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<b>Item No.</b> 5.2	<b>Classification:</b> OPEN	<b>Date:</b> 15 June 2020	<b>Meeting Name:</b> Planning committee
<b>Report title:</b>	<b>Development Management planning application:</b> Application 19/AP/5389 for: Full Planning Application  <b>Address:</b> 221 New Kent Road London, SE1  <b>Proposal:</b> Demolition of existing warehouse building and erection of a part 3, part 6 and part 9 storey building providing 200 hotel rooms (Class C1) and 1,354sqm of work/maker space at ground floor (and mezzanine) (Flexible Class B1) as well as ancillary cafe/restaurant and bar facilities (Class A3/A4), along with associated landscaping, servicing yard and access works.		
<b>Ward(s) or groups affected:</b>	Chaucer		
<b>From:</b>	Director of Planning		
<b>Application Start Date</b>	25/09/2019	<b>Application Expiry Date</b>	25/12/2019
<b>Earliest Decision Date</b>	29/10/2019	<b>PPA End Date</b>	N/A

## RECOMMENDATIONS

1. That planning permission be granted, subject to the applicant entering into a satisfactory legal agreement.
2. That in the event that the legal agreement is not entered into by 15 December 2020 the director of planning be authorised to refuse planning permission, if appropriate, for the reasons set out in paragraph 143 of this report.

## EXECUTIVE SUMMARY

3.

## BACKGROUND INFORMATION

### Site location and description

4. The application site is an irregular shaped plot of land currently comprising of four, two storey units in a 1980s brick building used as B8 storage space with ancillary B1a facilities. A large car park occupies the remainder of the site to the rear of the buildings. The site measures 0.16 hectares and is bound by New Kent Road to the South, which forms part of the Transport for London Road Network (TLRN) and Theobald Street to the West. The building currently comprises of 1,374 sqm of commercial floorspace (Use Class B8) with a large servicing yard and parking area to the rear which is accessed via Theobald Street. Two of the units are currently in temporary use whilst the remaining two are currently vacant. The site has a PTAL

of 6b which is considered to be excellent.

### The surrounding area

5. The character of the immediate built environment is mixed in scale with heights ranging between 3-7 storeys. Around the application site, the surrounding land uses are also mixed consisting largely of residential and educational facilities. Immediately to the east across Theobald Street is a petrol station and the parade of retail shops further along New Kent Road. To the south of the application site, across the highway, the area is predominantly residential with the exception of Driscoll House which is currently in use as a hostel. The building is not listed and not within a Conservation Area. It is however, located within the setting of a number of listed buildings which is discussed in further detail in subsequent paragraphs of the report.

### Details of proposal

6. Planning permission is sought for the comprehensive redevelopment of the site to provide a part 3, part 6 part 9 storey mixed use building comprising of a 200 bedroom hotel and 1,354 sqm of creative co-working/maker space (flexible B1 floorspace) with ancillary cafe/restaurant and bar facilities (Class A3/A4).

A new covered service yard would also be created to the rear of the site to serve the B1 and C1 uses. 1 no. disabled parking bay and 1 no. taxi drop off areas have been proposed together with cycle parking, landscaping and works incidental to the development.

The existing and proposed land uses are set out below:

Land Use	Existing GIA (sqm)	Proposed GIA (sqm)	Net difference (sqm)
<b>A3/A4</b>	0	116	116
<b>B1</b>	1,374	1,354	-20
<b>C1</b>	0	7,017	7,017
<b>Total</b>	<b>1,374</b>	<b>8,487</b>	<b>/</b>

7. The proposed building would be almost full coverage with the exception of the north-eastern corner where the application site adjoins the rear of the properties on Bartholemew Street where the building has been inset. The tallest element of the building, the 9 storey element, would be located on the junction of New Kent Road and Theobald street with the building heights stepping down towards Bartholemew Street. Two entrances are proposed, both fronting New Kent Road. The entrance to the hotel lobby is located on the junction of New Kent Road and Theobald Street. The entrance to the co-working space is located on the opposite end of the building, also fronting onto New Kent Road with additional access also provided from the servicing yard to the rear. The servicing yard would also, provide access into the hotel and commercial areas from the drop off yard. This is explained in further detail in subsequent paragraphs of this officer report.

## **Planning history**

8. See appendix 1 for any relevant planning history of the application site.

## **KEY ISSUES FOR CONSIDERATION**

### **Summary of main issues**

9. The main issues to be considered in respect of this application are:
  - Principle of the proposed development in terms of land use;
  - Environmental impact assessment;
  - Density;
  - Design, layout, heritage assets and impact on Borough and London views;
  - Landscaping and trees;
  - Impact of proposed development on amenity of adjoining occupiers and surrounding area;
  - Transport and highways;
  - Noise and vibration;
  - Energy and sustainability;
  - Ecology and biodiversity;
  - Air quality;
  - Ground conditions and contamination;
  - Water resources and flood risk;
  - Archaeology;
  - Wind microclimate;
  - Health impact assessment;
  - Aviation;
  - Television and radio signals;
  - Socio-economic impacts;
  - Planning obligations (S.106 undertaking or agreement);
  - Mayoral and borough community infrastructure levy (CIL);
  - Community involvement and engagement;
  - Consultation responses, and how the application addresses the concerns raised;
  - Community impact and equalities assessment;
  - Human rights;
  - Positive and proactive statement, and;
  - Other matters
10. These matters are discussed in detail in the 'Assessment' section of this report.

