio of daylight for the room in question as a proportion of the daylight outside at any moment in time. The ADF for a living room should be above 1.5% (i.e. the room should enjoy a minimum of 1.5% of the average external daylight at any moment in time), whilst that for a bedroom and kitchen should be in excess of 1% and 2% respectively. Where, at the time the assessment was carried out, the surrounding consented schemes had not yet undergone detailed design or window positions had not been finalised, VSC façade analysis has been undertaken. This calculates the VSC across an entire façade, and the results are presented graphically with areas of high daylight (27%+ VSC) coloured yellow and areas of lower daylight coloured blue/purple.
305. In relation to existing windows with balconies above them, the BRE Guidelines acknowledge that they typically receive less daylight. Because the balcony cuts out light from the top part of the sky, even a modest obstruction may result in a large relative effect on the VSC, and on the area receiving direct daylight. They advise that the impact of existing balconies can be demonstrated by carrying out additional PSH calculations, for both the existing and proposed situations, with the balconies notionally removed.

#### BRE sunlight tests

306. The BRE sunlight tests are the Annual Probable Sunlight Hours (APSH) and the Winter Probable Sunlight Hours (WPSH) tests. If, with the proposed development in place, a window can receive more than 25% of the available APSH, including at least 5% of WPSH during the winter months, then the BRE advises that the room should still receive enough sunlight. If a window retains at least 80% of its former value in terms of both APSH and WPSH, then the BRE advises that the reduction is likely to be unnoticeable. If the overall annual loss is greater than 4% of APSH, the BRE advises that the room may appear colder and less cheerful and pleasant.
307. The BRE sets out specific guidelines relating to balconies on existing properties. This guidance acknowledges that balconies and overhangs above an existing window tend to block sunlight, especially in summer. Even a modest obstruction may result in a large relative impact on the sunlight received. As a result, they advise that the impact of existing balconies can be demonstrated by carrying out additional PSH calculations, for both the existing and proposed situations, with the balconies notionally removed.

## Overshadowing

308. There are two tests for overshadowing, or the availability of sunlight; the 'Sun on Ground' test and the 'Transient Overshadowing' test. The first assesses the proportion on an area where the sun would reach the ground on 21 March each year. The BRE advises that at least half (50%) of the area tested should receive a minimum of two hours of sunlight on 21 March each year. The second assesses the shadows cast over open spaces at the following key dates through the year:

- 21 March (Spring Equinox);
- 21 June (Summer Solstice); and
- 21 December (Winter Solstice).

309. The BRE advises that at least half of the area tested should receive at least 2 hours of sunlight on 21 March. If the area which can receive two hours of sun on 21st March is less than 0.8 times its former value, the loss of sunlight is likely to be noticeable. This transient detail is analysed within the daylight and sunlight assessment of this development.

## Notes

310. The BRE Guidelines are based on a suburban environment, and as such a degree of flexibility needs to be applied when considering an urban environment. They also state that residential properties warrant detailed consideration in terms of daylight and sunlight effects, but that properties of a commercial nature have a lower requirement. Paragraph 123 of the NPPF (2019) states that:

“Local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).”

311. The submitted report has taken into account the daylight and sunlight impacts for the following surrounding buildings, which are mostly in residential use (at least in part) and therefore of high sensitivity to daylight and sunlight impacts:

- 51-54 Clifton Crescent;
- Grasmere Point;
- Windermere Point;
- 9-16 Drovers Place;
- 17 Drovers Place;
- 814 Old Kent Road;
- 864 Old Kent Road;
- 871 Old Kent Road.

Image: Plan demonstrating potentially affected neighbours located near to the application site



Impacts

312. The results for daylight, sunlight and overshadowing assessment are presented for each property tested in the following paragraphs.

51-54 Clifton Crescent

313. The properties are in residential use and located to the south of the site. Each dwelling has windows serving habitable spaces that face the proposal and have therefore been included within the assessment.

314. In terms of daylight, the rear windows within each property enjoy a relatively open outlook across the single storey existing Aldi store. Such a lack of obstruction is unusual in an urban environment which results in the site facing windows achieving very high VSC levels in the existing condition. As a result of this, any development of a reasonable scale would result in a degree of change to the daylight and sunlight currently afforded to these dwellings.

315. The windows on the first floor within each dwelling are situated beneath relatively deep overhanging eaves. These features make the windows at first floor more sensitive to a loss of light as the eaves block the light that may be received from directly above. This is evident by the fact that the windows at first floor generally achieve lower VSC values than windows at ground floor both in existing and proposed scenarios.

316. Regarding the potential impact to no. 51, the results demonstrate that two of the five windows assessed within this property will retain at least 0.8 times their former value and therefore fully comply with the BRE criteria. The window at ground floor, identified as W2 in the analysis, is reduced below this level but retains absolute VSC values of c. 13%. This is in line with those commonly found in urban locations. The windows at first floor, identified as W2 and W3, are more sensitive to light loss due to the overhanging eaves. These windows fall further below the BRE targets, however the transient use of bedroom space means that they have a lower requirement for natural daylight as acknowledged within the BRE guidance. The results of the NSC assessment confirm that the two rooms at ground floor will retain at least 0.8 times their former value and therefore fully comply with the BRE criteria. The two rooms at first floor drop below the targets due to the overhanging eaves; however, these are bedrooms and considered to be less sensitive.
317. The sunlight impacts of the development on no. 51 are of negligible significance. The results demonstrate that of all the windows orientated within 90 degrees of due south show full compliance with the recommendations of the BRE guidance in regard to sunlight.
318. The impact on the daylight to No.52 Clifton Crescent shows that two of the six windows assessed within the dwelling will retain 0.8 times their former value therefore meeting the BRE target. Of the four remaining windows, two at ground level, identified as W1 and W2 retain absolute VSC values of c.13% which are broadly typical of urban locations and opportunity areas. The windows at first floor identified as W1 and W2 are more sensitive to light loss due to the overhanging eaves. These windows fall below the BRE targets; however, the transient use of bedroom space means that they have a lower requirement for natural daylight as acknowledged within the BRE guidance. Results of the NSC assessment demonstrate that two of the five rooms assessed will retain at least 0.8 times their former value and would comply with BRE criteria. Of the three remaining rooms, two are at ground floor and retain 0.5-0.6 times their former value, and the remaining room retains 0.5 times its former value.
319. In terms of sunlight impacts, none of the windows facing the site are orientated within 90 degrees of due south. Therefore, they are not relevant for a sunlight assessment under BRE guidelines.
320. The VSC assessment results for impacts on the daylight to no. 53 Clifton Crescent show the reductions to these windows fall outside of the BRE target values. Although these windows experience greater proportional reductions, two windows at ground level, identified as W1 and W2 retain absolute VSC values of c. 14% - 15%, which are broadly typical of urban locations and opportunity areas. Again, at the first floor level, windows identified as W1 and W2 are more sensitive to a loss of light owing to the overhanging eaves. These windows fall further below the BRE targets; however, the transient use of the bedroom space means that they have a lower requirement for natural daylight as acknowledged within the BRE guidance. The NSC results demonstrate that four of the five rooms retain 0.8 times their former value and therefore fully accord with BRE criteria. The one remaining room is located on the ground floor and retains 0.6 times its former value.
321. Regarding sunlight impacts, none of the windows that face the application site are orientated within 90 degrees of due south. They are therefore not relevant for a sunlight assessment under BRE guidelines.

322. No. 54 demonstrates that two of the five windows assessed will retain VSC values of at least 0.8 times their former value and the meet the BRE targets. Of the three remaining windows, one at ground floor level, identified as W1, serves a room that has an additional window in the flank elevation that remains fully compliant with the suggested BRE targets. As with the other dwellings in the terrace, windows W1 and W2 incur the same daylight loss due to overhanging eaves. The more transient use of bedroom space means they have a lower requirement for natural daylight as acknowledged within the BRE guidance. The NSC assessment shows a limited impact on daylight penetration with all four rooms assessed retaining at least 0.8 times their former value and fully complies with BRE guidance.
323. In terms of sunlight impacts, none of the windows facing the site are orientated within 90 degrees of due south. Therefore, they are not relevant for a sunlight assessment under BRE guidelines.
324. Overall, whilst there are localised effects to these properties on Clifton Crescent, these are somewhat inevitable to optimise the land use of the site for the delivery of new retail and homes. The localised effects are considered to be acceptable in accordance with the BRE guidance. Furthermore, whilst there are greater proportional changes to these properties, the living conditions of the occupiers of the dwellings along Clifton Terrace would not be significantly different that would detrimentally harm their amenity.

**Image: 'affected windows' on the side and rear elevation of nos. 51-54 Clifton Crescent**

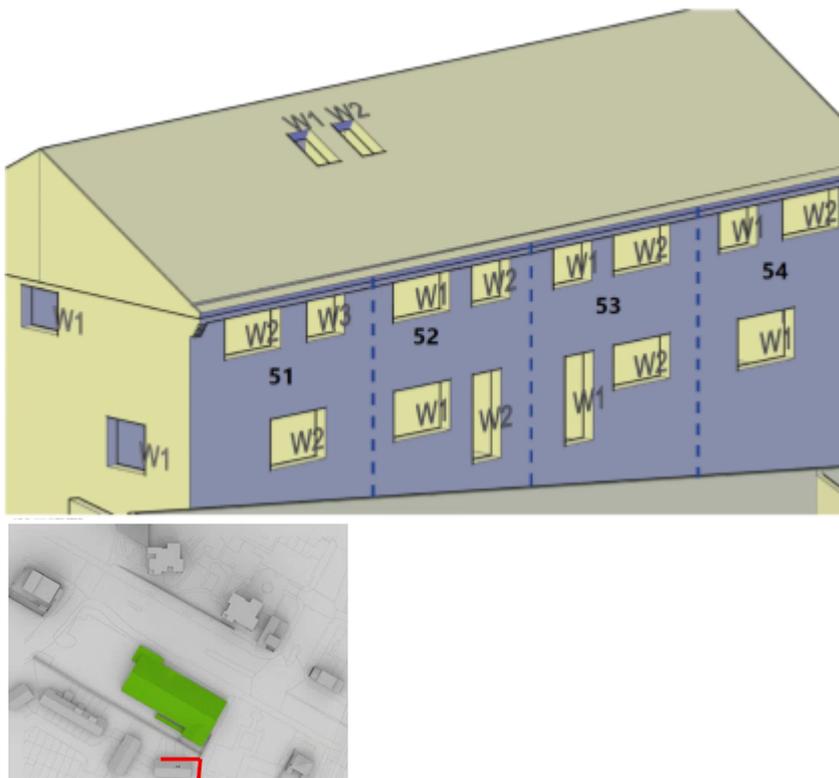
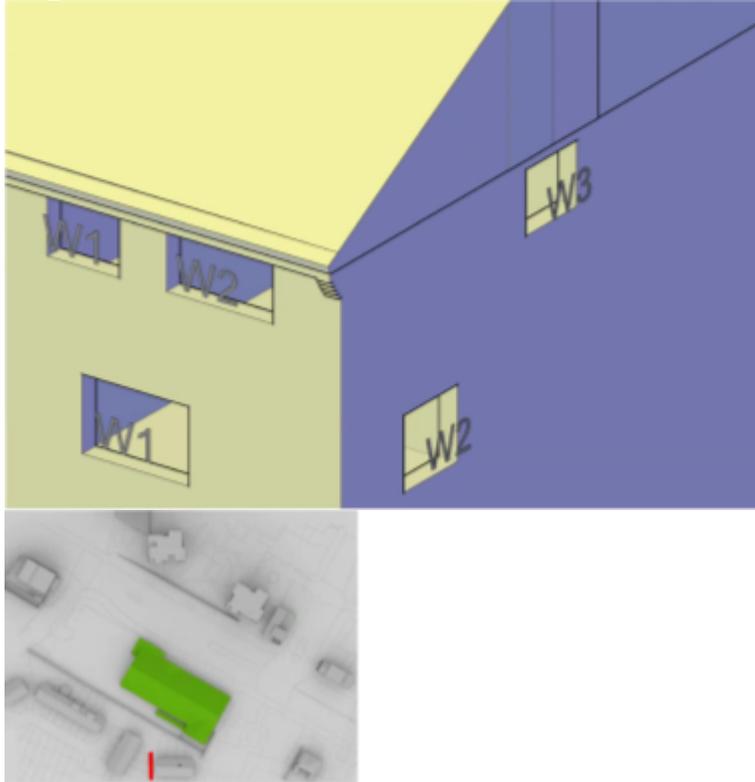


Image: 'affected windows' on the side and rear elevation of nos. 54 Clifton Crescent

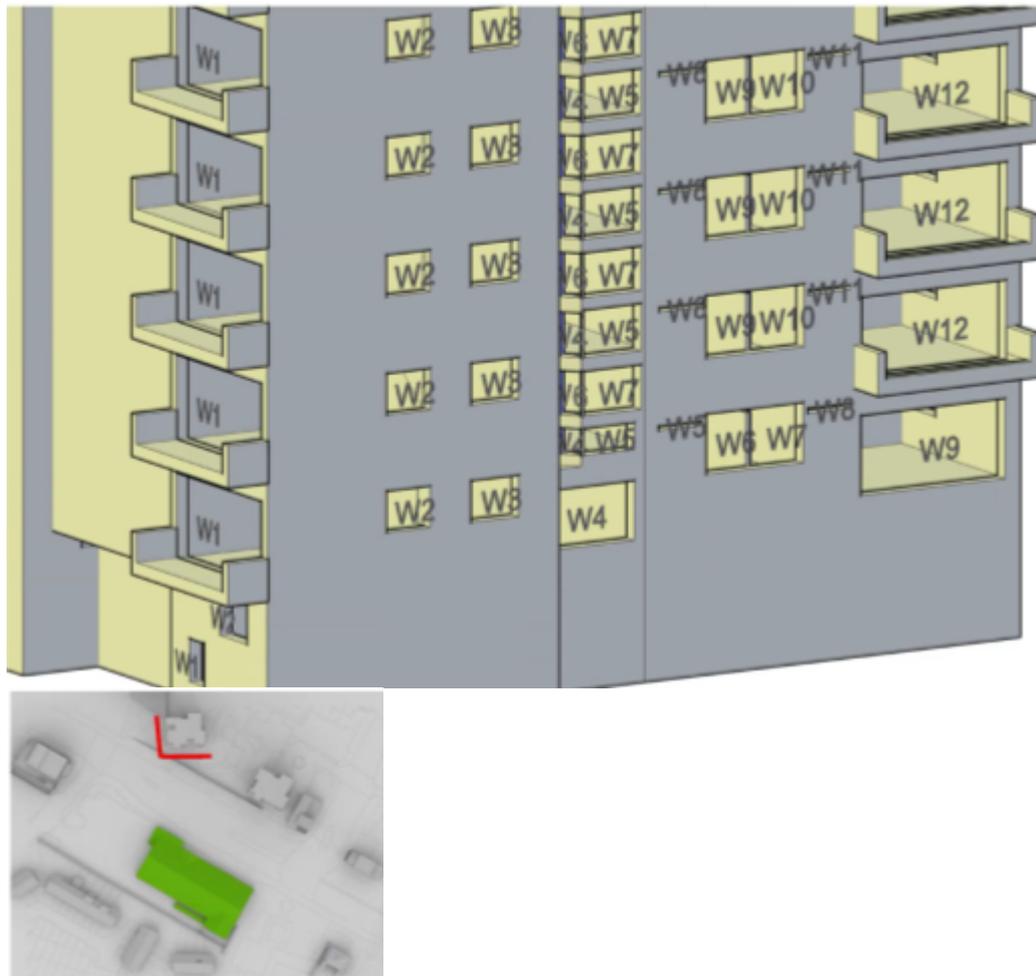


#### Grasmere Point

325. The residential tower that forms part of the Tustin Estate, Grasmere Point, is located to the north of the site, across Old Kent Road. The tower has south facing windows that serve habitable rooms that look towards the application site.
326. Regarding daylight impacts, the VSC assessment demonstrates that 149 of the 170 windows assessed (c.88%) will retain at least 0.8 times their former value and, as such, would be compliant with the BRE criteria. A portion of the windows that fall below the targets are situated beneath overhanging balconies which act as an inhibitor to the access of daylight penetrating rooms. However, the balconies provide essential amenity space for occupiers of Grasmere Point.
327. Given the presence of overhanging balconies, an additional assessment has been undertaken using the VSC criteria to establish the difference between the balconies assessment, and non-balconies assessment. The results show that the compliance rate improves to 158 of the 170 windows being fully compliant with the BRE criteria. All 12 windows, identified as W5-W8 at first floor, W8-W12 at second floor, and W8 and W9 on the third floor, retain 0.7 times their former value. This value is just below the 0.8 target within the BRE guidance. Notwithstanding this, all other remaining windows (158) achieve at least 25% VSC, which is an excellent percentage for an urban location. The assessment confirms the limited effect of the proposed development on Grasmere Point with 97 of 102 rooms assessed (95%) retaining at least 0.8 times their former value which complies with BRE targets. The five remaining rooms (R2 on the first to fifth floors) all retain 0.7 times their former value. This is slightly below the suggested 0.8 level.
328. In terms of sunlight impacts, all windows within 90 degrees of due south have been assessed with results demonstrating that all windows indicate full compliance with

the recommendations of the BRE guidance relating to sunlight.

**Image: 'affected windows' on the southern elevation of Grasmere Point**



### Windermere Point

329. This residential tower is located adjacent to the aforementioned Grasmere Point and is also located within the Tustin Estate, on the northern side of Old Kent Road.
330. The VSC results demonstrate that 138 of the 168 windows (82%) would retain daylight levels at least 0.8 times their former value and are considered to be fully compliant with the BRE criteria. As a number of the 30 remaining windows are located beneath overhanging balconies, an additional VSC assessment has been undertaken with the balconies omitted. Taking into consideration this assessment, 151 of the 168 windows (c.90%) of the windows are fully compliant with the BRE criteria.
331. Of the 17 remaining windows, 16 (labelled W3, W7, W8 and W9 at first floor), W2, W3, W6, W7, W8 and W9 at second floor, W2, W3, W6, W7 and W8 at third floor, and W6 at fourth floor) retain 0.7 times their former value. This is slight deviation under the recommended 0.8 target; however, retained absolute VSC levels are also exceptionally high at over 25%. The one remaining window (labelled as W2 on the first floor) retains 0.6 times its former value but would retain VSC values of 25%. Overall daylight levels to this space remain very high particularly as the affected window is a secondary window with the room also lit by a window that exceeds the BRE targets. Furthermore, the assessment demonstrates no noticeable reduction as

a result of the proposed development and is therefore compliant with the BRE criteria.

332. Regarding sunlight, all windows within 90 degrees of due south have been assessed with results demonstrating that all windows indicate full compliance with the recommendations of the BRE guidance relating to sunlight.

**Image: 'affected windows' on the southern elevation of Windermere Point**



#### 9-16 Drovers Place

333. The terraced row along Drovers Place is located to the south and southwest of the application site.
334. No. 9 is located to the south of the proposal site and has windows in the rear on both the ground and first floor that face the subject site. The NSC analysis demonstrates no material reduction as a result of the development. The effects to this property regarding daylight implications are not considered to be noticeable and would fully comply with the BRE criteria
335. In terms of sunlight, as none of the windows facing the development are orientated within 90 degrees of due south, the property is therefore not relevant for the sunlight assessment under BRE guidelines.
336. No. 10 Drovers Place is located to the southwest of the development site. The results of the VSC assessment indicate that all windows would retain at least 0.8

times their former value and there would no material reduction as a result of the development. The assessment shows that the impacts to this property are not considered to be noticeable and would therefore fully comply with the BRE criteria.