### **Legal context**

11. 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.

12. 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**

13. 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.

#### Planning Policy Designations

- The Central Activities Zone (CAZ)
  - The Old Kent Road Opportunity Area
  - The Urban Density Zone
  - The Borough, Bermondsey and Rivers Archaeological Priority Zone
  - The Air Quality Management Area
  - The site is allocated within the draft Old Kent Road Area Action Plan (OKR AAP)
  - Public transport accessibility level of 4-6a on a scale of 1-6 where 1 is the lowest level and 6 represents the highest.
  - The London View Management Framework views likely to be impacted upon by the proposed development are 23A.1 Centre of Bridge over from the Serpentine to the Palace of Westminster and 1A.2 Alexandra Palace Viewing corridor to St Paul Cathedral.
14. It is not located within or in close proximity to any conservation areas. There are no statutory listed buildings on the application site. The closest listed buildings are Grade II listed and have been listed below.
- Nos. 1-19 Bartholomew Street
  - Driscoll House
  - Nos. 154-170 New Kent Road
  - The Geoffrey Chaucer School
  - The Joseph Lancaster Primary School

15. 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:

#### National Planning Policy Framework (the Framework)

16. National planning policy is set out in the revised National Planning Policy Framework ('the NPPF'), published in 2019 which sets out the national planning policy and how this needs to be applied. The NPPF focuses on a presumption in favour of sustainable development, of which there are three strands; economic, social and environmental. The core planning principles include, amongst others, the requirement to 'drive and support development'.
17. Paragraph 212 states that the policies in the Framework are material considerations which should be taken into account in dealing with applications:

#### 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

The London Plan 2016

18. The London Plan is the regional planning framework and was adopted in 2016. The most relevant policies are those listed below:

Policy 2.10 Central Activities Zone – Strategic Priorities  
 Policy 2.11 Central Activities Zone – Strategic functions  
 Policy 2.12 Central Activities Zone – predominantly local Activities  
 Policy 2.13 Opportunity Areas and Intensification Areas  
 Policy 4.2 Offices  
 Policy 4.3 Mixed use development and offices  
 Policy 4.5 London's visitor infrastructure  
 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 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 7.5 Public Realm  
 Policy 7.6 Architecture  
 Policy 7.8 Heritage assets and archaeology  
 Policy 7.12 Implementing the London View Management Framework  
 Policy 7.21 Trees and woodlands  
 Policy 8.2 Planning obligations  
 Policy 8.3 Community infrastructure levy

19. The London Plan 2016 identified 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 reservoir of brownfield land with significant capacity to accommodate new housing, commercial and other development linked to existing or potential improvements to public transport accessibility.
20. 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 homes and supports the development for a planning framework to realise the area's full growth potential. It does on to state that the employment and minimum homes figures should be explored further and refined in a planning framework for the

area and through a review of the Strategic Industrial Locations and capacity to accommodate a phased rationalisation of its functions in the opportunity area or provision elsewhere.

#### Core Strategy 2011

21. 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 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

22. 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  
1.4 - Employment sites outside the Preferred Office Locations and Preferred Industrial Locations  
1.7 - Development within town and local centres  
1.11 - Arts, culture and tourism uses  
1.12 - Hotels  
2.5 - Planning obligations  
3.1 - Environmental effects  
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  
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)

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

#### **Emerging policy**

##### Draft New London Plan

- 24. The draft New London Plan was published on 30 November 2017 and the first and only stage of consultation closed on 2nd 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. Until the London Plan reaches formal adoption it can only be attributed moderate weight. The draft New London Plan identified the Old Kent Road as having a minimum capacity for housing of 12,000 and a jobs target of 5,000.

##### New Southwark Plan (NSP)

- 25. For the last 5 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) on 27 February 2018 and undertook a further consultation on the New Southwark Plan Proposed Submission Version: Amended Policies Version in January 2019.
- 26. The New Southwark Plan Submission Version – Proposed modifications for Examination was submitted to the Secretary of State in January 2020 for Local plan Examination. It is anticipated that the plan will be adopted in late 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)

- 27. 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 3 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 21st March 2018. As the document is still in draft form, it can only be attributed very limited weight.

## **Assessment**

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

28. The National Planning Policy Framework 2019 (NPPF) 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, designated by the London Plan (2015) and Central Activities Zone (CAZ), the strategic functions for which are set out in Policies 2.10 and 2.1 of the London Plan. For the CAZ, this includes enhancing and promoting the roles of the CAZ based on a mix of local and strategic uses. Southwark's Core Strategy reinforces the London Plan aspirations for development in the CAZ to support London as a world class city. Both the CAZ and Opportunity Areas are targeted as growth areas in the borough where development will be prioritised. Strategic Policy 1 of the Core Strategy states that the council will allow more intense development for a mix of uses in growth areas and will make sure that development makes the most of a site's potential and protects open space.
29. The London Plan considers opportunity areas to be "the capital's major reservoir of brownfield land with significant capacity to accommodate new housing, commercial and other developments linked to existing or potential improvements to public transport accessibility." Typically opportunity areas can accommodate at least 5,000 jobs or 2,500 new homes or a combination of the two, along with other supporting facilities and infrastructure (para 2.58). Policy 2.13 of the London Plan states that opportunity areas should seek to optimise residential and non-residential out-put and densities, provide necessary social and other infrastructure to sustain growth, and where appropriate, contain a mix of uses. The Old Kent Road AAP aims to achieve growth that is greater than what is being targeted by the London Plan, with the creation of 20,000 new homes and 10,000 new jobs as proposed in the draft Area Action Plan (2017). 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 provide a range of employment opportunities.
30. The proposed building would host a range of uses including a hotel (C1), workspace (B1) and ancillary associated café/restaurant facilities (A3-A4) in a part 3, part 6 and part 9 storey building which would contribute to the aforementioned aspirations of the CAZ to sustain higher densities of quality mixed use developments; the principle of each land use has been detailed in the subsequent paragraphs of the report.

### Provision of C1 floorspace

31. Policy 4.5 of the London Plan sets a target of 40,000 net additional hotel bedrooms by 2036, of which at least 10% should be wheelchair accessible. It advises that new visitor accommodation should be in appropriate locations. These include the CAZ, where strategically important hotel provision should be focussed within opportunity areas and smaller scale provision in CAZ fringe locations with good public transport. Beyond the CAZ hotel provision should be focussed within town centres and opportunity areas where there is good access

to public transport. It advises that further intensification of hotel provision in areas of existing concentration should be resisted, except where it would not compromise local amenity or the balance of local land uses. The draft New London Plan does not establish a target like the current plan does but estimates that the need for visitor accommodation for London is predicted to rise to 58,000 bedrooms of serviced accommodation by 2041.

32. At borough level Strategic Policy 10 of the Core Strategy advises that hotels will be permitted in town centres, the strategic cultural areas and places with good access to public transport services provided they do not harm the local character. Saved policy 1.12 of the Southwark Plan advises that hotels and other visitor accommodation will be encouraged in areas with high public transport accessibility; these will not be permitted where they would result in a loss of existing residential accommodation, or an over dominance of visitor accommodation in the locality.
33. The Council's emerging policy, draft New Southwark Plan Policy P36 contains further guidance on visitor accommodation. The policy states that:
  1. Development for hotels and other forms of visitor accommodation must not harm the local character or amenity by reason of the design, scale, function, parking and servicing arrangements.
  2. A minimum of 10% of the total floorspace must be provided as ancillary facilities. Hotel developments will be permitted where they incorporate a range of daytime uses and offer employment opportunities.
34. The proposal under consideration would include a large area of employment floor space as well as café and restaurant space which will be available to hotel visitors, those using the employment space and members of the public alike providing opportunities for daytime activation of the site. Whilst recognising that the policy is in draft form, the application would nonetheless conform to the central aspirations of delivering visitor accommodation with a strong ancillary facility provision, providing approximately 16% of the total floorspace as employment facilities.