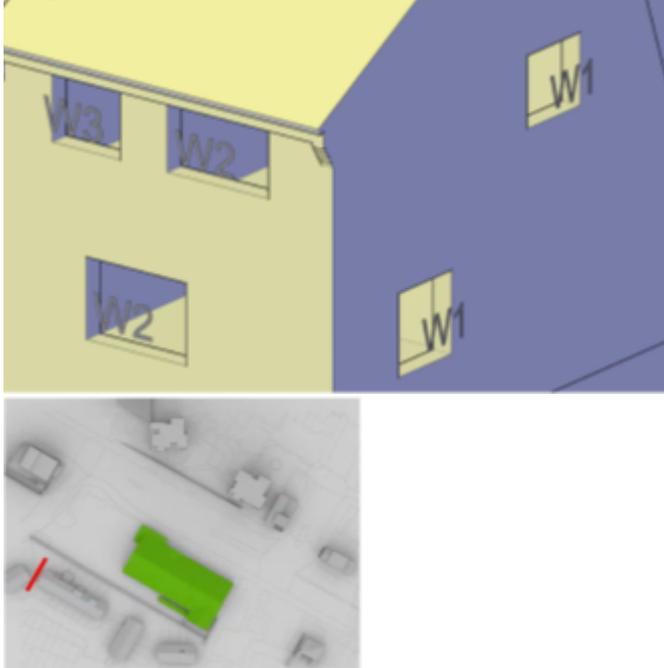
337. In considering any harm to sunlight at this property, as none of the windows facing the development are orientated within 90 degrees of due south the property is therefore not relevant for the sunlight assessment under BRE guidelines.
338. No. 11 Drovers Place is located to the southwest of the subject site and has windows within the rear elevation that face towards the development.
339. The VSC assessment indicates that all windows retain at least 0.8 times their former value and would therefore fully comply with the BRE criteria. The NSC analysis demonstrates that no material reduction to natural daylight accessing the windows would occur as a result of the development and is therefore found to comply with the BRE criteria.
340. Sunlight impacts would not arise to this property from the development given that none of the windows facing the site are orientated within 90 degrees of due south. The property is therefore not relevant for the sunlight assessment under BRE guidelines.
341. No. 12 Drovers Place is located to the southwest of the site and has windows within the rear elevation that face the development site.
342. Regarding daylight implications, the VSC assessment has found that two of the four windows will retain 0.8 times their former value and would be compliant with the BRE criteria. The two remaining windows (labelled W1 at ground floor and W2 at first floor) each retain 0.7 times their former value, which is slightly below the 0.8 target. This is considered to a minor deviation that given that the NSC analysis shows no noticeable reduction in daylight accessing the windows as a result of the proposal.
343. None of the site facing windows within this property is orientated within 90 degrees of due south. The property is therefore not relevant for the sunlight assessment under BRE guidelines.
344. No. 13 is also located to the southwest of the development site and has windows in the rear elevation that face the proposed buildings on the subject site.
345. VSC results regarding daylight demonstrate that of the 14 windows assessed, eight will retain levels of 0.7 times their former value. These are considered to be non-material deviations below the 0.8 suggested BRE target as the absolute retain VSC values to these windows are between 23%-26% which is considered excellent for an urban location. The six remaining windows are identified as secondary windows within flank walls and retain VSC levels between 0.5-0.6 times their former value. The rooms served by these windows within the northeast facing elevation which all retain the high absolute VSC values in excess of 23% and would retain a sufficient degree of daylight following the construction of the proposal. Given that the limited effect of the proposal is confirmed by the NSC analysis showing no noticeable reduction, the NSC effects are therefore fully compliant with BRE criteria.
346. With regards to sunlight impacts, the assessment indicates that the ground floor Living/Kitchen/Dining (LDK) area to this property is primarily served by north facing

windows that are not relevant for assessment. However, the assessment considers that the secondary flank windows which are orientated within 90 degrees due south, and achieve good sunlight amenity. Overall, the room will retain 24% APSH and 3% winter APSH. These figures are just below the 2% APSH and 5% winter APSH BRE targets. Such sunlight levels are considered excellent for a primarily north facing room in an urban location where access to low angle winter sun may be limited.

347. No. 14 Drivers Place is sited to the southwest of the application site and has windows in the rear elevation that face the development site.
348. Daylight VSC assessment results show that all four windows retain 0.7 times their former value, just below the 0.8 BRE target. This minor deviation is unlikely to affect the amenity of the occupiers and the limited effect of the proposal is confirmed by the NSC assessment. The NSC demonstrates that no noticeable reduction to receiving daylight to the rear windows would occur as a result of the development and therefore is fully compliant with the BRE criteria.
349. Sunlight impacts would not arise to this property from the development given that none of the windows facing the site are orientated within 90 degrees of due south. The property is therefore not relevant for the sunlight assessment under BRE guidelines.
350. No. 15 is located towards the end of the terraced row. The results of the VSC show that three (W2 at ground floor and first floor, and W1 at second floor) of the six windows assessed will retain 0.7 times their former value. All three remaining windows retain 0.6 times their former value. Of the three windows, two (W1 at first and second floor) serve bedrooms, which have the lowest requirement for natural daylight and the 1 remaining window (W1 at ground floor) serves a living room. The absolute retained VSC values to each of the windows remain at least 18% and are considered acceptable in an urban environment. The limited effect of the scheme is confirmed by the NSC analysis which shows no noticeable reduction as a result of the proposal and would therefore be fully compliant with the BRE criteria.
351. Sunlight impacts would not arise to this property from the development given that none of the windows facing the site are orientated within 90 degrees of due south. The property is therefore not relevant for the sunlight assessment under BRE guidelines.
352. No. 16 is located at the end of the terraced row and has windows in the rear elevation that have an open outlook over the proposed development site.
353. The VSC assessment indicated that of the five windows assessed, 2 (W2 at ground and W3 at first floor) will retain 0.8 times their former value in line with BRE guidance. Of these three windows, two (W1 and W2 at first floor) serve bedrooms which are situated beneath overhanging eaves. These features make the bedroom windows at first floor level inherently more sensitive to light loss. The transient use of bedroom spaces means they have a lower requirement for natural daylight that is acknowledged within the BRE guidance. The remaining window (labelled W1 at ground floor) serves a living room that is also served by a window that fully complies with the BRE targets such that the overall amenity levels will remain acceptable. The NSC confirms no noticeable reduction to three of the four rooms assessed, including the main living space. The remaining room (R1 at first floor) is a bedroom which retains 0.7 times its former value. This is slightly below the 0.8 target and is considered to be a non-material deviation given the use of the space.

354. Sunlight impacts would not arise to this property from the development given that none of the windows facing the site are orientated within 90 degrees of due south. The property is therefore not relevant for the sunlight assessment under BRE guidelines.

**Image: 'affected windows' on the rear elevation of no. 9 Drovers Place**



**Image: 'affected windows' on the rear elevation of nos. 10-13 Drovers Place**

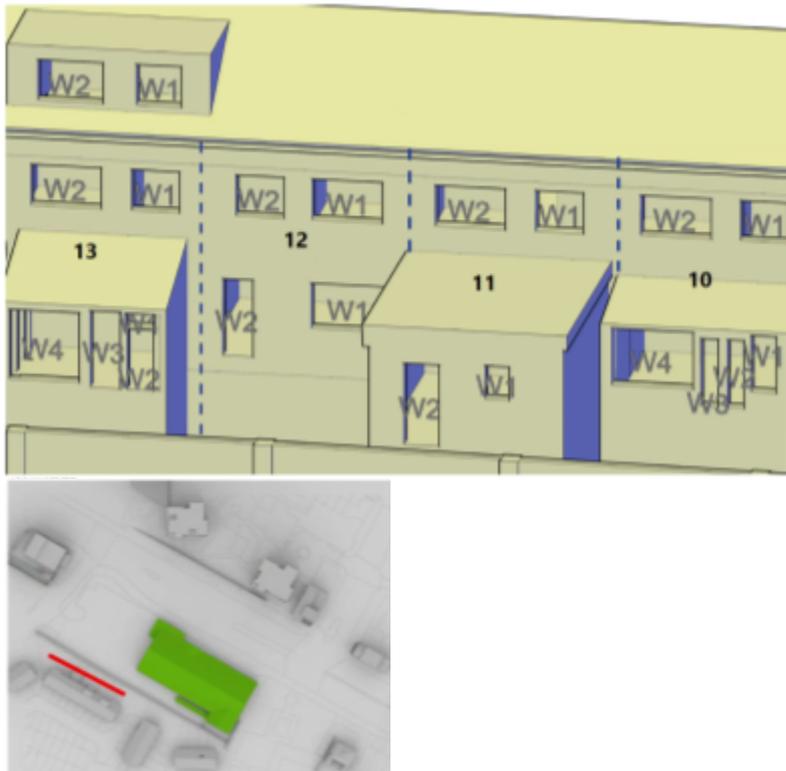


Image: 'affected windows' on the rear elevation of nos. 12-13 Drovers Place

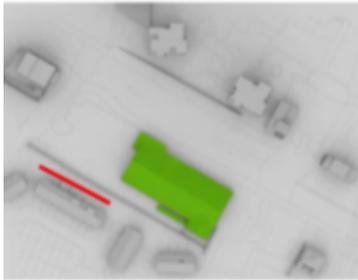
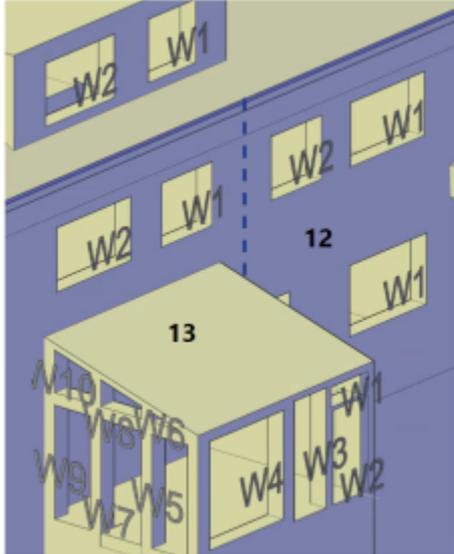


Image: 'affected windows' on the rear elevation of nos. 14-15 Drovers Place



Image: 'affected windows' on the rear elevation of no. 16 Drovers Place



#### 17 Drovers Place

355. This residential property is located directly south of the subject site and is located at the northern end of a terraced row of dwellings that also contains nos. 18, 19 and 20 Drovers Place. However, given that their windows are orientated to the northwest and the southeast, the windows of nos. 18-20 Drovers Place are not considered to be impacted by the development in terms of loss of daylight and sunlight. No. 17 Drovers Place is primarily orientated away from the development site, but has windows in the northeast elevation facing towards the scheme. These flank windows are coming in an end-of-terrace property. At the ground floor level these windows are secondary windows to a dual aspect spaces, and at first floor level it is understood that the windows serve a single aspect bedroom.
356. Regarding daylight, the VSC assessment demonstrates that six of the nine windows analysed would meet the BRE targets. Of the three remaining windows, two are located at ground floor level and are secondary windows that serve a combined kitchen and living room. As mentioned in the above paragraph, these windows are primarily served by the main windows in the northwest elevation that are orientated away from the development. As such, due to the dual aspect nature of this room the overall daylight amenity remains high such that the localised effect of the proposal is considered acceptable. The remaining window at first floor serves a bedroom, and as this is considered to be a transient use within a dwelling, this means they have a lower requirement for natural daylight that is acknowledged within the BRE guidance. The limited effect of this proposal is confirmed by the NSC assessment which reiterates that none of the rooms would experience any noticeable change in daylight access from the proposed development.
357. None of the site facing windows within this property is orientated within 90 degrees of due south. The dwelling is therefore not relevant for a sunlight assessment under the BRE guidelines.

Image: 'affected windows' on the northern and western elevations of no. 17 Drovers Place

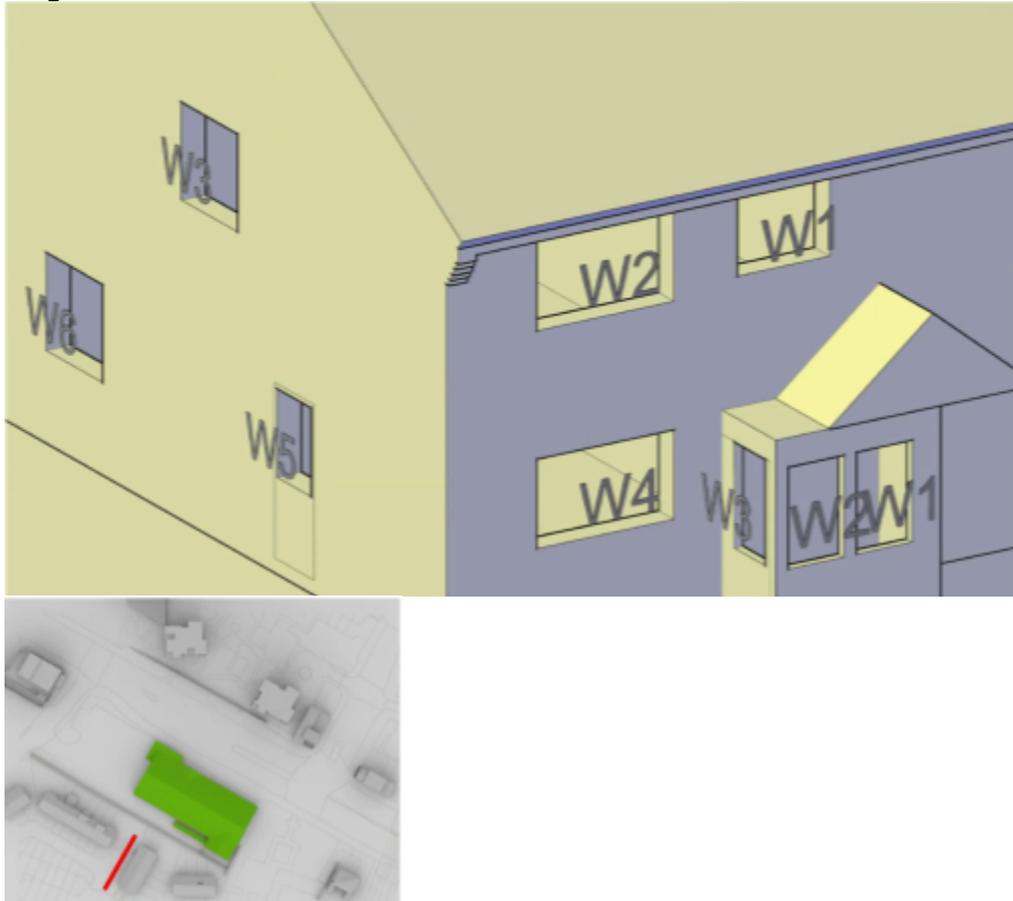
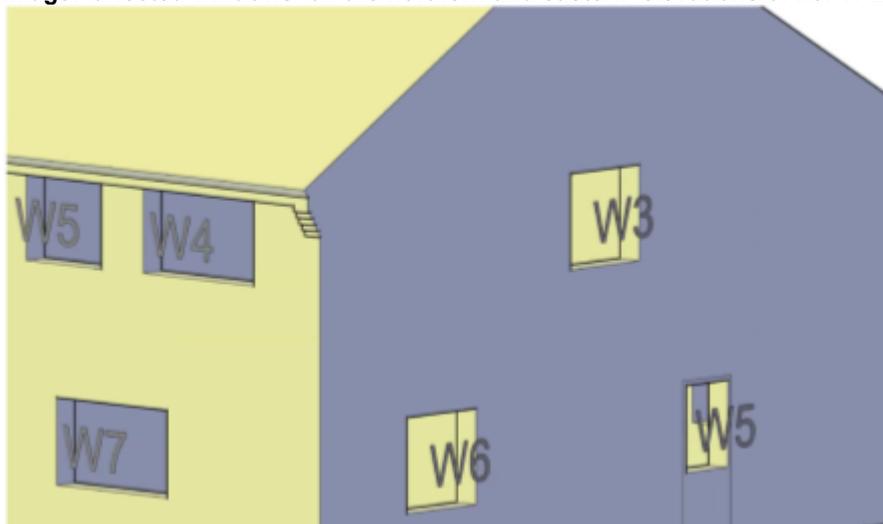


Image: 'affected windows' on the northern and eastern elevations of no. 17 Drovers Place





### 814 Old Kent Road

358. The five storey building located on the corner of Old Kent Road and Leo Street is comprised of residential units on the upper floors. The results of the VSC assessment show that 34 of the 36 windows assessed retain at least 0.8 times their former value and would be fully compliant with BRE criteria. The two remaining windows (W1 at first and second floor) each retain 0.7 times their former value, just below the 0.8 target. The difference is considered marginal and relate to bedrooms which have a lower requirement for natural daylight as acknowledged in the BRE guidance. It is noted that the two windows are situated beneath overhanging balconies. Therefore, an additional VSC assessment has been undertaken with balconies omitted demonstrate that all windows fully comply with VSC and NSC criteria. In establishing this, it is clear that the minor sensitivities to the properties are a result of the balcony provision and with this noted, the effects of the proposed development on the daylight provision are fully compliant.
359. All windows located within 90 degrees due south have been assessed under the APSH criteria with the results demonstrating that all windows relevant for assessment are fully compliant with the recommendations of the BRE guidance in relation to direct sunlight.

**Image: 'affected windows' on the rear elevation of no. 814 Old Kent Road**

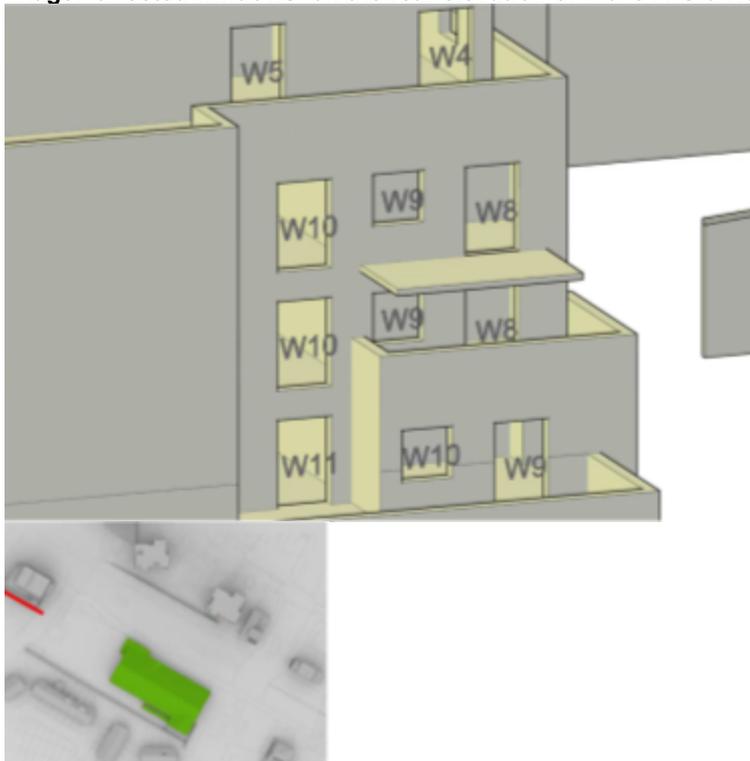


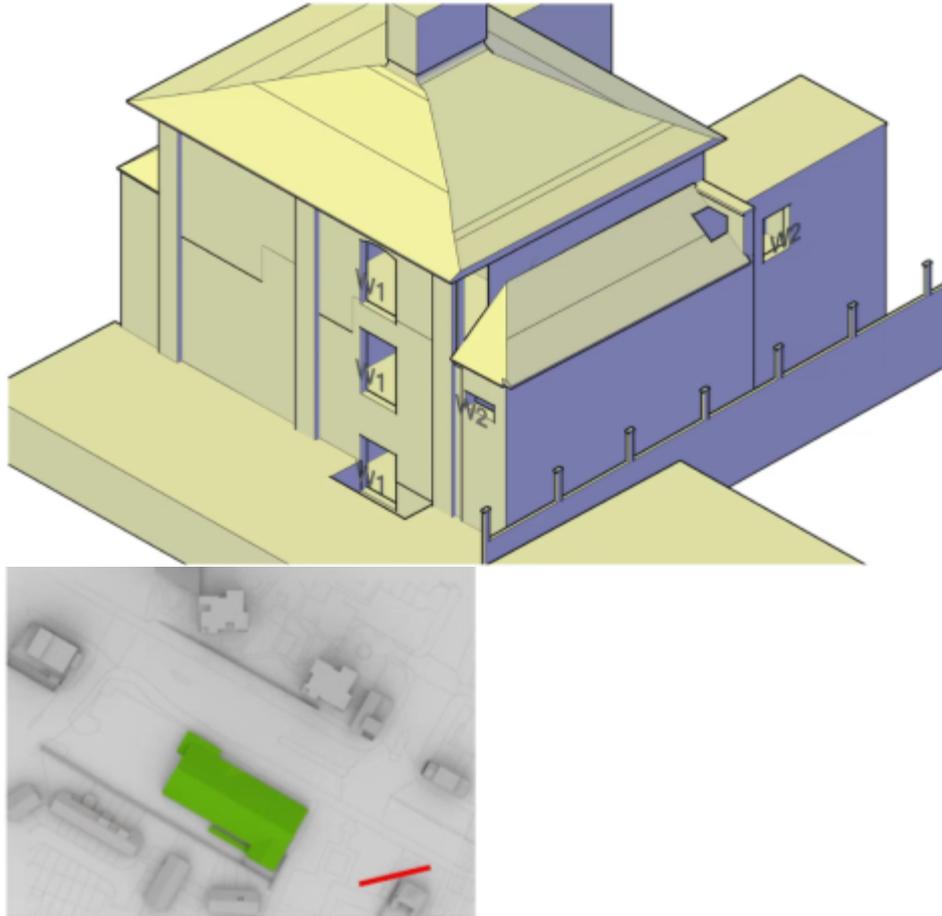
Image: 'affected windows' on the elevation of no. 814 Old Kent Road facing the development site



#### 864 Old Kent Road

360. This property is a three storey Grade II listed building located to the southeast of the development site with Brimmington Park located in between. No. 864 has windows on the west elevation that face towards the subject site. The VSC assessment for daylight shows that all windows retain 0.8 times their former value and fully comply with BRE criteria. Furthermore, the NSC analysis demonstrates no material reduction that would arise from the proposal. The effects to the property are therefore not considered to be noticeable and fully comply with the BRE criteria.
361. Regarding sunlight, all windows within 90 degrees of due south have been assessed under the APSH criteria. The results indicate that all windows retain full compliance with the recommendation of the BRE guide and no impacts would arise to the occupiers from the proposed development.