#### Quality of hotel provision

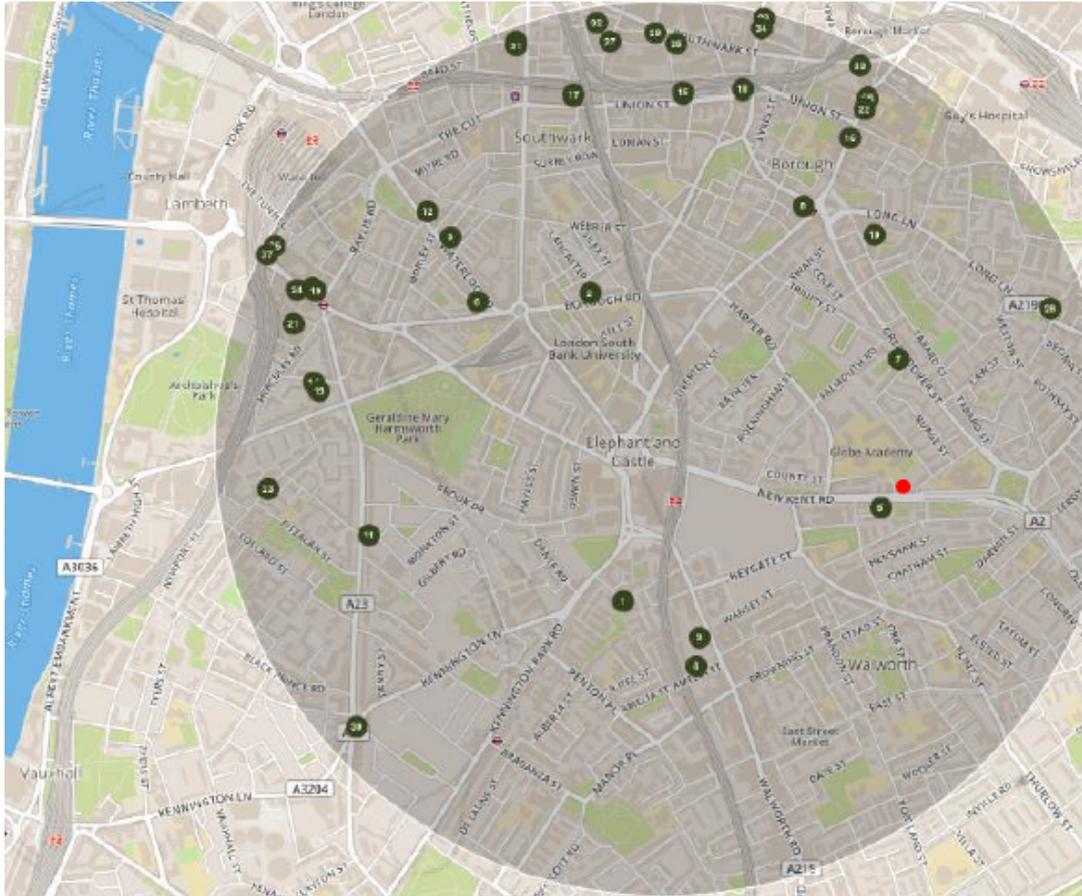
35. Whilst there is no guidance at local level on quality of hotel accommodation, the proposal is considered to be of good quality. The internal arrangement of the building is simple and follows logical layout. All bedrooms are well designed and would have ample fenestration providing good levels of daylight/sunlight and outlook. Mechanical ventilation with heat recovery is also proposed which would ensure good levels of air flow and ventilation throughout the development. 20 of the 200 bedrooms would be wheelchair accessible and located in close proximity to the proposed lift core. This would equate to the 10% requirement of the London Plan Policy 4.5 to provide wheelchair accessible serviced accommodation, making the proposal fully policy compliant in this respect.

#### Overprovision of hotels

36. By virtue of its location within the CAZ and an Opportunity Area and in an area of good access to public transportation, being located approximately 750m equidistantly from Elephant and Castle rail station and Borough tube station (and within good bus transport links), policy considers locations such as these to be

suitable for a hotel. In relation to the Saved Southwark Plan Policy criterion about over dominance, notwithstanding that a hotel on this site may be appropriately located and in general conformity with adopted and emerging policies, the requirement for the proposal to not result in an over dominance of visitor accommodation must be considered.

37. Information has been provided by the agent which includes an analysis of the existing hotel supply within a study area and hotels planned within the development pipeline. This demonstrates that provision of hotels in the immediate vicinity is limited as the existing stock has tended to be located further north, closer to the river which is also the assessment of the NSP Hotel Background paper (2019). The analysis highlights that the supply of hotels within a given catchment area, existing and planned, are not in close proximity to the development site. The assessment provided also highlights that the demand for hotels in Southwark is further driven by localised needs particular to this part of the borough and of London. This includes the important role of visitor accommodation to support the key functions of the city in this area which includes the number of major tourist attractions as well as the strong healthcare sector. Based on this assessment, the study demonstrates that there is capacity for further hotel development in this location, particularly in the mid-scale range.
38. It is also worth noting that the application site is also located within the London Plan's Strategic Cultural Area 2 South Bank/Bankside/London Bridge, which is defined in part F of the London Plan Policy 4.5 as a major cluster of visitor accommodation and where by definition a higher proportion of visitor accommodation is to be expected, subject to considerations of over-dominance. Whilst it is acknowledged that Southwark has exceeded the targets set out by the London Plan for visitor accommodation, as has been noted by the inspector for the recent appeal on 160 Blackfriars Road, this is not in itself equivalent to over-dominance.
39. In light of the above and as evidenced by the assessments provided, it is not considered that this application would result in the overprovision of hotels. Nor that this would result in the intensification of hotel provision in areas of existing concentration which would be detrimental to the character or balance of land uses within the area. Within the Old Kent Road Opportunity Area, it is also not considered either that there is an overprovision of hotel uses either existing or planned. A hotel and the northern end of the Opportunity area is considered to be appropriately situated to ensure its positive contribution to the wider aspirations for the regeneration of the area. In this regard, the application is consistent with both adopted and emerging planning policies on visitor accommodation, and as such the C1 use is supported.



### Town Centre Uses

40. The site is not currently located within a designated Town Centre. It does however fall within the boundary of one of the two new District Town Centres proposed in the draft New Southwark Plan and draft OKR AAP. These two new designated district town 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 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. The report recommends that retail provision in the Old Kent Road area could be expanded and there is opportunity for new sectors that are currently poorly presented such as food and beverage offers which have the ability to support important services within town and local centres.
  
41. 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.
42. Again, acknowledging its very limited weight, draft OKR AAP Policy AAP 7, Town Centres, Leisure and Entertainment, identifies the site as falling in a district centre and identifies the uses that would be appropriate, including retail, community, leisure, cultural and offices above shops. Furthermore Policy AAP 7 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 leisure and food and drink uses. The proposal under consideration would include 116 sqm of A3/A4 class uses which is considered to be suitable and would assist in the delivering of this new Town centre which is one of the central aspirations of the AAP. The proposed facilities would be available to hotel residents, workspace users and the wider public and surrounding community for which the offer is at present relatively limited.

#### Provision of B1 floorspace

43. Strategic Policy 10 – Jobs and Businesses of the Core Strategy seeks to protect existing business floorspace in certain locations, including the CAZ, Town Centres and Action Area Cores. By virtue of its location fronting a Classified Road, the existing employment floorspace also warrants protection under Policy 1.4 of the Saved Southwark Plan – Employment Sites outside the Preferred Office Locations and Preferred Industrial Locations.
44. The site currently accommodates 1,374 sqm of B class floorspace which would be protected by the aforementioned policies. In its totality, the development would provide 1,470 sqm of commercial floor space of which 1,354 sqm would be secured as flexible B class floorspace. This is proposed to be located at ground and mezzanine levels and would be laid out as co-working/maker space. The flexible designation and design of the B class floor space has been carefully considered to ensure it would be useable for a wide array of uses and users. Ceiling heights would range from 3.1m to 4.2m double height space and a heavy goods lift with a load capacity of up to 6,300kg (or 13-84 person) is also proposed which would service the mezzanine level, reflecting the quality and variety of spaces available to sustain a range of employment uses. These will be subject to detailed conditions to ensure that this high quality provision is delivered and would also require the agreement of a workspace specification in the S106 legal agreement. As such, it is considered that the quality of the B class workspace is good. Planning conditions will also require the workspace to be fully sprinkled for fire safety purposes and achieve good sound insulation levels between the uses.
45. It must be recognised that the proposal does not achieve full reprovision of the B class floorspace with a shortfall of 20 sqm. In recommending approval officers have taken in account the very limited nature of the loss and the fact that there is an uplift in the overall amount of commercial space on the site and that other town centre uses, such as retail uses are consistent with the main road frontage and emerging town centre designation. There are also wider benefits which are discussed in further detail in the subsequent paragraphs of this officer report. The acceptability of the scheme would therefore need to be considered and whether the overall quality and economic/regeneration benefits outweigh the marginal shortfall.



the B1 element of the proposed development could support the creation of 135 FTE on-site jobs. The hotel portion of the scheme could result in a further 67 on-site FTE jobs (calculated using the same HCA methodology as above). This would represent a significant uplift in employment provision on site, with an additional 181 FTE jobs created altogether, generating a substantive increase in on-site employment on this site. This is exclusive of the 75 on-site construction jobs per annum that this proposal would generate of which 4 would be secured for Southwark Apprentices. This is proposed to be secured in the section 106 Legal Agreement.

#### Local expenditure

48. In addition to the direct operational benefits including from the employment, retail and leisure uses, other expenditure arising from visitors and employees to the hotel use would provide further additional local economic benefits. In an assessment provided by Savills, based on an average occupancy of 81% (average of London Hotel occupancy rates for 2017/18 and on the total expenditure and length of stay from the London & Partners research and Visit Britain ONS Data), it is estimated that the value of the total tourist expenditure per year for a 200-bed hotel scheme would be approximately £13,000,000; a proportion of which would be localised expenditure retained within Southwark.

#### Affordable workspace

49. Emerging policy in the revised draft Old Kent Road AAP requires schemes of this scale or larger to provide an element of affordable workspace. The applicant has agreed to provide 10% of the floorspace as affordable for a period of 30 years and whilst the specific offer is still under negotiation, the applicant has agreed that the affordable portion will be offered at a rent of 25% of the market value and would be offered to local businesses first. This, along with a specified rate, will be secured through the S106 Legal Agreement

#### **Conclusion on land use**

50. To conclude on land use, the resulting development would provide a quality hotel accommodation offer, create new flexible commercial floorspace all built to modern specification, 10% of which will be affordable. The acceptability of the introduction of a hotel use within the area is considered to be appropriate given the weight that is attributed to adopted policy in relation to locations suitable for visitor accommodation and the assessment in regards to overprovision. The provision of a new improved and layout delivering a high quality building providing A, B and C class uses, all of which are appropriate on this site, would contribute to the central aspirations of the Old Kent Road opportunity area becoming a vibrant high street.
51. In regards to the loss of the existing B8 (distribution use), the policy requirement is for the re-provision of B class uses. The Core Strategy recognises that a lot of the business space is becoming outdated and the 2009 Employment Land review suggests that there may be instances where, because of the condition or location, there may no longer be a demand for a particular business premises. The draft OKR AAP sets out a land use strategy which defines a hierarchy of employment uses across the Opportunity Area. This sets out locations where distribution type uses would be appropriate such that the loss on this site is mitigated through the provision and intensification of B8 uses in other areas. Within the proposed

masterplan, this area of intensification is proposed within Sub Area 2, Mandela Way. Whilst recognising the importance of distribution uses, officers consider that in this instance the loss has been justified through its planned provision in other locations and in this location's suitability for the type of co-working spaces as proposed.