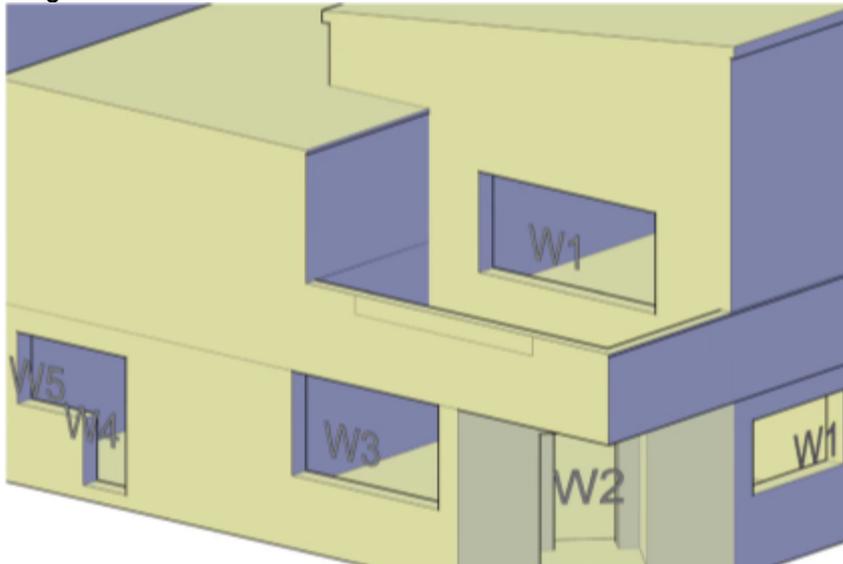
Image: 'affected windows' of no. 864 Old Kent Road



871 Old Kent Road

362. The property is a part one, part two storey building located to the north of the application site, on the corner of Ilderton Road and Old Kent Road next to the Tustin Estate. The window in the southwest facing elevation is in residential use. VSC results indicate that all windows retain at least 0.8 times their former value and fully comply with BRE criteria. In addition, the NSC analysis shows no material reduction as a result of the development and is therefore not considered to be noticeable and fully compliant with BRE criteria.
363. Regarding sunlight, all windows within 90 degrees of due south have been assessed under the APSH criteria. The results indicate that all windows retain full compliance with the recommendation of the BRE guide and no impacts would arise to the occupiers of the residential accommodation on site from the proposed development.

Image: 'affected windows' of no. 871 Old Kent Road



### Transient shading

364. The BRE guide does not provide any quantitative targets in respect of transient shading studies. Rather the significance of the shading effects is assessed based on the duration of any additional shading, the pattern of use of any space which is shaded and a comparison with the existing position. The shadows have been assessed during three key points during the year when the sun's arc is at its midpoint, highest and lowest in the sky, they are:

- 21 March (midpoint)
- 21 June (highest)
- 21 December (lowest)

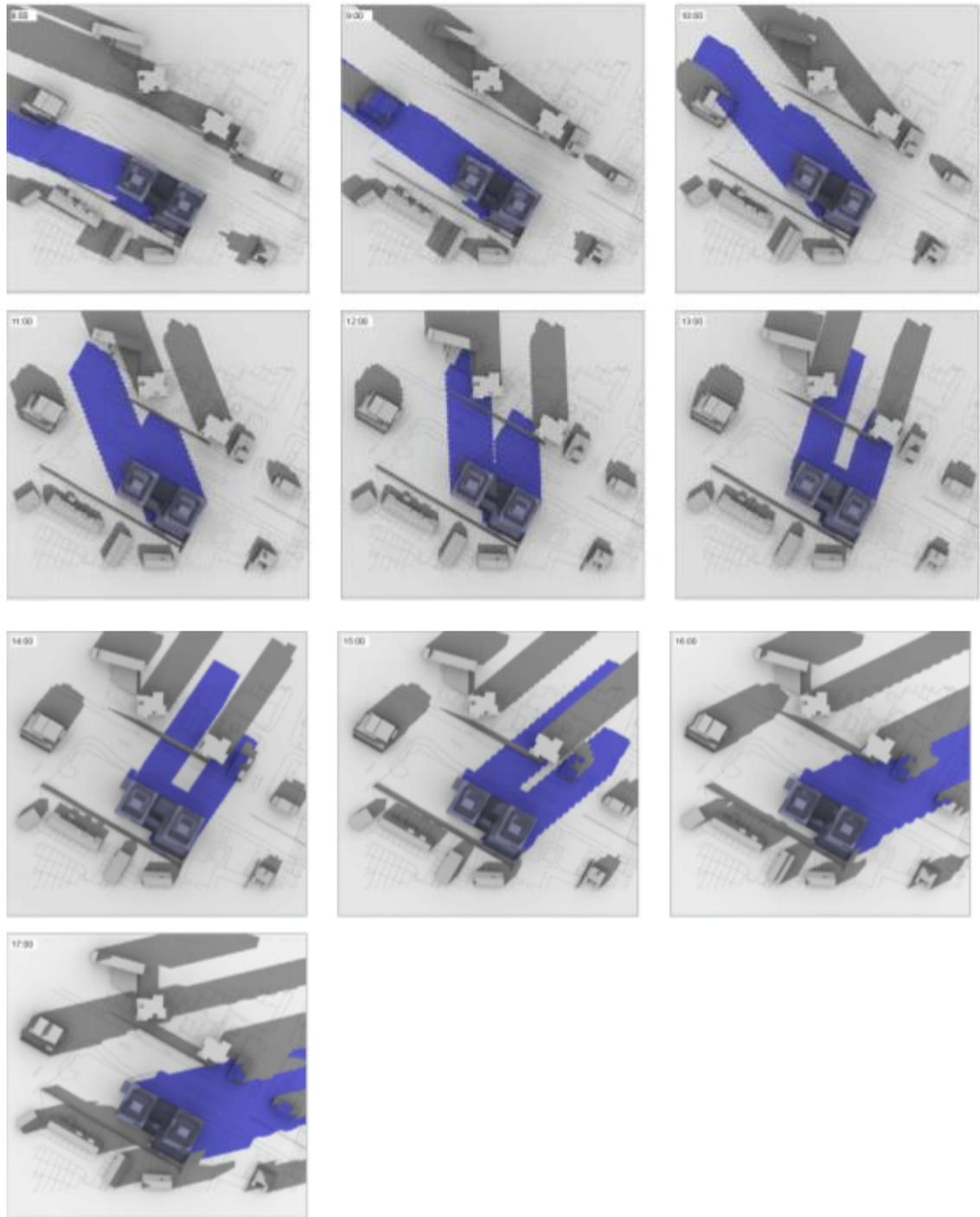
### 21 March - Midpoint

365. At this time of year, shadows are predominantly cast to the north of a site and, given the orientation of the subject site there are not a significant number of sensitive receptors such as parks, squares and public amenity space which could be affected by the development. There are residential properties across Old Kent Road, in particular the tall buildings at Grasmere Point and Windermere Point; however, the primary consideration to these neighbours is daylight / sunlight amenity which has been considered in the sections above.

366. Due to the slender design of the towers additional shading is highly transient moving rapidly across the Old Kent Road as well as neighbouring elevations and landscaped areas. This assessment shows the extent of any potential shading being

similar to that already resulting from the other buildings in the area, in particular the Tustin Estate residential towers Grasmere Point and Windermere Point. In the morning hours the shadows are cast to the west predominantly within the Old Kent Road. There is some shading towards Grasmere and Windermere Point in the early afternoon; however, the shadows pass transiently over the facades and ground level amenity, and are 'broken up' as a result of the space between the proposed buildings. Moving towards the late afternoon and evening the shadows are cast to the east and again predominantly affect the roadway of Old Kent Road.

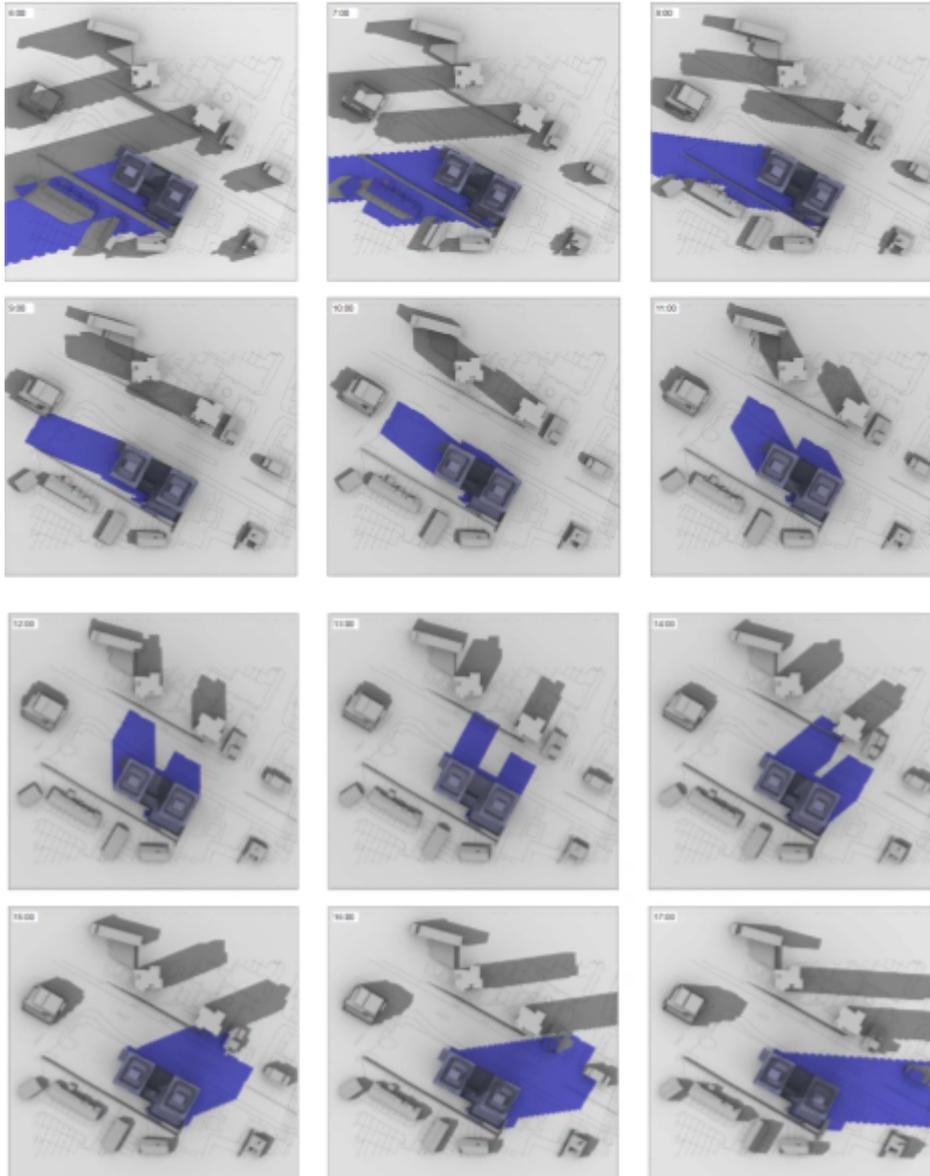
**Image: 21 March Transient Shadow**

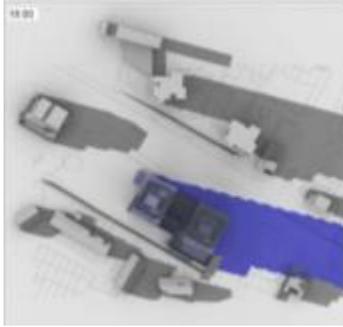


## 21 June - Highest

367. During this day of the year the sun is at its highpoint in the sky and as such the shadows are much shorter. The shading caused by the proposal is of a similar distribution to the 21March patterns although the shorter shadows illustrate much more localised area effects. Through the morning hours the shadows do not reach neighbouring buildings or the ground level landscaping and are contained within the roadway of Old Kent Road. During the day at around 2pm-3pm the shading passes close to Windermere Point but is highly transient. As the sun sets later in the evening longer shadows are cast to the east but these are primarily contained within the roadway of Old Kent Road and are a similar length and pattern to the shadows already cast by the existing tall buildings in the area.

**Image: 21 June Transient Shadow**

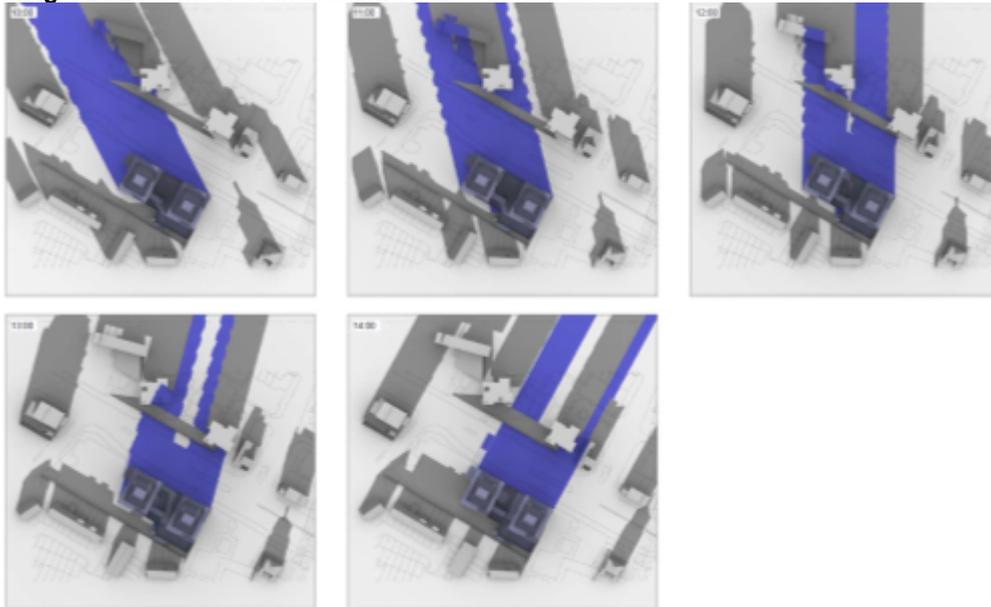




21 December - Lowest

368. This day is when the winter solstice occurs whereby the sun is at its lowest angle in the sky. Given that this time of the year provides the lowest angle, relatively modest obstructions cast long shadows. This is evident from the existing buildings and the shading caused by the proposal is again transient, and would not have any material additional impact on amenity. The 'real-world' effect of the development is considered to be extremely limited due to the existing shadows and the lower perception of shading in the winter months where cloud cover and climactic conditions result in less distinct shadows.

**Image: 21 December Transient Shadow**



Daylight and sunlight conclusions:

369. The results of the daylight assessment show the scheme is successful in achieving this with effects to the vast majority of windows and rooms neighbouring the site being unnoticeable and fully compliant with the BRE targets. Greater proportional changes are found to an isolated number of properties situated to the south and south west of the site at 51 – 54 Clifton Crescent Road and 12 – 16 Drovers Place. These windows have a more direct view of the current low rise food store on the site such that a degree of change is unavoidable.
370. Whilst there are reductions to light levels, the VSC assessment shows that retained absolute daylight levels are relatively typical of those experienced in urban locations and are comparable to other similar regeneration schemes. Some windows are

more sensitive where they are affected by balconies or the overhanging eaves. The most significant of these sensitivities applies to bedroom space which has a lower requirement for natural daylight which is acknowledged within the BRE guidance. In addition, where greater proportional changes are found to the properties at 51 – 54 Clifton Crescent and 12 – 16 Drovers Place, the ‘real world’ effects would be more limited due to the foliage of the mature trees that separates these neighbours from the site and hasn’t been taken into consideration within the 3D model.

371. The APSH sunlight assessment has shown that all rooms that appear to be main living rooms and primarily face south remain fully compliant with the BRE targets with the proposal in place. There is one living room within 13 Drovers Place which marginally misses the suggested targets. This room however is primarily north facing and the APSH levels retained are considered excellent given the rooms orientation. The impacts of the proposed development on surrounding residential properties are considered to be acceptable and accord with the NPPF and Mayor’s Housing SPG, which state that policies and guidance relating to daylight and sunlight need to be applied flexibly for higher density developments to optimise the use of development sites, particularly for securing housing delivery.
372. Regarding the transient shadowing, the respective building at heights of 13 and 21 storeys cast slender shadows. There are limited sensitive receptors in terms of open amenity areas and much of the shading resulting from the buildings is cast towards the roadway of the Old Kent Road in the morning and afternoon hours. Where shadows are cast towards neighbouring properties, these are highly transient and pass quickly such that there will be no detrimental amenity impact. Ultimately, the shading effect of the proposed development is not too dissimilar than the shading currently caused by the existing tall buildings in the area, namely the buildings that form the Tustin Estate.

### **Overlooking of neighbouring properties**

373. The nearest residential properties are located to the rear of the subject site. These comprise of nos. 9-17 Drovers Place and nos. 51-54 Clifton Crescent. Given the set-back of the buildings from the rear boundary line, and taking into consideration factors such as existing trees and vegetation on the rear boundary that would be predominantly retained, the development would not result in detrimental overlooking. Further to this, the recessed balconies within the footprint of the building on the lower levels would be restricted from views to the windows facing the development by the aforementioned trees and vegetation proposed on the rear boundary of the development site. As such, there is no concern about harmful overlooking of neighbouring properties.

### **Transport considerations**

374. Saved Policy 5.2 of the Southwark Plan seeks to ensure that developments do not result in adverse highway conditions; 5.3 requires the needs of pedestrians and cyclists to be considered and 5.6 establishes maximum parking standards.
375. Southwark have recently adopted the Movement Plan, a people, place and experience approach to transport planning. This application has been assessed on how we will contribute to the delivery of the Movement Plan.
376. The Mayors Transport Strategy (MTS) includes three strategic challenges that are of significant importance to assessing this application, namely:

- Good Growth;
- New homes and jobs; and
- A good public transport experience

377. A Transport Assessment (TA) has been submitted, complied with TfL guidance.

### **Key transport issues**

378. The key transport issues are:

- The level of retail parking retained.
- Road safety related to the construction management and the temporary supermarket arrangements (a separate application for this has been submitted).
- That the construction can be completed prior to the BLE station at the nearby site of Toys r Us.
- That it is understood that during station construction the Car Park maybe required as part of the works site.