52. The overall mix of uses proposed would support the ambitions set in existing and emerging policies and this must be weighed against the very minor shortfall in B class re-provision of 20 sqm. Officers consider the proposal on balance acceptable given the marginal quantum of shortfall against the overarching benefits of the scheme as set out above and below.

### **Design, layout, heritage assets and impact on Borough and London views**

53. Section 12 of the NPPF 'Achieving well-designed places' advises that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development which creates better places in which to live and work. Policy 7.4 of the London Plan requires development to have regard to the form, function, and structure of an area, place or street and the scale, mass and orientation of surrounding buildings. It should improve an area's visual or physical connection with natural features. In areas of poor or ill-defined character, development should build on the positive elements that can contribute to establishing an enhanced character for the future function of the area. Policies 7.4 and 7.5 are also relevant which require developments to provide high quality public realm and architecture, and policy which 7.7 relates to the location and design of tall and large buildings.
54. 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.

### **Layout and massing**

55. The design of the scheme has had a number of revisions and iterations and has seen the scheme evolve to ensure the highest quality design. The massing has seen both a reduction in height as well as the refining of the architecture to ensure a positive relationship to its surroundings and its contribution to the streetscape. The changes made to the massing of the scheme are as follows:
  - An initial reduction in height from 15 to 9 storeys
  - Reduction and break-up of the massing to form a more refined building
  - Inclusion of additional architectural detailing to respond to its relationship with its immediate surroundings
  - Providing clarity in the design by animating and providing legibility that is

built into the design.

56. The massing strategy would result in a building that would read as a one at ground floor level extending across the New Kent Road frontage. At this ground floor level, the building has been set in further from the street than the existing building and has been designed to be outward looking, providing activity at street level onto New Kent Road. This would allow the development design to ensure a positive relationship to the street which the existing building on site does not currently. This would represent a major benefit of the scheme under consideration, in addition to these identified above.
57. As opposed to the singular approach taken on the ground floor, the upper levels of the building have been designed as being staggered which breaks up the massing of the building into three distinct and legible portions. This has resulted in a stepped approach placing the tallest element at the junction with Theobald street, reflecting to the scale of development along a major corridor. The building then steps down to 6 storeys and further down to 3 storeys where the application site meets Bartholomew Street which reflects the 3-4 storey nature of these properties along that terrace. Officers support the proposed design and are satisfied of its acceptability in relation to its quality and conformity to adopted design policies

#### **Tall buildings**

58. Being 9 storeys and measuring 27.55m in height (AOD) at its tallest point, the proposed building would not be considered to be a tall building by Saved Southwark Plan definition (buildings of over 30m in height) or by London Plan Standards as the building would not be substantially taller than its surroundings given that Driscoll House is 6-7 storeys. In addition, there is also an emerging context in relation to height along New Kent Road given the proximity of the Elephant and Castle Opportunity which would also not make the proposed building substantially taller than the wider emerging context.
59. There is a clear hierarchy of heights that is both established in the urban grain and that is emerging in relation to height and massing with taller elements fronting New Kent Road and generally stepping down to relate to the lower rise element, following the existing pattern of development. Subject to the impacts on amenity a taller element in this location is therefore justified in this location given its location within the CAZ, Old Kent Road Opportunity Area and access to public transport in addition to meeting other requirements of London Plan Policy 7.7 which states that tall and large buildings should:
  - Generally be limited to sites in the Central Activities Zone, Opportunity area, areas of intensification or town centres that have good access to public transport;
  - Only be considered in areas whose character would not be affected adversely by the scale, mass or bulk of a tall or large building;
  - Relate well to the form, proportion, composition, scale and character of surrounding buildings, urban grain and public realm (including landscape features), particularly at street level;
  - Individually or as a group, improve the legibility of an area, by emphasising a point of civic or visual significance where appropriate, and enhance the skyline and image of London;
  - Incorporate the highest standards of architecture and materials, including

sustainable design and construction practices;

- Have ground floor activities that provide a positive relationship to the surrounding streets;
- Contribute to improving the permeability of the site and wider area where possible;
- Incorporate publically accessible areas on the upper floors, where appropriate;
- Make a significant contribution to local regeneration;
- Not affect their surrounding adversely in terms of microclimate, wind turbulence, overshadowing, noise, reflected glare, aviation, avigation and telecommunication interference; and
- Not impact on local or strategic views adversely.

60. However, it is recognised that the building would nonetheless represent a change in scale given the low density, particularly immediately north of the application site and that Driscoll House is in itself an anomaly to the immediate prevailing building heights. Policy 7.7 also states that the impact of tall buildings in sensitive locations, including the setting of conservation areas and listed buildings should be given further consideration. Officers therefore consider that the proposal also needs to be assessed against Policy 3.2 of the Saved Southwark Plan.

61. The policy states that: Planning permission may be granted for buildings that are significantly taller than their surroundings or have a significant impact on the skyline, on sites which have excellent accessibility to public transport facilities and are located in the Central Activities Zone (particularly in Opportunity Areas) outside landmark viewing corridors. Proposals for tall buildings should ensure that there are excellent links between the building(s) and public transport services. Any building over 30 metres tall (or 25 metres in the Thames Policy Area) should ensure that it:

- i. Makes a positive contribution to the landscape; and
- ii. Is located at a point of landmark significance; and
- iii. Is of the highest architectural standard; and
- iv. Relates well to its surroundings, particularly at street level; and
- v. Contributes positively to the London skyline as a whole consolidating a cluster within that skyline or providing key focus within views. All planning applications for tall buildings will require a design and access statement, a transport assessment and a sustainability assessment

In terms of criterion i:

The existing site is in occupation by series of industrial units forming one building fronting New Kent road with a gated service yard to the rear. The building itself is of no particular design merit and bounds the pedestrian footway along the entirety New Kent Road frontage with a predominantly blank façade, resulting in a poor urban streetscape. The proposed development would be slightly set back to allow for larger pedestrian footway and would include soft landscaping built within the elevation along the ground floor fronting the main highway as well as along Theobald Street. In addition to the generous glazed bays, the proposal would be a welcomed addition to the public realm, in addition to the positive nature of the activities at ground floor level which would address the street level well.

In terms of criterion ii:

Officers are of the view that whilst the proposed site is situated on a busy transport route and within a short distance of the Bricklayers Arms roundabout, the landmark significance of the site is limited. The application would therefore not fully comply with this aspect of the policy. However when considering the wider benefits of the proposal, including its civic significance and contributions, and the fact that the tallest point is below 30m, it is not considered to be cause such harm that it would warrant refusal of an otherwise acceptable scheme.

In terms of criterion iii:

The architecture is considered to be of a very high standard. This will be discussed further in paragraphs below. However, the key aspects of the design include its redefinition of the relationship between the street and the site in townscape terms and repairing the built fabric cohesion on this part of New Kent Road. The design comprises of a highly articulated blocks through a series of elegant cascading façades, using variations in heights to create a distinct form to the building. Series of similar repeated windows as can be expected from use such as a hotel can sometimes appear to be monotonous. Variations have been incorporated in the design, material and fenestration with columns and frames of alternating heights to provide detail and a visually interesting building whilst remaining sensitive to the existing townscape. The proposal demonstrates the highest standard of architectural design and materials.

In terms of criterion iv:

At ground floor, the proposed development would introduce active frontages along the New Kent Road with a proposed flexible mix of uses which would include retail, employment and hotel, ensuring that the building is activated and is an appropriate response to a street frontage located on a major arterial road. The proposed building would be set back from the boundary of the site with the public highway and would incorporate in built planters which would line the edge of the street. This would provide an appropriate setting for a building of this scale that would work well at street level. In particular this would reinstate a high quality design on a site that is currently somewhat fragmented from its immediate surroundings. These would altogether provide an enhanced setting and pedestrian experience to New Kent Road.

In terms of criteria v:

As it does not meet the definition of a tall building, this application is again, not expected to meet this criteria given its medium height. Nonetheless, the location of the tallest element to the corner of the site would provide an appropriate focal point to the composition of the building and as stated in other paragraphs of this report the varying heights sit well within the emerging hierarchy along New Kent Road building up towards Elephant and Castle.

### **London View Management Framework (LVMF)**

62. London Plan (2016) Policy 7.11, London View Management Framework, and Policy 7.12, Implementing the London View Management Framework (LVMF), relate to the identified strategic views in London. These 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.

63. The site is situated within the wider background setting of Strategic Views 1A.2 (Alexandra Palace to Central London) and 23A.1 (Centre of Bridge over the Serpentine to the Palace of Westminster) as identified in the LVMF. The Heritage and Townscape Note has been submitted which outlines that View 23A.1 has a threshold of 65-70m AOD and View 1A.2 has a threshold of 52.1m are the heights at which a development would be in breach of the view. The townscape and heritage note provided demonstrates that the tallest point of the proposed development would be well below the height of the background consultation planes of both views and would therefore not impact on either of these views.