379. The application site has a Public Transport Accessibility Level (PTAL) of 4 on a scale of 1-6 where 1 is the lowest level and 6 represents the highest.

### Existing Site Layout

380. The site records a Public Transport Access Level (PTAL) of 4 because it is a large site with varying quality of permeability onto the Old Kent Road where there is a good bus service level. It is approximately 750m from Queens Road Peckham Station, 1,100m from South Bermondsey Station and 1,300m from New Cross Gate Station.

381. The site is located east of Peckham; adjacent to the A2 (immediately west of where the A2 becomes New Cross Road), with Leo Street to the north west, Brimmington Park to the south east, and Drovers Place to the south west. The site is currently occupied by an Aldi Supermarket (1,459m<sup>2</sup>) and associated surface level car parking, with vehicular access taken from Leo Street and pedestrian access taken from Old Kent Road.

382. The existing Aldi car park is accessed from Leo Street via Old Kent Road and which is a 20mph zone. Leo Street provides access to residential areas behind the site and has double yellow lines on both sides of the road with no road makings intermittently to allow parking.

383. The Old Kent Road at this location has a signalised junction with a staggered pedestrian crossing, dual carriageway and a bus lane. The bus lane includes a bus stop. There is an established tree line along the existing footway.

384. Leo Street connects to Gervase Street and two private roads, Drovers Place and Burnhill Close. Drovers Place has parking enforcement. Burnhill Close provides the only vehicular access to the traveller site.

### Proposed Site Layout

385. TfL and Southwark Council are intending to make the Old Kent Road and the

surrounding local network Healthy Streets. Although this will be incrementally delivered over approximately 10 years it is important to establish space to achieve this with each development. The constraints include an established mature tree line to be maintained.

386. If this scheme is delivered and operational before 2023 it is likely that no significant changes to the local road network will be necessary.
387. Post 2023 Leo Street and Gervase Street plus part of the Aldi Car Park may be required to enable the delivery of the BLE station proposed on the nearby site of Toys r Us. Leo Street may also be subject to long term disruption during that time.
388. All works within the extent of the S278 for Southwark will be done in accordance with Southwark Street Design Manual SSDM and for TfL's network Healthy Streets design guidance.
389. Condition requirement for the detailed design of the Ground floor forecourt and its relationship with the public highway to ensure secure by design and road safety is fully considered.

### **Trip generation**

390. The predominant use of the proposed development is residential, and it is therefore anticipated that it will generate its peak level of vehicle trips during the weekday morning and evening peaks when the highway network is at its most sensitive. It is noted that the flexible A1/A3 Use is part of the development, for which peak usage is unlikely to occur within the weekday network peaks. It is not anticipated that the flexible A1/A3 Use will have an impact on trip generation as visitors will relate to the residential element and the local community. It is expected that these trips would be pass-by trips and would not generate significant numbers of new trips other than localised pedestrian and cycle movements.
391. The Aldi store will continue to operate and serve its existing customer base with no change in trip generation or distribution envisaged. The Aldi trip generation is therefore captured within baseline surveys. The surveys have been selected by TRICS data consisting of;
  - Car driver – On the basis that the average parking ratio of the TRICS sites is 0.38 spaces per dwelling and the proposed development would provide a maximum of 0.05 spaces per dwelling (5 Blue Badge parking spaces), the car driver trip rate has been reduced by 87%.
  - Car passenger – the number of car passengers per car driver is expected to be the same as the TRICS sites
  - Cycle and public transport – the cycle and public transport trips have been uplifted proportionally to reflect the reduction in car trips. It is noted that walk trips have not been adjusted.
392. From the methodology above, the forecast travel demand proposed on site will be as follows:

**Table: Forecast TRICS and mode share**

Mode	AM Peak Hour			PM Peak Hour		
	In	Out	Total	In	Out	Total
Pedestrians	7	21	28	16	10	26
Cyclists	0	3	3	3	0	3
Bus	3	28	31	15	6	21
Underground	1	14	15	7	3	10
Rail	3	23	26	12	5	17
Vehicle Drivers	0	1	1	0	0	0
Vehicle Passengers	0	1	1	0	0	0
<b>Total</b>	14	89	105	53	25	78

393. The trip generation assessment demonstrates that the 168 residential units would generate one vehicle movement within the weekly AM peak hour and none in the weekday PM peak hour. 72 public transport movements within the weekday AM peak hour and generate 48 in the weekday PM peak hour. Of the public transport movements, 31 are bust trips in the AM and 21 bus trips in the PM. The table demonstrates that most of the trip generation will be undertaken by foot or by public transport.

### **Walking**

394. The National Travel Survey identifies that walking is the most frequent travel mode used for short distance trips (within 1 mile / 1.6 km). Infrastructure that supports travel on foot is therefore, of importance to promote sustainable and active travel as a viable alternative to short car trips. The local street network has an established network of footways typical of an urban environment, providing access to the site, nearby facilities and amenities, local bus stops and rail stations. All local roads in the area have footways on both sides of the carriageway

395. In terms of crossing points there are 22 signalised crossings along the Old Kent Road within the study area of which 15 are staggered. Weekday pedestrian crossing movements across Old Kent Road at the pedestrian crossing located adjacent to the site showed the following;

- Strong desire line for crossing. During the AM peak hour, the north to south movement is more pronounced from the residential blocks to the retail and bust stops
- In the PM peak hour crossing tends to be relatively balanced between both directions. There is no formal central reserve to support or protect the movement
- Traffic speeds tend to be lower on the approach to the junction therefore pedestrians take advantage of slow-moving traffic to cross closer to their desire line.

396. The improvements to the pedestrian environment as part of the development are anticipated to encourage active travel and the close proximity of Brimington Park,

which is currently being enhanced supported by the application will offer good quality walking options in the area.

## **Cycling**

397. The bicycle is going to be of critical importance in the movement of people throughout central London therefore the provision of cycle parking and other cycle enabling opportunities is a significant part of the pre-application negotiations in the OKR AAP area. A balance is sort between the London plan cycle parking standards, quality of infrastructure and other cycle opportunities.
398. During the pre-application process it was accepted with LBS that a total of 170 long stay cycle spaces would be provided for the residential units, and the reasoning for this is due to the limited amount of space available on the first floor, given that this level also facilitates the podium amenity and play space. The secure cycle storage on the transfer floor is accessible for residents only and the design of the lifts have been suitably sized to accommodate full size bicycles. This is less than the current London Plan standards however the application also provides other cycle benefits. In this application There will also be Brompton style cycle lockers equivalent to 1 locker per 10% of residential units (10% of which a EV lockers)
399. The quantum of visitor cycle spaces has been increased during the lifespan of the application. An originally proposed 42 spaces has been increased to 46. This quantum exceeds the requirements of the London Plan. The Aldi store will provide eight long stay cycle parking spaces for staff within the footprint of the unit.
400. The S106 Agreement will include a contribution towards the delivery of a new Cycle Hire Docking station of £50 per residential unit.

## **Public transport**

### Buses

401. The site has convenient access to accessible public bus services. Main bus routes connecting to New Cross, Elephant and Castle, London Bridge, Waterloo, Liverpool Street and Kings Cross run along Old Kent Road with stops adjacent to the site.
402. The closest bus stop is located on Old Kent Road outside of the development site (Bus Stop WA).
403. As a borough Southwark agrees with TfL that bus services will need to be increased in the area ahead of the BLE to accommodate the demand generated by additional homes and jobs generally in the Old Kent Road area in advance of the opening of the planned BLE which, subject to the granting of powers and availability of funding, would be 2029-2030 at the earliest. The requirement for TfL to provide evidence to prove both previous contributions have been spent appropriately and the evidence for the further draw is the fairest way this could be managed. As per other consented OKR developments, the proposal is that there would be a maximum cap for TfL to call on of £2,700 per unit. This would be able to be requested in stages between 3 - 5 years and secured through S106.
404. The first instalment will be approximately £180,000 (one extra service each way) TfL can request drawdowns at anytime from first occupation in excess of the first drawdown if evidence demonstrates need.

### Bakerloo Line Extension running tunnels

405. The current proposals for the BLE involve running tunnels directly below this site. The impact of the proposed scheme's foundations on these tunnels has been assessed by TfL and LBS.
406. The applicant has been in discussions with LBS and TfL, and to the best of our knowledge the application would not impede the delivery of the BLE. Notwithstanding this, a condition is attached to this draft decision. The condition is in relation to the safe facilitation of the Bakerloo Line Extension tunnels that are proposed to run underneath the site. This will involve a detailed design and construction method statement for all ground floor structures, foundations, basements/or any other structures below ground level including piling and any other permanent installations relevant to the development.
407. LBS and TfL have agreed to the wording of this condition, and it is attached to this draft decision notice.

### **Car parking**

408. The site is not located within a designated Controlled Parking Zone. The existing site facilitates 68 car parking spaces of which 59 are formally marked out and nine are on hardstanding used only at the busiest times. Of the formal spaces, four are designated for blue badge parking and six are enlarged spaces for parent and child parking. Space for deliveries and servicing is located at the southeast corner of the site.
409. The residential proposal is car free but does retain 66 surface-level car parking spaces for the Aldi store, including 4 surface-level blue badge spaces for customer use and five blue badge spaces for resident parking. This equates to an increase of eight additional formal car parking spaces. Submitted car parking surveys within the Transport Assessment were undertaken to inform the proposed development identified that when the existing car park is at its busiest (Saturdays and Sundays) there is car parking on informal areas of the car park. This informal area accommodates an extra nine car parking spaces. Given the results of the surveys, the proposed additional eight formal spaces are created by more efficient use of the available space, thereby formalising the existing parking arrangement.
410. Whilst this amount exceeds the parking standards for an A1 Use set out in the London Plan (1 space per 175sqm), maintaining the current parking levels is required for the store to be operationally viable and this amount forms a key part of the solution to incentivise Aldi to bring forward the site for redevelopment. As mentioned in OKR17 of the OKR AAP, any development on this site needs to incorporate a solution to allow for Aldi to still run a viable store during development of the site.
411. In acknowledging the excessive car parking facilitated for the development, during the construction phase the car parking will be reduced to 26 spaces. However, once completed the 68 spaces would be available. Notwithstanding this amount, the applicant has arranged an agreement that would involve a four stage process that will provide analysis from customer parking demand surveys to potentially remove some of the 66 car parking spaces. The monitoring details will be subject to the DSP bond (para: 451).

412. Notwithstanding the agreed initiative above, as there is potential for a phase 2 development on site that, if a further proposal was brought forward following the completion of this development, this would also involve the removal of car parking spaces that would assist in mitigating a potential over-provision of parking.
413. No new resident would be able to have parking permits with the exception of 10 disabled car parking spaces for residents in accordance with the requirements of the Local Southwark Plan. To ensure new residents are aware of car free living there will also be a Section 106 obligation to ensure all marketing of the development promotes car free living.
414. Four electric charging points are proposed in this development, and this provision will increase to 25 spaces once the development is completed. At least two of the initial four E chargers will be rapid. The location of the charging points would be along the southern boundary of the parking spaces. This location is a desirable point as it is easily accessible from the entrance to the site from Leo Street. This provision of electric charging points is promising in providing a benefit to the population in encouraging a shift to a more climate friendly vehicle.

### **Construction**

415. A draft Construction Environmental Management Plan (CEMP) has been submitted. It has been developed to provide the management framework required for the planning and implementation of construction activities on site. This plan has to be viewed in conjunction with the concurrent construction of the temporary store (ref). Both highways and environment officers have reviewed and recommended the details below:
416. The Section 106 would secure a detailed construction and environmental management plan (CEMP) and a £40 per unit contribution for construction management within the OKR AAP area. This is for the council to manage cumulative impacts on the highways and environment.
417. The council's environmental protection team have also reviewed the proposals in relation to construction management and have requested that an obligation is put in place to prevent any development from taking place, including any works of demolition, until a written construction environmental management plan (CEMP) has been submitted to and approved in writing.
418. Construction on the site is anticipated to last for 26 months, starting in April 2020 and finishing in June 2022.

### **Servicing and delivery**

419. Officers have assessed this site by looking balancing the requirements of a busy supermarket operating seven days a week whilst ensuring the servicing requirements of the new residential scheme can co-exist.
420. The application provides the opportunity for residential deliveries, residents will be able to request that deliveries are left in the secure mail room, this is to restrict delivery drivers from needing to visit individual properties, and would also mitigate an unnecessary second trip back to the site in case of a missed delivery. In addition to this, the residential reception will be staffed from 09:00 – 17:30 on weekdays, and 09:00 to 13:00 on Saturdays. Receptionists will be able to sign for deliveries that

require a signature and can securely store them within the mail room. The above measures will assist in mitigating failed deliveries, and would keep the overall number of deliveries and servicing trips to a minimum. Officers welcome this facility.

421. It is unlikely that the residential servicing and delivery trips will be significant and there is adequate off street space for this to be accommodated as no loading can be undertaken from the Old Kent Road. Regarding residential deliveries, it is predicted that eight daily deliveries are expected to be generated. From this, two trips in each of the AM peak hour and PM peak hour, and seven of the eight residential servicing vehicles are predicted to be LGV's less than 3.5 tonnes.
422. Aldi's refuse will be taken away in their delivery lorries every day after each delivery as per the existing scenario. Refuse from the A1/A3 unit will be collected by private contractor from the Aldi Car Park. Refuse from residential properties will be collected off-street within the Aldi loading bay. The residential bins will be brought by the residential estate management team from the refuse stores to the temporary refuse storage area via the refuse platform lift to the ground floor. The refuse bins will then be transferred to the refuse vehicle by Southwark Council.
423. The proposed Aldi store will be of a slightly larger footprint to allow more efficient operations. With this in mind, the increase is not significant enough to warrant changes to the existing arrangement. Therefore predicted delivery and servicing volumes will be as per the existing which is three deliveries per day on average. This will be undertaken within the off-street servicing bays on site.
424. The council has recently declared a climate change crisis and because the Aldi Store will be retaining parking levels officers are recommending the introduction of two DSP bonds for the application.
425. The residential DSP bond will be as other developments in the old Kent Road AAP area as follows:
426. In order to ensure that on-street servicing and deliveries do not negatively impact on the highway network, the council is recommending that applicants in the Old Kent Road Opportunity Area enter into Delivery Service Plan Bonds against their baseline figures for all daily servicing and delivery trips. These bonds would be calculated at £100 per residential unit and £100 per 500 sqm of non-residential floor-space. In accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010, this is not intended as a financial penalty, but as a means of mitigating any harmful impacts from the proposed development and ensuring a better quality of life for current and future residents. As such, it is considered to meet the CIL Regulations 122 test, in that it would be:
- (i) necessary to make the development acceptable in planning terms;
  - (ii) directly related to the development; and
  - (iii) fairly and reasonably related in scale and kind to the development.
427. The proposal is for the management of the new development to monitor the daily vehicular activity of the site both commercial and residential, quarterly for a period of 2 years from 75% occupancy. If the site meets or better its own baseline target the bond will be returned within six months of the end of the monitoring period. If the site fails to meet its own baseline the bonded sum will be made available for the council to utilise for sustainable transport projects in the ward of the development. The council will retain £1,600.00 for assessing the quarterly monitoring. The bond for Phase 1 in this instance would be £x based on the x residential units and x sqm of non residential floorspace. The applicant has agreed to the contribution which can

be collected via the legal agreement

Residential	Units	£
	<b>170</b>	17,000
<b>Baseline</b>	<b>14 vehicle trips per day</b> based on eight servicing trips plus six resident disabled vehicle trips	

428. The DSP bond for the supermarket is specifically to show commitment to discourage car travel and ensure that all parking spaces are used efficiently. It will operate for three years quarterly from the opening of the new store the sum will be £17,000 and the council will retain £2,400 for assessing the quarterly monitoring. The monitoring will be based on the following agreement:

- Three months after the first date that the Supermarket is operational and open to the public the Owner will commence monitoring usage of the Retail Parking Spaces for a continuous 36 month period during trading hours of the Retail Store.
- During the 36 month period the Owner will also undertake no less than six customer parking demand surveys.
- Within 1 month of the end of the 36 month period the Owner shall prepare a report summarising the findings of the monitoring and surveys referred to in submit the same to the council.
- If the report referred to in paragraph 3 above identifies that at no point during the 12 month period did usage of non-disabled spaces reach 80% then the Owner will explain in the report why parking provision at current levels should be maintained, or alternatively in the report put forward proposals for possible alternative uses of up to 25% of the non-disabled spaces.

If 25% reduction of parking is achieved the bond will be returned less the retained fee.

If 10% - 24% reduction of parking is achieved then a pro-rata sum of the bond will be returned less the retained fee.

If less than 10% is achieved the council will retain the whole bond sum

#### Conclusion on transport

429. It is concluded that the majority of proposals accord with land-use and transport policy objectives by locating residential and commercial development in what will become a highly accessible location.

430. Regarding the 66 car parking spaces, whilst this is more than desired, it is imperative to note that upon completion of the development the applicant has agreed to undertake surveys that may find that a reduction in car parking spaces is appropriate. Furthermore, there is potential for a phase 2 development on site that would remove car parking spaces.

431. This development is supported because it provides good quality pedestrian and cycle permeability, has residential management to reduce the impact of servicing and delivery, subject to the following obligations and conditions:

- Delivery and service plan bond details of parking, servicing and delivery management to encourage safety and sustainability;

- A bus contribution for TfL;
- Contribution to cycle hire scheme (Santander or equivalent);
- Detailed design of cycle parking;
- Marketing details to ensure promotion of car free living; is clear to the new occupants of the development;
- Section 278 works with the council for highway works, tree planting and traffic management changes; and
- Detailed Construction and Environmental Management Plan (CEMP).

432. The council's Highways Team have also reviewed the proposals and indicated that there are no issues to be resolved prior to consent, and that they would support a positive recommendation, subject to conditions relating to the submission of a CEMP and DSP, and planning obligations. The conditions have been attached to this draft decision notice.

### **Archaeology**

433. The site falls within two Archaeology Priority Zones (APZs): the north-eastern half falls within the Old Kent Road APZ which has been defined around the corridor of the line of Roman Watling Street from London to Canterbury and due to the presence of remains associated with early prehistoric activity; and the site in its entirety falls within the Bermondsey Lake APZ.

434. The site lies close to the roadside of the projected course of the Roman road of Watling Street. An archaeological excavation undertaken actually on the site in 1996 evaluated a large sample area prior to the construction of the current Aldi supermarket. The excavation did not record any occupation on the site earlier than nineteenth century in date, although evidence of a plough soil and soakaway suggests that the site was in agricultural use prior to the mid-nineteenth century. The excavations did not record any evidence of prehistoric settlement and there was no evidence relating to Roman Watling Street. There was no evidence of medieval activity apart from a disturbed and truncated layer of plough soil. The excavations recorded 19th century features relating to the gardens of former terraced housing fronting on to Old Kent Road, such features included quarry pits, wells and Anderson shelters. The archaeological work carried out in 1996 is sufficient to determine the planning application with regard to archaeological interest and the requirement for further evaluation prior to determination of the application is not required in this instance.

435. A Heritage Desk Based Assessment (DBA) has been submitted by Cotswold Archaeology, dated March 2019. The assessment complies with current standards and guidance and is approved. The DBA States in its bibliography that the original excavation report dating from 1996 was consulted. The applicant would be advised to commission further professional archaeological research to determine - potentially from the archive records of the 1996 work - whether this site was actually fully excavated in 1996 and all archaeological deposits removed. It may be possible that the site has already been entirely excavated, but a clear evidence base for this will need to be submitted to the council and can be secured through condition. Attached to this consent is a condition regarding a watching brief that is required to safeguard any archaeological remains are preserved by record or in situ, and that archaeological operations are undertaken to an acceptable standard.

### **Aviation**

436. The National Air Traffic Safeguarding Office (NATS) have reviewed the proposed development and from a technical safeguarding aspect and have stated that it does not conflict with their safeguarding criteria. Accordingly, they have no objections to the proposal.

### **TV and radio signals**

437. Arqiva own and operate the UK Terrestrial Television Broadcast network and supply the Freeview platform. They also own and operate 90% of the UK Radio Broadcast network, through which they broadcast the full range of BBC and commercial radio stations. In addition, many sites that they own or manage are shared by other operators, such as BT, the Mobile Network Operators, Airwave (Emergency Services Networks), roadside services and Central and Local Government departments and agencies.
438. Arqiva have objected to the proposed development because it would, along with other developments proposed along Old Kent Road, block a radio broadcast link, both permanently and during the constructions phase.
439. In order to mitigate this impact, Arqiva have undertaken a preliminary investigations into how to re-route this link. Subject to further investigations and costing, they propose to maintain the link by re-routing via the main television transmitter at Crystal Palace. Such mitigation would have to be implemented prior to any development reaching a certain height, and may require controls on the placing and operation of cranes during construction.
440. The NPPF requires the Local Planning Authority to consider the possibility of interference to TV and radio signals. OFCOM guidance suggests “proportionate conditions” should be out in place to mitigate any disruption. Policy 7.7D in the London Plan says “Tall buildings should not affect their surroundings adversely in terms of microclimate, wind turbulence, overshadowing, noise, reflected glare, navigation and telecommunication interference”. This is echoed in policy D8 in the new London Plan.
441. It is therefore considered reasonable to request a proportionate financial contribution from the applicant in this case, to be paid towards the cost of disruption to be based on the number of developments due to come forward within the line of broadcast and the expected cost of mitigating the impact. This contribution can then be replicated across other schemes and it is for Arqiva to satisfy us that their estimate is reasonable. This payment will be secured through the Section 106 in consultation with Arqiva.

### **Environmental considerations**

#### **Wind and microclimate**

442. A pedestrian wind environment statement has been submitted and assesses the likely impacts of the proposed development on wind and microclimate in terms of pedestrian comfort safety and comfort using Penwarden’s Beaufort wind force scale.
443. Penwarden’s Beaufort wind force scale describes the effects of various wind intensities on people. It is acknowledged that the following table refers to wind conditions occurring frequently over the averaging time (a probability of occurrence exceeding 5%). Higher ranges of wind speeds can be tolerated for rarer events.

**Table: Penwarden's Beaufort wind force scale**

Type of Winds	Beaufort Number	Mean Wind Speed (m/s)	Effects
Calm	0	Less than 0.3	Negligible
Calm, light air	1	0.3 - 1.6	No noticeable wind
Light breeze	2	1.6 - 3.4	Wind felt on face
Gentle breeze	3	3.4 – 5.5	Hair is disturbed, clothing flaps, newspapers difficult to read
Moderate breeze	4	5.5 – 8.0	Raises dust, dry soil and loose paper, hair disarranged
Fresh breeze	5	8.0 – 10.8	Force of wind felt on body, danger of stumbling
Strong breeze	6	10.8 – 13.9	Umbrellas used with difficulty, hair blown straight, difficult to walk steadily, wind noise on ears unpleasant
Near gale	7	13.9 – 17.2	Inconvenience felt when walking
Gale	8	17.2 – 20.8	Generally impedes progress, difficulty balancing in gusts
Strong gale	9	Greater than 20.8	People blown over

444. It is acknowledged that wind speeds can only be accurately quantified with a wind tunnel study. The submitted assessment addresses only the general wind effects and any localised effects that are identifiable by wind inspection. The acceptability of the conditions for outdoor areas are determined based on their intended use (rather than referencing specific wind speeds).

445. Although this assessment is of a qualitative nature, criteria are considered when assessing the wind environment impacts. For ground level areas used primarily for circulation, the recommended criterion for wind conditions is 7.5m/s with a 5% probability of exceedance. For proposed seating areas, these will need to satisfy a more stringent comfort criterion of 5.5m/s with a 5% probability of exceedance.

446. The interaction between the window and the building morphology in the area is considered, and important features are taken into account. These include the distances between the surrounding buildings and the proposed building form, as well as the surrounding landform. Only those wind effects that are considered to have significant effect on the comfort or safety of pedestrian areas within or surrounding the proposed development are analysed in this report.
447. The expected wind conditions are divided into three sections:
- Ground Level Areas
  - Community Roof Garden
  - Private Balconies along Buildings A and B

#### Ground level areas

448. The wind conditions at ground level primarily depend on the orientation of the development relative to the principal wind directions and the impact of neighbouring developments. The site of the proposed development is relatively exposed to the principal wind directions with little-to-no shielding provided by the low-rise residential district to the south-west or the railway line to the north-east. Some shielding from low level direct winds may be provided by the mid-to-high rise residential towers on the corner of Old Kent Road and Ilderton Road. However, because of the condensed site plan and relatively small projected area of each of the towers, the reduction in wind intensity is likely to be minimal.
449. As a result of the lack of shielding and the general orientation of the proposed development, it is expected that north-easterly winds will sidestream along the north-eastern façade of the podium and accelerate around the northern corner of Building B, impacting pedestrian walkway use along Old Kent Road. Similarly, it is likely that north-easterly winds will deflect off the Building B north-eastern tower façade and downwash onto ground level areas.
450. The areas at ground level are anticipated to benefit from the use of planting and landscaping along the Old Kent Road frontage with building awnings placed along the north-eastern façade of Buildings A and B. It is considered that these features would reduce the severity of sidestreaming winds and redirect downwashed winds away from pedestrian trafficable areas. As a result of this, both the planting and awnings for each building should be retained.
451. Additional landscaping features are anticipated to further assist in the reduction of adverse wind effects. In enabling the development to be effective in wind mitigation, it is recommended that trees should be densely foliating, evergreen and capable of growing to a height of at least 3-4 metres with wide interlocking canopies.

#### Community roof garden

452. Regarding the roof garden and amenity area, the primary wind effects are expected to be the wind funnelling in between Buildings A and B, and building corner accelerated flow (similar to the effects of ground level areas above). The wind effects are likely to occur from both primary wind directions. It is considered that increasing the width of the passageway is expected to reduce wind speeds and lessen the wind effects. Further mitigation strategies include the use of trees, planting or screens which are designed to redirect wind flow away from this trafficable area.

453. In light of the above, the following treatment strategies are considered to be effective in mitigating the potential adverse wind effects
- The inclusion of additional densely foliating trees or similar vegetation to be placed within the community roof garden area. As with the ground floor areas recommendations, these trees should be densely foliating, evergreen and capable of growing to a height of 3-4 metres with wide interlocking canopies.
  - Provision should be made to install high screens of 1.5 – 2m along the south-western and north-eastern edges of the communal roof garden

#### Private balconies in buildings A and B

454. The balconies located in the centre of each building are expected to benefit from the shielding provided by the effective use of their recessed design into the overall building form. The wind conditions experienced on these balconies are likely to be suitable for their intended use. The north and south facing balconies for both buildings are expected to experience accelerated corner flow, therefore it is recommended that shielding in the form of screening be implemented. Full-height impermeable screens are recommended for all tower levels are to be placed along the north-eastern edge for the northern balconies and the south-western edge for the south facing balconies in both buildings.
455. In addition to the above analysis of the wind and microclimate section of this report, all recommendations should be implemented to mitigate adverse effects. The suggested mitigation techniques identified by each assessment are secured by condition.

#### **Flood risk and water resources**

456. The site is lies in Flood Zone 3 and is located within an area benefitting from River Thames flood defences. Whilst the site is protected by the Thames Tidal flood defences up to a 1 in 1000 (0.1%) chance in any year, flood modelling (December 2017) shows that the site is not at risk if there was to be a breach in the defences. Therefore, the development would be at low risk of flooding.
457. The Environment Agency has reviewed the submitted information in relation to flood risk and has no objection to the proposed development. On the advice of the EA, recommendations attached to this decision should include conditions relating to Piling and a Surface Water Drainage Strategy. Regarding piling, given the height of the proposed structure, it is assumed that the existing foundations would not be substantial enough therefore a piling process is required.
458. The council's flood and drainage officers have also reviewed the submitted proposals, and are encouraged to see proposals for limiting surface water discharges to greenfield runoff rates. Regarding the proposed drainage strategy, Southwark's preference is for attenuation tanks to be installed outside of the building footprint. Since an external access and inspection chamber is proposed and given the site constraints, no objection to the proposal arises in this instance. Flood and Drainage Officers are satisfied to support the development with the recommendation of a condition regarding Surface Water Drainage being included with this decision.

## **Ground conditions and contamination**

459. A Preliminary Geo-Environmental Risk Assessment has been conducted by Delta-Simons to determine the history of the site to assess the potential for contamination. The Desk Study information has found that the Site is likely underlain by a sequence of Made Ground which is in turn underlain by the superficial deposits of the Langley Silt Member (Unproductive Strata) and bedrock of the Thanet Formation (Secondary A Aquifer). Various potential current and historical off-site
460. Widespread contamination is considered unlikely as the preliminary risk assessment has identified a Low to Moderate risk of soil/groundwater contamination and hazardous ground gas at the site. However, asbestos may be present within the localised Made Ground. Potential geo-hazards have not been identified associated with potential Made Ground beneath the site.
461. The findings of the preliminary risk assessment recommends that an intrusive Geo-Environmental site investigation is undertaken to assess the potential for contamination and ground gases to impact on the proposed development. The investigation should refine the Site-specific ground model and groundwater regime and enable an assessment of foundation and engineering solutions to be made.
462. The council's environmental protection team have reviewed the preliminary risk assessment and accordingly recommended the attachment of a condition to require a phase 2 site investigation and risk assessment is undertaken. This investigation should include a detailed remediation and/or mitigation strategy to be prepared and submitted. This condition has been included on the draft decision notice.
463. The Environment Agency have reviewed the proposals in relation to contaminated land and made the following recommendation.
464. "We have reviewed the document 'Preliminary Geo-Environmental Risk Assessment' (PRA) by Delta-Simons (reference 18-1625.01 Issue 3 dated 2 April 2019). The document recommends an intrusive investigation in order to assess the potential for ground contamination to be present. We consider that planning permission should only be granted to the proposed development as submitted if the following planning conditions are imposed as set out below.
465. The recommended conditions are included in the draft decision notice.

## **Air quality**

466. The site is located in an Air Quality Management Area and an Air Quality Assessment has been submitted, which considers the air quality impacts arising from the construction and use of the development. Southwark Plan Policy 3.6, Air Quality, states that planning permission will not be granted for development that would "lead to a reduction in air quality." London Plan (2016) Policy 7.14 states that development proposals should minimise increased exposure to existing poor air quality and make provision to address local problems of air quality.
467. The Air Quality Assessment has found that a construction dust assessment for the construction phase associated with the proposed development is in accordance with the IAQM and GLA guidance on the assessment of dust from demolition and construction. Mitigation measures have been proposed for construction traffic and

stationary plant associated with the development. Following successful implementation of the suggested mitigation measures, the residual effects of construction dust and emissions from construction plant/vehicles upon the local area and sensitive receptors although adverse, will be temporary and not significant.

468. The submitted Assessment also considers the impacts that the proposed development would have once construction is complete and the scheme is in operational phase. The potential trip generation predictions demonstrate that the proposed development will not meet the traffic or alignment criteria specified within the EPUK & IAQM, and therefore the potential impact is negligible. Potential mitigation measures have been recommended as part of the proposals to offset the potential impacts associated with the 'air quality neutral' assessment. Furthermore, recommendations have been made for inclusions in the ventilation design to protect future residential receptors being exposed to adverse air quality concentrations.
469. The council's environmental protection team have reviewed the proposal in relation to air quality and accepted the conclusions of the submitted Air Quality Assessment. The incorporation of Air Source Heat pumps are encouraged as the development is considered air quality neutral. Officers recommend that a condition regarding details of a scheme for the internal ventilation of the development including appropriately located plant, inlets and outlets; filtration and treatment of incoming air. This condition is attached to the draft decision notice.

#### **Noise and vibration**

470. The submitted noise and impact assessment by Create Consulting Engineers Ltd provides details of the possible environmental acoustic constraints associated with the proposed development site. The acoustic survey has been undertaken to establish the prevailing noise environment at the subject site. The sound levels to which the development will be exposed to have been determined from the results of this survey.
471. In line with BS8233:2014, the ambient noise levels were found to be high enough to warrant a glazing strategy suitable for the environment. The proposed triple glazing and forced ventilation would be suitable for the proposed new residential properties. A plant noise impact assessment for residents was also undertaken in line with the BS4142:2014 methodology with the findings concluding that there is a low risk of adverse impact.
472. A preliminary construction noise assessment in conjunction with BS 5228-1 was carried out recommendations have made for noise mitigation. These include high site hoardings between 2.8m-3m in height to provide screening of the development to nearby residents at low level, and site traffic and vehicle access be kept to minimum as far as reasonably practical. This involves the switching off of engines while vehicles are stationary and adding mufflers to the exhausts of site vehicles/plant will reduce ambient sound levels.
473. The council's environmental protection team have reviewed the submitted proposal in relation to noise and vibration and raise no objection to the development provided that an adequate Construction Environmental Management Plan is submitted and agreed by the council prior to any demolition works being undertaken on site. This is required to be agreed in writing with the council in order to facilitate an appropriate demolition and construction work that does not incur detrimental amenity impacts to nearby occupiers through noise pollution or nuisance. This is required in accordance with strategic policy 13 'High environmental standards' of the Core Strategy (2011),

saved Policy 3.2 Protection of Amenity of the Southwark Plan (2007) and the NPPF 2019.

474. The recommended conditions are included in the draft decision notice.

### **Odour**

475. Given that the proposed flexible A1/A3 Unit can potentially facilitate a commercial kitchen the council's Environmental Protection Team recommend that prior to the commencement of use within this unit, full particulars and details of a scheme of extraction, treatment and venting of odours, fats and particulate matter from the cooking activities shall be submitted to and approved by the Local Planning Authority. Should such venting be required the condition will state that this equipment would need to be accommodated within the building.

### **Socio-economics effects, population and human health**

476. An assessment has been made of the social and economic effects of the proposed scheme. This has considered the extent to which the scheme impacts on employment, population, the local community and social and community infrastructure.

477. The potential significant effects of the proposed development in socio-economic terms are:

- Creation of new jobs during the construction and operational phases of development;
- Provision of new housing;
- Provision of open space and playspace; and

478. Regarding human health, the impacts of the development have been assessed against the NHS Healthy Urban Development Unit's 'HUDU Planning for Health – Healthy Urban Planning Checklist'. This process involves assessing the development against 50 criteria.

479. Of the 50 criteria the development has been assessed against, 36 criteria are found to have a positive impact on health and 14 a neutral impact. Mitigation measures have been suggested, as well as the enhancement measures for some of the neutral impacts where applicable. The development is therefore seen to have an overall positive impact on both mental and physical health for residents.

## **SUSTAINABLE DEVELOPMENT IMPLICATIONS**

### **Energy**

480. Policy 5.2 of the London Plan requires major developments to provide an assessment of their energy demands and to demonstrate that they have taken steps to apply the Mayor's energy hierarchy. This involves the 'Be Lean', 'Be Clean', 'Be Green' hierarchy. Policies 5.5 and 5.6 require consideration of decentralised energy networks and policy 5.7 requires the use of on-site renewable technologies, where feasible. The residential aspect of the proposal would be expected to achieve zero carbon, and the commercial aspect a 35% reduction against part L of the Building Regulations 2010.

481. An Energy Statement and Strategy has been submitted based on the guidance of the National Planning Policy Framework (2019), The London Plan (2016) and Draft London Plan (2017), Southwark Core Strategy (2011), Southwark Sustainable Design and Construction Supplementary Planning Document (2015), and the Mayor's Energy Assessment Guidance.
482. An updated Energy Statement and Strategy was submitted by the applicant following requests by the GLA to provide information on the following:
- Final savings using the SAP 10 emissions factors
  - A populated GLA carbon emissions spreadsheet for review
  - Further information on overheating risk
  - Provide details on communal heat pumps
  - Outline in detail how the development will be futureproof for future district heating connection.

Be lean (use less energy)

483. 'Be lean' refers to the approach taken by the design team to maximise the positive aspects of the scheme's passive design to minimise the base energy demand of the buildings. As part of this application, key passive ('Be Lean') design features include:
484. After the incorporation of 'Be Lean' passive and active energy efficiency measures, the domestic CO<sub>2</sub> emissions would be, 17% lower than a Part L1A 2013 compliant development, which is the baseline scheme. The non-domestic CO<sub>2</sub> emissions after the incorporation of 'Be Lean' measures would be 23% lower than a Part L2A compliant development.

Be clean (supply energy efficiently)

485. The proposed design maximises energy efficiency and follows principles of good active system design. The building has been designed to be easily connected to and take advantage of the proposed district heating system to be installed in the local area – the South East London Combined Heat and Power network (SELCHP). This would be required by the Section 106 Agreement.
486. Without connection to SELCHP, 'Be Clean' measures would not provide any further reduction in CO<sub>2</sub> emissions above the 'Be Lean' measures.

Be green (low or carbon zero energy)

487. Centralised heat pumps are proposed in the form of Air Source Heat Pumps (ASHPs). The total heat pump capacity is 129kW, and the heat pump is estimated to deliver 455Mwh per hours which equates to 64% of the residential heat load. The manufacturer has confirmed that the heat pump performance for space heating has been calculated using BS EN 14825 (SCOP).
488. ASHP's with gas fired boilers compared to gas fired boilers alone demonstrate that the fuel costs of the proposed ASPH system will be lower than a gas fired system (As per Section 7.3.3 of submitted Energy Statement and Strategy). Furthermore, the energy and boiler gas consumption will be monitored via the building energy management system.
489. 'Be Green' measures would provide a further 20% reduction in domestic emissions,

amounting to a total saving of 37% across the residential component of the proposed development. This represents an annual saving of approximately 79 tonnes of CO<sub>2</sub>.

490. Recognising that both the residential and retail aspects would fall below the policy requirements in relation to carbon savings, the total contribution towards the council's carbon offset fund would be £199,200.00. The Applicant has agreed to make this contribution, which would be secured through the Section 106 Agreement and would therefore make this aspect of the scheme fully policy compliant. The carbon offset fund could be used for the installation of PV panels on existing buildings, insulation, tree planting, LED lightbulb exchanges, homeowner grants to replace boilers, funds for community led- projects etc.

### **Overheating**

491. Policy 5.9 of the London Plan "Overheating and Cooling" states that major development proposals should reduce potential overheating and reliance on air conditioning systems and demonstrate this in accordance with the cooling hierarchy. This policy seeks to reduce the impact of the urban heat island effect.

492. In order to demonstrate compliance, the proposals would:

- The communal corridors will be ventilated using an environmental ventilation system to remove excess heat from corridors via the smoke ventilation system.
- Insulation will be applied to distribution pipework in excess of the Building Regulations and British Standards
- The buildings are to be constructed with a concrete frame and floor slabs which increase the thermal mass of the structure
- All windows have solar control glazing that incorporates G value of 0.40 and light transmission of 70%
- Residents will be issued a Home User Guide providing information relating to thermal comfort during the summer months

### **BREEAM**

493. Strategic Policy 13 of the Core Strategy requires commercial units to achieve BREEAM "excellent" and community facilities to achieve "very good". A BREEAM Pre-assessment has been undertaken for this development with an initial rating of 67.50% considered to be rated as 'Very Good'
494. A planning condition is recommended to secure an independently verified BREEAM report demonstrating that these target ratings would be achieved through the detailed and technical design stages.

### **Planning obligations (Section 106 undertaking or agreement)**

495. Saved Policy 2.5 of the Southwark Plan and Policy 8.2 of the London Plan advise that planning obligations can be secured to overcome the negative impacts of a generally acceptable proposal. Saved Policy 2.5 of the Southwark Plan is reinforced by the recently adopted Section 106 Planning Obligations 2015 SPD, which sets out in detail the type of development that qualifies for planning obligations. Strategic Policy 14 'Implementation and delivery' of the Core Strategy states that planning obligations will be sought to reduce or mitigate the impact of developments. The

NPPF which echoes the Community Infrastructure Levy Regulation 122 which requires obligations be:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development

496. The application would be supported by the following Section 106 obligations:

**Table: Section 106 Financial Obligations**

Planning Obligation	Mitigation
Archaeology	£11,171.00
Affordable housing monitoring	£7,279.25 (55 affordable units x £132.35) £8,073.35 (If subject grant funding found to secure six additional units)
Carbon Offset – Green Fund	A maximum of £430,440.00 (Depending on carbon emissions – a calculation will be required in the future, on-site boilers or connection to SELCHP)
Delivery and Service Plan bond	£17,166.00  ((168 homes x £100) +  (1,830sqm non residential/500) x £100)  The council will retain £1,600.00 for assessing the quarterly monitoring
Greenfield run off rates	£0.00  (£366 per cubic metre shortfall against greenfield run off rates)
Private/Communal amenity space	£147,395.00  (£205 per sqm shortfall) (£205 x 719sqm)
Play Space	£59,245.00  (£205 per sqm shortfall) (289sqm shortfall)

Public Open space	£162,770.00 (£205 per sqm shortfall)
Contribution to pay for Brimington Park	Estimated cost: £369,410
Transport for London Buses	£453,600 maximum capped contribution, to be drawn down according to TfL methodology review mechanism)  (Maximum £2,700 per residential unit)
Transport for London Legible signage	Funded through CIL
Transport for London Healthy Streets	Funded through CIL
Transport for London cycle hire contribution	£8,400 – maybe more if non residential contribution is required  (£50 per residential unit plus non residential contribution)
Construction Management Contribution	£6,720.00 (£40 per residential unit)
Trees	Whilst the proposed street trees are welcome, these on Old Kent Road may not be acceptable to TfL. Provision therefore needs to be made for this in a s106 agreement at a unit cost of £6,000 per tree
Arqiva Mitigation	Proportionate financial contribution based on the number of developments due to come forward and the expected cost of mitigating the impact
Admin fee	2% for all cash contributions plus flat fee of £2,000 for costs incurred in transferring TfL buses contribution

497. In addition to the financial contributions set out above, the following other provisions would be secured:

- Affordable housing provisions and delivery controls, including provision for an early stage review;
- Wheelchair accessible housing;
- Marketing, allocation and fit out of the wheelchair units
- Car park/Service bay/Site management plan;
- Appointment of workspace co-ordinator;
- Workspace Specification (including full M and E fit out);

- Triggers securing Practical Completion of workspace;
- Brimington Park financial contribution;
- Public realm works plan (including commitment to public access);
- Construction phase jobs, short courses and apprenticeships or Employment and Training Contribution;
- Employment, Skills and Business Support Plan (Construction Phase);
- Skills and Employment Plan (End User Phase);
- Highway works – Section 278 agreements with both LBS and TfL;
- 4 no. electric vehicle charging bays;
- Connection to a future district heating system (SELCHP);
- London Living Wage – best endeavours to being offered to all staff employed in the during the construction period;
- Final Demolition and Construction Environment Management Plans;
- Final Delivery and Service Management Plan;
- Final Construction Logistics Management Plan;
- Local Procurement;
- Service charge costs to social rent tenants would be capped within social rent cap levels;
- Securing Bogle Architects to deliver the building detailed design, unless otherwise agreed in writing.

498. The S106 heads of terms agreed would satisfactorily mitigate against the adverse impacts of the proposed development.

499. In the event that a satisfactory legal agreement has not been entered into by 8 July 2020, it is recommended that the Director of Planning refuses planning permission, if appropriate, for the following reason:

“The proposal, by failing to provide for appropriate planning obligations secured through the completion of a S106 agreement, fails to ensure adequate provision of affordable housing and mitigation against the adverse impacts of the development through projects or contributions in accordance with saved policy 2.5 'Planning Obligations' of the Southwark Plan (2007), strategic policy 14 'Delivery and Implementation' of the Core Strategy (2011), policy 8.2 'Planning obligations' of the London Plan (2015) and the Planning Obligations and Community Infrastructure Levy SPD (2015)”.

#### S278 Works Outline

500. The council’s Highway Officers have indicated that there was more information required in relation to ensuring deliveries will only occur outside of Aldi’s operational hours due to the presence of the car park, and how to safely manage the construction access and the temporary Aldi store being located adjacent to one another

501. It is noted that these issues have been mentioned in the draft CEMP and DSP, and conditions regarding the submission of a final CEMP is attached to this decision. Regarding the DSP, this forms part of the S106 obligation. S278 agreement will need to undertaken with Southwark Highways for works to the highway, and traffic management changes. Notwithstanding the S278 with Southwark, the applicant is advised that a separate Section 278 Agreement would be required for the development with TfL.

#### **Mayoral and Southwark Community Infrastructure Levy (CIL)**

502. Section 143 of the Localism Act states that any financial contribution received as community infrastructure levy (CIL) is a material “local financial consideration” in planning decisions. The requirement for payment of the Mayoral or Southwark CIL is therefore a material consideration. However, the weight attached is determined by the decision maker. The Mayoral CIL is required to contribute towards strategic transport investments in London as a whole, primarily Crossrail, while Southwark’s CIL will provide for infrastructure that supports growth in Southwark.
503. Based on the floor areas provided in the agent’s CIL Form dated 24-Apr-19, the gross amount of CIL (pre-relief) is approximately £4,840,940.38, consisting £964,029.47 of Mayoral CIL and £3,876,910.91 of Borough CIL. If CIL relief procedures have been followed correctly after planning permission is granted, it is expected around £1,663,873.36 of Social Housing Relief might be claimed, of which £320,511.30 of MCIL relief and £1,343,362.06 of Borough CIL relief.
504. That is, the anticipated CIL receipt for this scheme is circa £3,177,067.02 net of relief. It should be noted that this is an estimate, and the floor areas will be checked when related CIL relief claim is submitted after planning approval has been obtained.

#### Statement of community involvement

505. Consultation was carried out by the applicant prior to the submission of the planning, and during the consideration of the application. The consultation undertaken was carried out with the local community and key stakeholders from the area. This is summarised in the tables below, which are taken from the submitted Development Consultation Charter.

**Table: List of meetings**

Meetings	Date	Attendees	Summary of discussions
Pre application meetings	4 pre-application meetings and 3 post-submission meetings  Pre-application meetings: 24/07/2018 22/10/2018 26/11/2018 14/01/2019  Post-submission meetings: 22/02/2019 18/07/2019 20/08/2019	Council officers  Design team members as necessary	<ul style="list-style-type: none"> <li>- Transport and ground floor layout</li> <li>- Massing and daylight and sunlight</li> <li>- Design development</li> <li>- Elements of design</li> <li>- Landscape</li> <li>- Unit mix</li> <li>- Small amendments</li> </ul>
Councillor meetings	8 July 2018	Planning Officers Cllr J Situ Cllr Richard Livingstone PPR Estates	<ul style="list-style-type: none"> <li>- Affordable housing and unit mix (provision of more 4 beds)</li> <li>- Amenity space</li> <li>- Brimington Park improvements</li> </ul>

		Bogle Architects Kanda Consulting ALDI UK	<ul style="list-style-type: none"> <li>- Public landscaping</li> <li>- Amenity impacts discussion</li> <li>- Design evolution</li> <li>- Servicing</li> <li>- Charging points for electric vehicles</li> <li>- Parking</li> </ul>
	16 September 2018	Cllr M Situ Cllr E Akoto Cllr R Livingstone PPR Estates Bogle Architects Kanda Consulting	<ul style="list-style-type: none"> <li>- Affordable housing increase from 35% to 40%</li> <li>- Possibility to enhance the 4 bed offer further through council or RP</li> <li>- New Aldi store operation</li> <li>- Contributions to Brimmington Park</li> <li>- Enhancing the public realm and footways</li> <li>- Discussions with neighbours</li> <li>- Amenity impacts</li> </ul>
Resident group meeting	18 September 2019	Radford Court TRA Bogle Architects PPR Estates Kanda Consulting Southwark Planning Officers	<ul style="list-style-type: none"> <li>- The orientation of the blocks in relation to Radford Court</li> <li>- Amenity impacts of the proposals on residents</li> </ul>
Design Review Panels	14 January 2019 11 March 2019	Design Panel members Officers Design team	<ul style="list-style-type: none"> <li>- Design, layout, play space, fire strategy and height.</li> </ul>

**Table: List of public consultation events carried out**

<b>Public consultation events</b>	<b>Date</b>	<b>Attendees</b>	<b>Summary of feedback</b>
Public exhibition 1	29 November and 1 December 2018	27 members of the public attended	<p>Attendees were generally supportive of the principle of a mixed-use development on this site, including the provision of a new Aldi supermarket and new homes.</p> <p>Attendees particularly interested in the wider masterplan and what was in the processing of being delivered long term in the area.</p>

			<p>Individual near neighbours raised specific questions relating to personal amenity impact. Most accepted that some impacts were inevitable but we eager to see this minimalised as much as possible as the design evolved.</p> <p>Some attendees noted that they would like to see a revision to the design preferring a finish and form that referenced the heritage of the area.</p>
Public exhibition 2	19 February 2019 and 21 February 2019	33 members of the public attended	<p>Attendees were pleased to be consulted on the updated proposals. The majority of attendees also welcomed the amendments that were made to the scheme following the first exhibition.</p> <p>Attendees commented that they were please homes for social rent were being provided and highlighted a need for this in the area.</p> <p>Most attendees were pleased the Aldi would retain the parking on-site as they were concerned parking may spill into their streets if they did not. Some attendees noted that they believed a reduction in parking would be preferred to decrease traffic in the area. Attendees who made these comments were pleased that the residential element was car free, though they did note that they would like to see residents-controlled parking in the area, particularly those who lived on Clifton Crescent.</p> <p>Some immediate neighbours were concerned that proposals had the potential to overshadow their own property and sought reassurance that this had been factored into</p>

			<p>design.</p> <p>Most attendees understood the rationale for the reversal positioning of the Towers as this change improved the relationship with the park and those properties on the end of Clifton Crescent located near to the existing building.</p> <p>Attendees were pleased that an upgrade to the park was planned. Some expressed that they had liked what the developer proposed to deliver at the first consultation event, but they understood the council would undertake a consultation with local residents to discuss the best way to spend the contribution from the developer.</p> <p>Attendees liked the idea of a café space at the entry point to Brimmington park as they highlighted that this space was currently not particularly welcoming.</p>
Pop up event at Brimmington Park at local festival	Date not given	Peckham vision Friends of Peckham East Friends of Brimmington Park Cllr R Livingstone Cllr M Situ Local residents and park users c. 51 attendees	<ul style="list-style-type: none"> <li>- Function of the new store</li> <li>- Continuity of service for the Aldi site</li> <li>- Proposed height and on-going development of the OKR</li> <li>- Any impacts on the park (no overshadowing, increased natural surveillance of the park cut through)</li> <li>- Relationship with Tustin House</li> <li>- Funding of Brimmington Park improvements</li> </ul>

<b>Additional consultation activity</b>	<b>Date</b>	<b>Attendees</b>	<b>Summary of feedback</b>
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<p>Door knocking exercise 1 (pre-exhibition 2)</p>	<p>14 February 2019</p>	<p>Kanda (Spoke to inhabitants of 25 properties approx. 42 people)</p>	<p>The team undertook a door knocking exercise ahead of the second exhibition to discuss the proposals with residents and inform them of the upcoming consultation event.</p> <p>Kanda knocked the doors of properties on Drovers place and Clifton Crescent speaking with residents about the proposals and further invitation to the drop-in event.</p> <p>Those who were not in received an addressed letter and printed flyer with information relating to the upcoming consultation event.</p> <p>The team spoke to the owners of 25 properties over the course of three hours.</p> <p>Conversations tended to vary in length with the majority going into some detail regarding plans for the site and residents indicating they would welcome the opportunity.</p>
<p>Residential door knocking</p>	<p>3 August 2019</p>	<p>Kanda 22 properties (29 residents)</p>	<p>Kanda undertook a further door knocking session in the surrounding area to provide updated information to residents following the council's statutory consultation exercise.</p> <p>Canvassers were equipped with a tablet presentation of exhibition materials to talk residents through.</p> <p>Topics discussed again prominently featured the Aldi store continuity of trading and for those immediate neighbours' impact on their personal property.</p>
<p>Information stall outside of Aldi 1</p>	<p>29 June 2019 (10am-1pm)</p>	<p>Kanda Approximately 30 individual discussions</p>	<p>Kanda consulting delivered a pop-up stall outside of the Aldi store entrance.</p> <p>This took place over the peak Saturday shopping period and</p>

			<p>included the display of the exhibition materials from the 2<sup>nd</sup> public consultation event, including updated scheme images.</p> <p>Shoppers were given the opportunity to review materials asking questions and sign a petition in support of the proposals.</p>
Information stall outside of Aldi 2	28 August 2019	Kanda	<p>Kanda consulting delivered a pop-up stall outside of the Aldi store entrance.</p> <p>This took place a midweek lunchtime shopping period and included the display of the exhibition materials from the 2<sup>nd</sup> public consultation event, including updated scheme images.</p> <p>Shoppers were given the opportunity to review materials ask questions and sign a petition in support of the proposals</p>

### **Consultations**

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

### **Consultation replies**

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

### **Summary of consultation responses**

508. This application was subject to a round of statutory consultation in late May
509. At the time of writing, a total of thirteen consultation responses had been received from members of the public and local businesses and organisations. All thirteen are against the proposed development. This includes responses that were received during, and beyond, the original statutory consultation and the subsequent re-consultation described above.
510. The main issues raised by residents objecting to the proposed development are:
- The buildings would be too tall and would harm the character and appearance of the area;
  - There would be harmful overlooking and loss of privacy;
  - There would be detrimental loss of daylight and sunlight, and overshadowing

- from the development;
- The proposal would be out of character with the surrounding area and would harm the setting of Caroline Gardens Conservation Area and the Grade II Listed Buildings along Clifton Crescent;
- As the development is proposed to be car free, this would increase demand for parking on surrounding streets leading to additional parking stress in the area;
- The accumulation of developments will add more traffic to the area leading to disruptions;
- Increase in pollution levels given the nature of so many new tall developments coming forward in the Old Kent Road;
- Increased noise pollution from the amount of units proposed and future population of the area
- Increased use of Brimington Park at night time would further exacerbate noise pollution to nearby occupiers
- There continues to be no graphic illustrations of where tall buildings are anticipated to be within the Old Kent Road Area
- Tall buildings do not deliver the kind of housing needed to address housing shortages within Southwark, rather the development brings forward a surplus of one and two-bedded units;
- The development will result in the Aldi store being unavailable and this will have a significant impact on the customers who use the store due to the good quality of the supermarket. It is noted that a temporary store will be constructed, however, it will not be of the same efficiency or capacity as the current store
- The development would affect existing views neighbouring properties have of Honor Oak, Dulwich and Crystal Palace due to the width and height of the development
- Loss of employment to Aldi workers during the redevelopment of the site, and the Aldi needs to be returned to the site following construction
- Tower blocks of this height are not safe for residents in case of emergency

511. Officer response: All of the issues raised in these objections are addressed in full in the main body of the report. For reference to the specific areas raised please refer to the paragraphs identified in Table below.

Objections	Summary of Response
The buildings would be too tall and would harm the character or skyline.	The acceptability of the tall buildings is discussed in the main body of this report in the section on design considerations. The proposal would be in compliance with the draft OKR AAP as well as adopted planning policy, being located in an Opportunity Area; and making a positive contribution to the landscape.
There would be harmful overlooking and loss of privacy.	This is addressed in the main body of this report in the section on the impact of the proposed development on the amenity of adjoining occupiers. There would not be any harmful overlooking or loss of privacy to neighbouring properties to an extent that warrants a reason for refusal.
There would be a harmful loss of daylight and sunlight and harmful overshadowing.	A full daylight, sunlight and overshadowing assessment has been submitted and is summarised in the section of this report on the impact of the proposed development on the amenity of adjoining occupiers. This section concludes that there would be

	no significant adverse impacts on some neighbouring residential properties in terms of daylight and sunlight.
The proposal would be out of character with the surrounding area.	The response of the design to the character of the area, including its Opportunity Area status, is addressed in the section of this report on design considerations. The design is considered to be of high quality.
The proposal would involve the loss of Aldi and it should be placed back in once the development is completed	OKR 17 of the OKR AAP specifically mentions the subject site as being available for development subject to a solution to keep the Aldi store operational during the development of the site. With the aspirations of the OKR AAP in mind, a separate planning application has been submitted under reference 19/AP/1766. This application is for the temporary use of an Aldi store on the northwest corner of the subject site that enables Aldi to still be operational during the construction phase. This application is in line with the aspirations of the development site.
It would increase traffic and place additional pressure on car parking	Traffic impacts are considered in the Transport section of this report. The predicted trips are considered acceptable. The scheme would be car free with the exception of disabled car parking, and financial contributions would be made to Santander cycle hire and bus services. A cash bond will also be held against the submitted Delivery Service Plan and the pedestrian environment would be enhanced. No new residents would be allowed parking permits.
It would increase noise.	Residential design standards ensure that negative impacts of noise between use classes are mitigated and kept at appropriate levels. The council's Environmental Protection Team has reviewed the submitted material and is satisfied subject to recommended conditions.

## GLA

512. The GLA's Stage 1 response considers the principle of development and proposed land uses to be appropriate and generally in compliance with London Plan policies. The design is also considered acceptable. However, the report also raises a number of issues with the proposals that would not be in conformity. Through the application process, these have been addressed, as set out below.
513. Excessive car parking proposed: The GLA considered that the proposed quantum parking is excessive, as it would not be in line with the aspirations of reducing traffic stress on the Old Kent Road, and is contrary to efforts of climate mitigation.
514. Officer response: In order to incentivise Aldi to redevelop the site, the requirement to retain car parking is an imperative aspect. In order to provide an area of parking for customers, the development proposes four rapid charging points that has the ability to increase to 25 once the development is completed. This is encouraging as charging points can be conveniently located to enable nearby residents to charge their vehicles whilst using the Aldi supermarket. Furthermore, the provision of charging points can assist in influencing customers in using the advance vehicle

technologies.

515. Surface Water Drainage: The submitted Surface Water Drainage Strategy does not comply with London Plan Policy 5.13 as it does not give appropriate regard to the drainage hierarchy and greenfield runoff rate.
516. Officer Response: Further information was submitted following the comments from the GLA Officer. The council's Flood Risk and Drainage Officer raises no objection to the further information provided and has recommended conditions be attached to the draft decision notice. Given the instruction of the Flood Risk and Drainage Officer conditions have been attached to the draft decision notice.

#### TfL

517. Cycle parking: TfL have raised a strong objection to the under provision of cycle parking and its non-compliance with London Cycle Design Standards
518. Officer Response: During the pre-application process it was agreed with LBS that a total of 170 (113 spaces for private housing, 57 for affordable housing) long stay cycle spaces would be provided for the residential units, and the reasoning for this is due to the limited amount of space available on the first floor, given that this level also facilitates the podium amenity and play space.
519. Bakerloo Line Extension: TfL has been identifying the potential BLE tunnel alignment routes to connect the proposed BLE stations. Whilst this work is subject to further development and future consultation, TfL confirm that work to date suggests a desire to run tunnels under the application site. TfL therefore requested that the applicant should engage with them in order to secure conflict-free corridors for running tunnels prior to construction and that the council confirms that TfL has no objection in this respect prior to determination.
520. Officer Response: The applicant has been in discussions with LBS and TfL, subject to agreeing foundation designs with TfL would not impede the delivery of the BLE. A condition is attached to this draft decision. The condition is in relation to the safe facilitation of the Bakerloo Line Extension tunnels that are proposed to run underneath the site. This will involve a detailed design and construction method statement for all ground floor structures, foundations, basements/or any other structures below ground level including piling and any other permanent installations relevant to the development.
521. Concern regarding construction of temporary store and mixed use development at the same time: TfL have questioned the need for the temporary store and how the construction of this and the mixed-use development would occur on site.
522. Officer Response: The temporary store is required in order to incentivise Aldi to bring the site forward for development. This is outlined in the OKR of the OKR AAP. This is considered to be the solution to keep Aldi operational during the development of the site. Once development of the ground floor and podium are complete, it is envisaged that Aldi can move into the ground floor whilst construction on the upper floors takes place.
523. Car Parking: TfL note that the proposed car parking is excessive and should be reduced.

524. Officer Response: The applicant has agreed to undertake a parking survey following the completion of the development to survey parking numbers during weekdays and weekends. The results of the survey will enable the applicant to remove car parking if it is not of a necessity. Notwithstanding this, the north/northwest portion of the development site has potential for a phase 2 proposal that would further reduce car parking in the future.
525. Travel Plans: TfL welcome the draft travel plans submitted for the church, residential and workplaces, but consider that they are of poor quality and require significant revision.
526. Officer response: Southwark Transport Policy Officers no longer require Travel Plans for the residential or commercial development. They consider that the proposed Delivery Service Plan (DSP) bond is a more robust approach to ensuring appropriate travel to and from the site. As the church would not be subject to the DSP bond, a travel plan is required for this use. Officers are broadly satisfied with the draft submitted, and will secure a final version and monitoring methodology through the Section 106 Legal Agreement.

#### London Underground

527. No comments to make on the application. The previously discussed BLE comments were from TfL's BLE project team.

#### Metropolitan Police

528. The Designing Out Crime Officer advises that they have met with the applicant and is satisfied that, should this application proceed, it should be able to achieve the security requirements of Secured by Design with the guidance of both Secured by Design Homes 2016 and Commercial 2015 guides. A two - part condition (pre-commencement of works and pre-occupation) requiring the proposed development to adhere to the principles and physical security requirements of Secured By Design is recommended.
529. Officer response: The recommended conditions are included with this recommendation.

#### Natural England

530. No comments to make on the application.

#### Environment Agency

531. Planning permission should only be granted subject to the conditions recommended.
532. Officer response: The recommended conditions are included.

#### Health and Safety Executive (HSE)

533. As the proposed development does not lie within the consultation distance of a major hazard site or major accident hazard pipeline, there is no need to consult HSE on this application, and HSE therefore has no comments to make.

### Historic England (HE)

534. Historic England raises no objection to the scheme given that the proposed development will be of similar height to the existing Tustin Estate residential towers.

### Arqiva

535. Arqiva object to the proposed development because, like other schemes along the Old Kent Road, this proposal would affect their line of sight dish link between BBC Broadcasting House and our broadcast installation at Wrotham, causing significant disruption to broadcast radio services, against the public interest. In the light of this and the other schemes along the Old Kent Road, they have been exploring the possibility of alternative routing for this link. This work is ongoing and they consider that implementation should be subject to contributions from the various developers.
536. Officer response: It is considered reasonable to request a proportionate financial contribution from the applicant in this case, to be paid towards the cost of disruption to be based on the number of developments due to come forward within the line of broadcast and the expected cost of mitigating the impact. This contribution can then be replicated across other schemes and it is for Arqiva to satisfy us that their estimate is reasonable. This payment will be secured through the Section 106 in consultation with Arqiva.

### Thames Water

537. The proposed development is located within 15m of a strategic sewer. Thames Water request that the following condition be added to any planning permission. No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement
538. Thames Water also identify that There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. Thames Water needs to check that the development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read 'guide working near or diverting our pipes'.  
<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-divertingour-pipes>.
539. With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses. Thames Water would advise that with regard to waste water network and waste water process infrastructure capacity, Thames Water would not have any objection to the above planning application, based on the information provided

540. Following initial investigations, Thames Water has identified an inability of the existing water network infrastructure to accommodate the needs of this development proposal. Thames Water have contacted the developer in an attempt to agree a position on water networks but have been unable to do so in the time available and as such Thames Water request that the following condition be added to any planning permission. No properties shall be occupied until confirmation has been provided that either:- all water network upgrades required to accommodate the additional flows from the development have been completed; or - a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.
541. Thames Water also recommend informatives be attached to the draft decision notice in relation to underground water assets and water main crossings nearby to the development.
542. Officer Response: Recommended conditions and informatives have been included in the draft decision notice. It should also be noted that an Opportunity Area-wide Integrated Water Management Strategy (IWMS) is currently being produced.

#### Network Rail

543. Network rail are concerned by the cumulative impact that this and other proposed developments in the area will have on stations at Queens Road Peckham and South Bermondsey. No formal objection is made however.

#### **Internal Consultees**

544. The advice received from other Southwark Officers has been summarised in the table below. Further detail is provided throughout this report.

<b>Officer</b>	<b>Summary of comments</b>	<b>Officer response</b>
Urban Forester	The development would result in the removal of 10 trees and one off-site tree. Where planting is shown in or adjacent to car parking a sustainable volume of rootable soil is needed which can be provided via a suitable proprietary soil cell design such as SilvaCell or GreenBlueUrban. No objection to the proposal subject to conditions.	Recommended conditions included
Local Economy Team (LET)	Support the application subject to s106 and CIL requirements	Recommended contributions to be secured through the S106
Environmental Protection Team (EPT)	Approve subject to conditions	Recommended conditions included with this report.
Ecology Team	No objection. Recommendations contained within section 6 of the additional Bat Survey should be implemented.	
Flood risk and drainage team	Southwark's preference is for attenuation tanks to be installed outside of the building footprint. Since an external access and inspection chamber is proposed and given the site constraints, Flood risk and Drainage	Approve subject to condition

	Team would not object to the proposals in this instance subject to conditions	
Transport	Approve subject to conditions and Section 106 clauses.	Recommended conditions included with this report, or as clauses in S106.
Highways	No objection subject to a condition relating to a DEMP and CEMP	Recommended conditions attached
Public Health	No conditions required.	No conditions required.
Planning Policy	Advice given on emerging policy and waste apportionment.	Advice included in relevant paragraphs of this report.
Archaeology	No objection to the findings contained within the submitted Heritage Desk Based Assessment. A condition in relation to a watching brief is recommended to be attached to the draft decision notice	Recommended condition included.

### **Community impact statement / Equalities Assessment**

545. The Public Sector Equality Duty (PSED) contained in Section 149 (1) of the Equality Act 2010 imposes a duty on public authorities to have, in the exercise of their functions, due regard to three “needs” which are central to the aims of the Act:
- a) The need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act
  - b) The need to advance equality of opportunity between persons sharing a relevant protected characteristic and persons who do not share it. This involves having due regard to the need to:
    - Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic
    - Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it
    - Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
  - c) The need to foster good relations between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to tackle prejudice and promote understanding.
546. The protected characteristics are: race, age, gender reassignment, pregnancy and maternity, disability, sexual orientation, religion or belief, sex, marriage and civil partnership.
547. The council must not act in a way which is incompatible with rights contained within the European Convention of Human Rights.
548. The council has given due regard to the above needs and rights where relevant or engaged throughout the course of determining this application. This is addressed in detail in the relevant section of this report.

### **Conclusion on planning issues**

549. The major redevelopment of the site is supported and welcomed in principle. The principle of housing on the site is also accepted, and would be in line with policy aspirations to increase the number of new homes in the area.
550. The re-provision of the existing Aldi supermarket is welcomed and follows the aspirations of OKR17 within the OKR AAP.
551. In advance of adopted town/district centres in the Old Kent Road, the quantum of town centre uses including retail and flexible unit accords with the sequential approach to development and therefore can be supported.
552. The proposed mix of uses would add to the vibrancy of the area which would be complemented by public realm improvements to Old Kent Road and existing car park. There would be a relationship established between the site and Brimington Park that would significantly improve amenity provision within the area.
553. The scheme would deliver the following major regeneration benefits:
- 168 new homes to the borough's housing stock;
  - 36% affordable housing overall (26% social rented and 10% intermediate) with potential to increase to 40% affordable housing subject to grant funding that would provide an overall 26% social rented and 14% intermediate;
  - The re-provision of the Aldi supermarket floorspace;
  - 36 new full time equivalent jobs;
  - A contribution to the Brimington Park, including delivery mechanisms secured through the Section 106;
  - Improvements to Old Kent Road and existing car park area;
  - An uplift in the number of trees and ecology value of the site; and
  - Improved connectivity for cyclists and pedestrians.
554. The proposals would deliver a high standard of accommodation, which would comply with the majority of the standards and principles of exemplary residential design, as set out in Southwark's residential design standards SPD. The scheme would include a majority of dual aspect units (83% dual aspect affordable apartments with the private units offering 73%) of which is considered very good taking into account the high density of the scheme. Each unit would have access to private amenity as well as the play and amenity space at podium level.
555. The transport issues associated with this scheme have been addressed through negotiation, and it would provide good quality pedestrian and cycle permeability and residential management to reduce the impact of servicing and delivery whilst allowing for the emerging plans for the surrounding public highway to be facilitated. It is noted that the applicant has agreed to conduct parking surveys following completion of the development to ascertain if parking can be reduced in the future.
556. The impacts of the scheme on neighbouring properties in relation to daylight and sunlight would not result in detrimental harm to the living conditions of neighbouring occupiers. Furthermore, in many cases, where the results would not satisfy the BRE Guidelines, the retained levels would be within the range considered acceptable for an urban location.
557. The architectural design is considered to be of the highest quality and, any harm to the settings of surrounding conservation areas is considered to be outweighed by the major regeneration benefits of the proposals.

558. It is therefore recommended that planning permission be granted subject to conditions, referral to the Mayor of London, referral to the Secretary of State and the agreement of a Section 106 Legal Agreement under the terms as set out above.

### **Human rights implications**

559. This planning application engages certain human rights under the Human Rights Act 1998 (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.

560. This application has the legitimate aim of providing new mixed use development. The rights potentially engaged by this application, including the right to a fair trial and the right to respect for private and family life are not considered to be unlawfully interfered with by this proposal.

### **BACKGROUND DOCUMENTS**

<b>Background Papers</b>	<b>Held At</b>	<b>Contact</b>
Southwark Local Development Framework and Development Plan Documents	Place and Wellbeing Department 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 0207 525 0254 Council website: www.southwark.gov.uk

### **APPENDICES**

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

## AUDIT TRAIL

<b>Lead Officer</b>	Simon Bevan, Director of Planning	
<b>Report Author</b>	Troy Davies, Team Leader	
<b>Version</b>	Final	
<b>Dated</b>	13 December 2019	
<b>Key Decision</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Strategic Director of Finance and Governance	No	No
Strategic Director of Environment and Leisure	No	No
Strategic Director of Housing and Modernisation	No	No
Director of Regeneration	No	No
<b>Date final report sent to Constitutional Team</b>		16 December 2019

## APPENDIX 1

### Consultation undertaken

**Site notice date:** 20/05/2019

**Press notice date:** 16/05/2019

**Case officer site visit date:** 20/15/2019

**Neighbour consultation letters sent:** 21/05/2019

### Internal services consulted

Ecology Officer

Economic Development Team

Environmental Protection Team Formal Consultation [Noise / Air Quality / Land Contamination / Ventilation]

Flood and Drainage Team

HIGHWAY LICENSING

Highway Development Management

Housing Regeneration Initiatives

Parks & Open Spaces

Property Division

Public Health Team

Waste Management

### Statutory and non-statutory organisations

Arqiva - digital communications

Civil Aviation Authority

Council for British Archaeology

Environment Agency

Greater London Authority

Health & Safety Executive

Historic England

London Borough of Lewisham

London Fire & Emergency Planning Authority, Fire Safety Regulations

London Underground Limited

Metropolitan Police Service (Designing out Crime)

National Air Traffic Safeguarding Office

National Grid Transmission, National Grid House

National Planning Casework Unit

Natural England - London Region & South East Region

Network Rail (Planning)

Thames Water - Development Planning

Transport for London (referable & non-referable app notifications and pre-apps)

## Neighbour and local groups consulted:

The Occupier FLAT 1 BOWNESS HOUSE TUSTIN ESTATE HILLBECK CLOSE LONDON SE15 1DS  
The Occupier FLAT 10 BOWNESS HOUSE TUSTIN ESTATE HILLBECK CLOSE LONDON SE15 1DS  
The Occupier FLAT 11 BOWNESS HOUSE TUSTIN ESTATE HILLBECK CLOSE LONDON SE15 1DS  
The Occupier FLAT 12 BOWNESS HOUSE TUSTIN ESTATE HILLBECK CLOSE LONDON SE15 1DS  
The Occupier FLAT 13 BOWNESS HOUSE TUSTIN ESTATE HILLBECK CLOSE LONDON SE15 1DS  
The Occupier FLAT 14 BOWNESS HOUSE TUSTIN ESTATE HILLBECK CLOSE LONDON SE15 1DS  
The Occupier FLAT 15 BOWNESS HOUSE TUSTIN ESTATE HILLBECK CLOSE LONDON SE15 1DS  
The Occupier FLAT 16 BOWNESS HOUSE TUSTIN ESTATE HILLBECK CLOSE LONDON SE15 1DS  
The Occupier FLAT 17 BOWNESS HOUSE TUSTIN ESTATE HILLBECK CLOSE LONDON SE15 1DS  
The Occupier FLAT 18 BOWNESS HOUSE TUSTIN ESTATE HILLBECK CLOSE LONDON SE15 1DS  
The Occupier FLAT 19 BOWNESS HOUSE TUSTIN ESTATE HILLBECK CLOSE LONDON SE15 1DS  
The Occupier FLAT 2 BOWNESS HOUSE TUSTIN ESTATE HILLBECK CLOSE LONDON SE15 1DS  
The Occupier FLAT 20 BOWNESS HOUSE TUSTIN ESTATE HILLBECK CLOSE LONDON SE15 1DS  
The Occupier FLAT 21 BOWNESS HOUSE TUSTIN ESTATE HILLBECK CLOSE LONDON SE15 1DS  
The Occupier FLAT 22 BOWNESS HOUSE TUSTIN ESTATE HILLBECK CLOSE LONDON SE15 1DS  
The Occupier FLAT 23 BOWNESS HOUSE TUSTIN ESTATE HILLBECK CLOSE LONDON SE15 1DS  
The Occupier FLAT 24 BOWNESS HOUSE TUSTIN ESTATE HILLBECK CLOSE LONDON SE15 1DS  
The Occupier FLAT 25 BOWNESS HOUSE TUSTIN ESTATE HILLBECK CLOSE LONDON SE15 1DS  
The Occupier FLAT 26 BOWNESS HOUSE TUSTIN ESTATE HILLBECK CLOSE LONDON SE15 1DS  
The Occupier FLAT 27 BOWNESS HOUSE TUSTIN ESTATE HILLBECK CLOSE LONDON SE15 1DS  
The Occupier FLAT 28 BOWNESS HOUSE TUSTIN ESTATE HILLBECK CLOSE LONDON SE15 1DS  
The Occupier FLAT 29 BOWNESS HOUSE TUSTIN ESTATE HILLBECK CLOSE LONDON SE15 1DS  
The Occupier FLAT 3 BOWNESS HOUSE TUSTIN ESTATE HILLBECK CLOSE LONDON SE15 1DS  
The Occupier FLAT 30 BOWNESS HOUSE TUSTIN ESTATE HILLBECK CLOSE LONDON SE15 1DS  
The Occupier FLAT 31 BOWNESS HOUSE TUSTIN ESTATE HILLBECK CLOSE LONDON SE15 1DS  
The Occupier FLAT 32 BOWNESS HOUSE TUSTIN ESTATE HILLBECK CLOSE LONDON SE15 1DS  
The Occupier FLAT 33 BOWNESS HOUSE TUSTIN ESTATE HILLBECK CLOSE LONDON SE15 1DS  
The Occupier FLAT 34 BOWNESS HOUSE TUSTIN ESTATE HILLBECK CLOSE LONDON SE15 1DS  
The Occupier FLAT 4 BOWNESS HOUSE TUSTIN ESTATE HILLBECK CLOSE LONDON SE15 1DS  
The Occupier FLAT 5 BOWNESS HOUSE TUSTIN ESTATE HILLBECK CLOSE LONDON SE15 1DS  
The Occupier FLAT 6 BOWNESS HOUSE TUSTIN ESTATE HILLBECK CLOSE LONDON SE15 1DS  
The Occupier FLAT 7 BOWNESS HOUSE TUSTIN ESTATE HILLBECK CLOSE LONDON SE15 1DS  
The Occupier FLAT 8 BOWNESS HOUSE TUSTIN ESTATE HILLBECK CLOSE LONDON SE15 1DS  
The Occupier FLAT 9 BOWNESS HOUSE TUSTIN ESTATE HILLBECK CLOSE LONDON SE15 1DS  
The Occupier LIVING ACCOMMODATION BREFFINI ARMS 888 OLD KENT ROAD LONDON SE15 1NQ  
The Occupier LIVING ACCOMMODATION CANTERBURY ARMS 871 OLD KENT ROAD LONDON SE15 1NX  
The Occupier RAILWAY ARCH 82 CULMORE ROAD LONDON SE15 2RQ  
The Occupier RAILWAY ARCH 83 CULMORE ROAD LONDON SE15 2RQ  
The Occupier RAILWAY ARCH 84 CULMORE ROAD LONDON SE15 2RQ  
The Occupier RAILWAY ARCH 85 CULMORE ROAD LONDON SE15 2RQ  
The Occupier BASEMENT FLAT GRENIER APARTMENTS 18 GERVASE STREET LONDON SE15 2RS  
The Occupier FLAT 1 GRENIER APARTMENTS 18 GERVASE STREET LONDON SE15 2RS  
The Occupier FLAT 10 GRENIER APARTMENTS 18 GERVASE STREET LONDON SE15 2RS  
The Occupier FLAT 11 GRENIER APARTMENTS 18 GERVASE STREET LONDON SE15 2RS  
The Occupier FLAT 12 GRENIER APARTMENTS 18 GERVASE STREET LONDON SE15 2RS  
The Occupier FLAT 13 GRENIER APARTMENTS 18 GERVASE STREET LONDON SE15 2RS  
The Occupier FLAT 14 GRENIER APARTMENTS 18 GERVASE STREET LONDON SE15 2RS  
The Occupier FLAT 15 GRENIER APARTMENTS 18 GERVASE STREET LONDON SE15 2RS  
The Occupier FLAT 16 GRENIER APARTMENTS 18 GERVASE STREET LONDON SE15 2RS  
The Occupier FLAT 17 GRENIER APARTMENTS 18 GERVASE STREET LONDON SE15 2RS  
The Occupier FLAT 18 GRENIER APARTMENTS 18 GERVASE STREET LONDON SE15 2RS



The Occupier 1 BURNHILL CLOSE LONDON SE15 2RT  
The Occupier 1 CLIFTON CRESCENT LONDON SE15 2RX  
The Occupier 1 DROVERS PLACE LONDON SE15 2RP  
The Occupier 10 CLIFTON CRESCENT LONDON SE15 2RX  
The Occupier 10 DROVERS PLACE LONDON SE15 2RP  
The Occupier 11 CLIFTON CRESCENT LONDON SE15 2RX  
The Occupier 11 DROVERS PLACE LONDON SE15 2RP  
The Occupier 12 CLIFTON CRESCENT LONDON SE15 2RX  
The Occupier 12 DROVERS PLACE LONDON SE15 2RP  
The Occupier 13 DROVERS PLACE LONDON SE15 2RP  
The Occupier 14 CLIFTON CRESCENT LONDON SE15 2RX  
The Occupier 14 DROVERS PLACE LONDON SE15 2RP  
The Occupier 15 CLIFTON CRESCENT LONDON SE15 2RX  
The Occupier 15 DROVERS PLACE LONDON SE15 2RP  
The Occupier 16 CLIFTON CRESCENT LONDON SE15 2RX  
The Occupier 16 DROVERS PLACE LONDON SE15 2RP  
The Occupier 17 CLIFTON CRESCENT LONDON SE15 2RX  
The Occupier 17 DROVERS PLACE LONDON SE15 2RP  
The Occupier 18 CLIFTON CRESCENT LONDON SE15 2RX  
The Occupier 18 DROVERS PLACE LONDON SE15 2RP  
The Occupier 19 CLIFTON CRESCENT LONDON SE15 2RX  
The Occupier 19 DROVERS PLACE LONDON SE15 2RP  
The Occupier 2 BURNHILL CLOSE LONDON SE15 2RT  
The Occupier 2 CLIFTON CRESCENT LONDON SE15 2RX  
The Occupier 2 DROVERS PLACE LONDON SE15 2RP  
The Occupier 20 CLIFTON CRESCENT LONDON SE15 2RX  
The Occupier 20 DROVERS PLACE LONDON SE15 2RP  
The Occupier 21 CLIFTON CRESCENT LONDON SE15 2RX  
The Occupier 21 DROVERS PLACE LONDON SE15 2RP  
The Occupier 22 CLIFTON CRESCENT LONDON SE15 2RX  
The Occupier 22 DROVERS PLACE LONDON SE15 2RP  
The Occupier 23 CLIFTON CRESCENT LONDON SE15 2RX  
The Occupier 23 DROVERS PLACE LONDON SE15 2RP  
The Occupier 24 CLIFTON CRESCENT LONDON SE15 2RX  
The Occupier 24 DROVERS PLACE LONDON SE15 2RR  
The Occupier 25 CHESTERFIELD WAY LONDON SE15 2LL  
The Occupier 25 CLIFTON CRESCENT LONDON SE15 2RX  
The Occupier 25 DROVERS PLACE LONDON SE15 2RR  
The Occupier 26 CHESTERFIELD WAY LONDON SE15 2LL  
The Occupier 26 CLIFTON CRESCENT LONDON SE15 2RX  
The Occupier 26 DROVERS PLACE LONDON SE15 2RR  
The Occupier 27 CHESTERFIELD WAY LONDON SE15 2LL  
The Occupier 27 CLIFTON CRESCENT LONDON SE15 2RX  
The Occupier 27 DROVERS PLACE LONDON SE15 2RR  
The Occupier 28 CHESTERFIELD WAY LONDON SE15 2LL  
The Occupier 28 CLIFTON CRESCENT LONDON SE15 2RX  
The Occupier 28 DROVERS PLACE LONDON SE15 2RR  
The Occupier 29 CLIFTON CRESCENT LONDON SE15 2RX  
The Occupier 29 DROVERS PLACE LONDON SE15 2RR  
The Occupier 3 BURNHILL CLOSE LONDON SE15 2RT  
The Occupier 3 CLIFTON CRESCENT LONDON SE15 2RX  
The Occupier 3 DROVERS PLACE LONDON SE15 2RP  
The Occupier 30 CHESTERFIELD WAY LONDON SE15 2LL

The Occupier 30 CLIFTON CRESCENT LONDON SE15 2RX  
The Occupier 30 DROVERS PLACE LONDON SE15 2RR  
The Occupier 31 CLIFTON CRESCENT LONDON SE15 2RX  
The Occupier 31 DROVERS PLACE LONDON SE15 2RR  
The Occupier 32 CLIFTON CRESCENT LONDON SE15 2RX  
The Occupier 32 DROVERS PLACE LONDON SE15 2RR  
The Occupier 33 CLIFTON CRESCENT LONDON SE15 2RX  
The Occupier 33 DROVERS PLACE LONDON SE15 2RR  
The Occupier 34 CLIFTON CRESCENT LONDON SE15 2RX  
The Occupier 34 DROVERS PLACE LONDON SE15 2RR  
The Occupier 349 ILBERTON ROAD LONDON SE15 1NW  
The Occupier 35 CLIFTON CRESCENT LONDON SE15 2RX  
The Occupier 35 DROVERS PLACE LONDON SE15 2RR  
The Occupier 36 CLIFTON CRESCENT LONDON SE15 2RX  
The Occupier 36 DROVERS PLACE LONDON SE15 2RR  
The Occupier 37 CLIFTON CRESCENT LONDON SE15 2RX  
The Occupier 37 DROVERS PLACE LONDON SE15 2RR  
The Occupier 38 CLIFTON CRESCENT LONDON SE15 2RX  
The Occupier 38 DROVERS PLACE LONDON SE15 2RR  
The Occupier 39 CLIFTON CRESCENT LONDON SE15 2RX  
The Occupier 39 DROVERS PLACE LONDON SE15 2RR  
The Occupier 4 BURNHILL CLOSE LONDON SE15 2RT  
The Occupier 4 CLIFTON CRESCENT LONDON SE15 2RX  
The Occupier 4 DROVERS PLACE LONDON SE15 2RP  
The Occupier 40 CLIFTON CRESCENT LONDON SE15 2RX  
The Occupier 40 DROVERS PLACE LONDON SE15 2RR  
The Occupier 41 CLIFTON CRESCENT LONDON SE15 2RX  
The Occupier 41 DROVERS PLACE LONDON SE15 2RR  
The Occupier 42 CLIFTON CRESCENT LONDON SE15 2RX  
The Occupier 42 DROVERS PLACE LONDON SE15 2RR  
The Occupier 43 CLIFTON CRESCENT LONDON SE15 2RX  
The Occupier 43 DROVERS PLACE LONDON SE15 2RR  
The Occupier 44 CLIFTON CRESCENT LONDON SE15 2RX  
The Occupier 44 DROVERS PLACE LONDON SE15 2RR  
The Occupier 45 CLIFTON CRESCENT LONDON SE15 2RX  
The Occupier 45 DROVERS PLACE LONDON SE15 2RR  
The Occupier 46 CLIFTON CRESCENT LONDON SE15 2RX  
The Occupier 46 DROVERS PLACE LONDON SE15 2RR  
The Occupier 47 CLIFTON CRESCENT LONDON SE15 2RX  
The Occupier 47A CULMORE ROAD LONDON SE15 2RQ  
The Occupier 47B CULMORE ROAD LONDON SE15 2RQ  
The Occupier 47C CULMORE ROAD LONDON SE15 2RQ  
The Occupier 47D CULMORE ROAD LONDON SE15 2RQ  
The Occupier 47E CULMORE ROAD LONDON SE15 2RQ  
The Occupier 47F CULMORE ROAD LONDON SE15 2RQ  
The Occupier 48 CLIFTON CRESCENT LONDON SE15 2RX  
The Occupier 49 CLIFTON CRESCENT LONDON SE15 2RX  
The Occupier 5 BURNHILL CLOSE LONDON SE15 2RT  
The Occupier 5 CLIFTON CRESCENT LONDON SE15 2RX  
The Occupier 5 DROVERS PLACE LONDON SE15 2RP  
The Occupier 50 CLIFTON CRESCENT LONDON SE15 2RX  
The Occupier 51 CLIFTON CRESCENT LONDON SE15 2RX  
The Occupier 52 CLIFTON CRESCENT LONDON SE15 2RX

The Occupier 53 CLIFTON CRESCENT LONDON SE15 2RX  
 The Occupier 54 CLIFTON CRESCENT LONDON SE15 2RX  
 The Occupier 6 BURNHILL CLOSE LONDON SE15 2RT  
 The Occupier 6 CLIFTON CRESCENT LONDON SE15 2RX  
 The Occupier 6 DROVERS PLACE LONDON SE15 2RP  
 The Occupier 7 CLIFTON CRESCENT LONDON SE15 2RX  
 The Occupier 7 DROVERS PLACE LONDON SE15 2RP  
 The Occupier 8 CLIFTON CRESCENT LONDON SE15 2RX  
 The Occupier 8 DROVERS PLACE LONDON SE15 2RP  
 The Occupier 801 OLD KENT ROAD LONDON SE15 1NX  
 The Occupier 803 OLD KENT ROAD LONDON SE15 1NX  
 The Occupier 805-807 OLD KENT ROAD LONDON SE15 1NX  
 The Occupier 809 OLD KENT ROAD LONDON SE15 1NX  
 The Occupier 810 OLD KENT ROAD LONDON SE15 1AJ  
 The Occupier 811 OLD KENT ROAD LONDON SE15 1NX  
 The Occupier 812 OLD KENT ROAD LONDON SE15 1NH  
 The Occupier 813 OLD KENT ROAD LONDON SE15 1NX  
 The Occupier 814A OLD KENT ROAD LONDON SE15 1AJ  
 The Occupier 815 OLD KENT ROAD LONDON SE15 1NX  
 The Occupier 817 OLD KENT ROAD LONDON SE15 1NX  
 The Occupier 819 OLD KENT ROAD LONDON SE15 1NX  
 The Occupier 821 OLD KENT ROAD LONDON SE15 1NX  
 The Occupier 840 OLD KENT ROAD LONDON SE15 1NQ  
 The Occupier 864 OLD KENT ROAD LONDON SE15 1NQ  
 The Occupier 866 OLD KENT ROAD LONDON SE15 1NQ  
 The Occupier 880B OLD KENT ROAD LONDON SE15 1NQ  
 The Occupier 880C OLD KENT ROAD LONDON SE15 1NQ  
 The Occupier 884 OLD KENT ROAD LONDON SE15 1NQ  
 The Occupier 884A OLD KENT ROAD LONDON SE15 1NQ  
 The Occupier 884B OLD KENT ROAD LONDON SE15 1NQ  
 The Occupier 885 OLD KENT ROAD LONDON SE15 1NL  
 The Occupier 886 OLD KENT ROAD LONDON SE15 1NQ  
 The Occupier 887 OLD KENT ROAD LONDON SE15 1NL  
 The Occupier 9 CLIFTON CRESCENT LONDON SE15 2RX  
 The Occupier 9 DROVERS PLACE LONDON SE15 2RP  
 The Occupier FLAT 1 NIHAAN HOUSE 45 CULMORE ROAD LONDON SE15 2RQ  
 The Occupier FLAT 2 NIHAAN HOUSE 45 CULMORE ROAD LONDON SE15 2RQ  
 The Occupier FLAT 3 NIHAAN HOUSE 45 CULMORE ROAD LONDON SE15 2RQ  
 The Occupier FLAT 4 NIHAAN HOUSE 45 CULMORE ROAD LONDON SE15 2RQ  
 The Occupier FLAT 5 NIHAAN HOUSE 45 CULMORE ROAD LONDON SE15 2RQ  
 The Occupier RAILWAY ARCH 75 OLD KENT ROAD LONDON SE15 1NQ  
 The Occupier RAILWAY ARCH 76 OLD KENT ROAD LONDON SE15 1NQ  
 The Occupier RAILWAY ARCH 77 OLD KENT ROAD LONDON SE15 1NQ  
 The Occupier RAILWAY ARCH 78 OLD KENT ROAD LONDON SE15 1NQ  
 The Occupier RAILWAY ARCH 79 OLD KENT ROAD LONDON SE15 1NQ  
 The Occupier RAILWAY ARCH 80 OLD KENT ROAD LONDON SE15 1NQ  
 The Occupier RAILWAY ARCHES 72 TO 74 OLD KENT ROAD LONDON SE15 1NQ  
 The Occupier 1 GRASMERE POINT OLD KENT ROAD LONDON SE15 1DT  
 The Occupier 1 WINDERMERE POINT OLD KENT ROAD LONDON SE15 1DY  
 The Occupier 10 GRASMERE POINT OLD KENT ROAD LONDON SE15 1DT  
 The Occupier 10 WINDERMERE POINT OLD KENT ROAD LONDON SE15 1DY  
 The Occupier 11 GRASMERE POINT OLD KENT ROAD LONDON SE15 1DT  
 The Occupier 11 WINDERMERE POINT OLD KENT ROAD LONDON SE15 1DY









The Occupier FLAT 1 RADFORD COURT 814 OLD KENT ROAD LONDON SE15 1AJ  
The Occupier FLAT 10 RADFORD COURT 814 OLD KENT ROAD LONDON SE15 1AJ  
The Occupier FLAT 11 RADFORD COURT 814 OLD KENT ROAD LONDON SE15 1AJ  
The Occupier FLAT 12 RADFORD COURT 814 OLD KENT ROAD LONDON SE15 1AJ  
The Occupier FLAT 13 RADFORD COURT 814 OLD KENT ROAD LONDON SE15 1AJ  
The Occupier FLAT 14 RADFORD COURT 814 OLD KENT ROAD LONDON SE15 1AJ  
The Occupier FLAT 15 RADFORD COURT 814 OLD KENT ROAD LONDON SE15 1AJ  
The Occupier FLAT 16 RADFORD COURT 814 OLD KENT ROAD LONDON SE15 1AJ  
The Occupier FLAT 17 RADFORD COURT 814 OLD KENT ROAD LONDON SE15 1AJ  
The Occupier FLAT 18 RADFORD COURT 814 OLD KENT ROAD LONDON SE15 1AJ  
The Occupier FLAT 19 RADFORD COURT 814 OLD KENT ROAD LONDON SE15 1AJ  
The Occupier FLAT 2 RADFORD COURT 814 OLD KENT ROAD LONDON SE15 1AJ  
The Occupier FLAT 20 RADFORD COURT 814 OLD KENT ROAD LONDON SE15 1AJ  
The Occupier FLAT 21 RADFORD COURT 814 OLD KENT ROAD LONDON SE15 1AJ  
The Occupier FLAT 3 RADFORD COURT 814 OLD KENT ROAD LONDON SE15 1AJ  
The Occupier FLAT 4 RADFORD COURT 814 OLD KENT ROAD LONDON SE15 1AJ  
The Occupier FLAT 5 RADFORD COURT 814 OLD KENT ROAD LONDON SE15 1AJ  
The Occupier FLAT 6 RADFORD COURT 814 OLD KENT ROAD LONDON SE15 1AJ  
The Occupier FLAT 7 RADFORD COURT 814 OLD KENT ROAD LONDON SE15 1AJ  
The Occupier FLAT 8 RADFORD COURT 814 OLD KENT ROAD LONDON SE15 1AJ  
The Occupier FLAT 9 RADFORD COURT 814 OLD KENT ROAD LONDON SE15 1AJ  
The Occupier UNIT 1 RAILWAY ARCH 84 CULMORE ROAD LONDON SE15 2RQ  
The Occupier UNIT 2 RAILWAY ARCH 84 CULMORE ROAD LONDON SE15 2RQ  
The Occupier UNIT 3 RAILWAY ARCH 84 CULMORE ROAD LONDON SE15 2RQ  
The Occupier UNIT 4 RAILWAY ARCH 84 CULMORE ROAD LONDON SE15 2RQ  
The Occupier FLAT A 28 WAGNER STREET LONDON SE15 1NN  
The Occupier FLAT B 28 WAGNER STREET LONDON SE15 1NN  
The Occupier FLAT 1 29 CHESTERFIELD WAY LONDON SE15 2LL  
The Occupier FLAT 2 29 CHESTERFIELD WAY LONDON SE15 2LL  
The Occupier FLAT 3 29 CHESTERFIELD WAY LONDON SE15 2LL  
The Occupier FLAT 4 29 CHESTERFIELD WAY LONDON SE15 2LL  
The Occupier FLAT 5 29 CHESTERFIELD WAY LONDON SE15 2LL  
The Occupier FLAT 6 29 CHESTERFIELD WAY LONDON SE15 2LL  
The Occupier FLAT 7 29 CHESTERFIELD WAY LONDON SE15 2LL  
The Occupier FLAT 8 29 CHESTERFIELD WAY LONDON SE15 2LL  
The Occupier THE REDEEMED CHRISTIAN CHURCH OF GOD 30 WAGNER STREET LONDON SE15 1NN  
The Occupier TUSTIN COMMUNITY CENTRE 328 ILBERTON ROAD LONDON SE15 1NT  
The Occupier FLAT 1 37 CHESTERFIELD WAY LONDON SE15 2AW  
The Occupier FLAT 10 37 CHESTERFIELD WAY LONDON SE15 2AW  
The Occupier FLAT 11 37 CHESTERFIELD WAY LONDON SE15 2AW  
The Occupier FLAT 12 37 CHESTERFIELD WAY LONDON SE15 2AW  
The Occupier FLAT 13 37 CHESTERFIELD WAY LONDON SE15 2AW  
The Occupier FLAT 14 37 CHESTERFIELD WAY LONDON SE15 2AW  
The Occupier FLAT 15 37 CHESTERFIELD WAY LONDON SE15 2AW  
The Occupier FLAT 16 37 CHESTERFIELD WAY LONDON SE15 2AW  
The Occupier FLAT 17 37 CHESTERFIELD WAY LONDON SE15 2AW  
The Occupier FLAT 18 37 CHESTERFIELD WAY LONDON SE15 2AW  
The Occupier FLAT 19 37 CHESTERFIELD WAY LONDON SE15 2AW  
The Occupier FLAT 2 37 CHESTERFIELD WAY LONDON SE15 2AW  
The Occupier FLAT 20 37 CHESTERFIELD WAY LONDON SE15 2AW  
The Occupier FLAT 21 37 CHESTERFIELD WAY LONDON SE15 2AW  
The Occupier FLAT 3 37 CHESTERFIELD WAY LONDON SE15 2AW  
The Occupier FLAT 4 37 CHESTERFIELD WAY LONDON SE15 2AW

The Occupier FLAT 5 37 CHESTERFIELD WAY LONDON SE15 2AW  
The Occupier FLAT 6 37 CHESTERFIELD WAY LONDON SE15 2AW  
The Occupier FLAT 7 37 CHESTERFIELD WAY LONDON SE15 2AW  
The Occupier FLAT 8 37 CHESTERFIELD WAY LONDON SE15 2AW  
The Occupier FLAT 9 37 CHESTERFIELD WAY LONDON SE15 2AW  
The Occupier FLAT 1 43 CULMORE ROAD LONDON SE15 2RQ  
The Occupier FLAT 2 43 CULMORE ROAD LONDON SE15 2RQ  
The Occupier CANTERBURY ARMS 871 OLD KENT ROAD LONDON SE15 1NX  
The Occupier ARCH 77 876 OLD KENT ROAD LONDON SE15 1NQ  
The Occupier RAILWAY ARCHES 72 TO 74 876 OLD KENT ROAD LONDON SE15 1NQ  
The Occupier GROUND FLOOR 880 OLD KENT ROAD LONDON SE15 1NQ  
The Occupier FLAT ABOVE 881 OLD KENT ROAD LONDON SE15 1NL  
The Occupier GROUND FLOOR LEFT 881-883 OLD KENT ROAD LONDON SE15 1NL  
The Occupier GROUND FLOOR RIGHT 881-883 OLD KENT ROAD LONDON SE15 1NL  
The Occupier FLAT A 882 OLD KENT ROAD LONDON SE15 1NQ  
The Occupier FLAT B 882 OLD KENT ROAD LONDON SE15 1NQ  
The Occupier FLAT C 882 OLD KENT ROAD LONDON SE15 1NQ  
The Occupier GROUND FLOOR 882 OLD KENT ROAD LONDON SE15 1NQ  
The Occupier FLAT ABOVE 883 OLD KENT ROAD LONDON SE15 1NL  
The Occupier FLAT ABOVE 885 OLD KENT ROAD LONDON SE15 1NL  
The Occupier BREFFINI ARMS 888 OLD KENT ROAD LONDON SE15 1NQ  
The Occupier ROOM 1 888 OLD KENT ROAD LONDON SE15 1NQ  
The Occupier ROOM 5 888 OLD KENT ROAD LONDON SE15 1NQ  
The Occupier WINDSOR HALL 888 OLD KENT ROAD LONDON SE15 1NQ  
The Occupier ARCH 68 897A OLD KENT ROAD LONDON SE15 1NL  
The Occupier ARCH 69 897A OLD KENT ROAD LONDON SE15 1NL  
The Occupier ARCH 70 897A OLD KENT ROAD LONDON SE15 1NL  
The Occupier ARCH 71 897A OLD KENT ROAD LONDON SE15 1NL

### Consultation responses received

#### Internal services

Archaeological Officer  
Ecology Officer  
Economic Development Team  
Environmental Protection Team  
Flood and Drainage Department  
Urban Forester

#### Statutory and non-statutory organisations

Arqiva - digital communications  
Environment Agency  
Health & Safety Executive  
London Underground Limited  
Metropolitan Police Service (Designing out Crime)  
National Air Traffic Safeguarding Office  
Natural England - London Region & South East Region  
Network Rail (Planning)  
Thames Water - Development Planning  
Transport for London (referable & non-referable app notifications and pre-apps)

#### Neighbour and local groups consulted:

Email representation  
1B Clifton Crescent SE15 2RX  
12 Clifton Crescent SE15 2RX  
17 Clifton Crescent SE15 2RX  
19 Clifton Crescent SE15 2RX  
39 Clifton Crescent SE15 2RX  
39 Clifton Crescent SE15 2RX  
43 Clifton Crescent SE15 2RX  
46 Clifton Crescent SE15 2RX  
54 Clifton Crescent SE15 2RX  
Flat 43, Grenier Apartments, 18 Gervase Street SE15 2RS  
Flat 20, Radford Court, 814 Old Kent Road SE15 1AJ  
68 Grasmere Point, Old Kent Road, SE15 1DU  
43 Montague Square, SE15 2LQ