### **Heritage assets**

64. 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.
65. Whilst not located within a Conservation Area, there are a number of heritage assets within the immediate vicinity of the site. These include, to the east, Nos. 1-19 Bartholomew Street which is a Grade II listed terrace consisting of 10 houses. To the south, across the dual carriageway is the Grade II listed Driscoll House, and Nos. 154-170 New Kent Road which are also Grade II listed. To the north-west are two Grade II listed school buildings: the Ark Globe Academy (former Geoffrey Chaucer School) of 1959-60 and the Joseph Lancaster Primary School of 1875; which were merged into an academy (the Ark Global) in 2008. The Planning (Listed Buildings and Conservation Areas) Act 1990 imposes the duty on local planning authorities to have special regard to the desirability of preserving or enhancing a listed building and its setting or any features of special architectural or historic interest which it possesses. This is also reflected in the NPPF (2019), which requires all development to conserve or enhance heritage assets and their setting and avoid causing harm. Designated heritage assets include Statutory listed buildings and designated conservation areas.
66. The application site does not in itself contain any Listed buildings and there would therefore be no direct impact on a Listed Building as a result of the

application but as mentioned previously the site sits within close proximity of a many listed heritage assets. The impact on the setting of the listed buildings must therefore be considered in accordance with Policy 3.18 of the Saved Southwark Plan Policies.

67. No. 1-19 Bartholomew Street

The heritage buildings with the closest relationship to the application site are Nos. 1-19 Bartholomew Street. The application site does not directly abut the listed terrace as the end of the terrace property is a modern addition that is not part of the listing.

During the course of the pre application and application process, several amendments have been made to the building in order to ensure a positive relation to the listed terrace. The height of the eastern corner of the proposed building, which would be portion of the site in closest proximity to the heritage assets, has been design to align with the tallest element of the Listed terrace, No. 1 Bartholomew Street. The detailed design of the building on the eastern corner has been chamfered to provide a continuous building line with the developments on Bartholomew Street. This would also ensure that views from New Kent Road onto the listed terraces remain unobstructed.

The massing of the 6 storey portion was reduced to allow further separation distance between the two and to ensure that the massing is not overbearing. The resulting building is considered to be well designed and the materials have been closely chosen to complement and not detract from the heritage assets. The tallest element of the proposed building would be located further west and would have no direct relationship to the terrace at street level. The distribution of heights across the site has been well considered to respond to the relationship between the two and the heritage significance of the listed terrace. An image of this has been included below which demonstrates how the building would sit in the background of the listed terrace.

It is however to be acknowledged that there will be a change to the setting of the listed building and as a result of proximity between the two sites, the proposed development would introduce massing into the background view. Given the low density nature of the existing building, the application site would protrude above the established building lines and would be visible above the row of terraces. The increase in built form to a background view of a listed asset is balanced by the design quality of the proposed development, including its contributions to townscape and is therefore any harm is judged to be less than substantial.

Driscoll House

68. Driscoll House is also Grade II Listed and its significance includes its architectural and communal value, being the first hostel for women in London. The application site does not have as close of a relationship than to the listed buildings on Bartholomew Street, being located across the dual carriageway but as the above assessment concludes, the impact of the setting of the listed building must be considered. The proposed development would be located diagonally opposite to the listed building and at its highest point would be of a comparable height to the proposed building. The stepped approach would reduce the massing and allow for a natural progression, framing the entrance of New Kent Road.

#### No. 154-170 New Kent Road

69. Nos. 154-170 New Kent Road are directly to the north of Driscoll House and are located at some distance to the application site, particularly owing to the width of the dual carriageway that separates the two. Driscoll House sits within their immediate setting and already represents a change in scale from the Listed terrace. The proposed building would be of a comparable height, particularly considering the separation distance between the two and the introduction of a taller element would not therefore be a discernible change in scale in the setting of the terrace.

#### The Ark Global Academy

70. The former Geoffrey Chaucer School of 1959-60 and the Joseph Lancaster Primary School of 1875 has had consent to be redeveloped (ref 06/AP/1855) which saw the consolidation of the two into the Ark Global Academy and the demolition the 1960s school structures, with the exception of the Pentagon Building which was considered the most important element in the Listed School. The redevelopment of the school buildings has resulted in the Grade II Listed building being framed with modern buildings, varying in scale and architecture. The application site does not have a direct visual relationship with the Listed Building. The Pentagonal structure is also not visible from the pedestrian streetscape and the redevelopment of the site would not impede on important views of the heritage structure.

#### Conclusion on impact on the setting of the Listed Buildings.

71. Concerns have been raised during the consultation that the proposed development would cause harm to the significance of the adjoining heritage assets, in particular the properties on Bartholomew Street. The legal duties referred to above require that substantial weight is placed on any harm to listed buildings. Officers consider that there will be some harm to the views of Bartholomew Street and Driscoll House given that the immediate setting of these would change and the introduction of a new building would sit within immediate views of both of the above heritage assets but that this harm is considered less than substantial by National Planning Policy (NPPF) terms. An image of the most sensitive view, which is of the view of the terrace looking towards New Kent Road has been provided to demonstrate how the building would sit in relation to the heritage asset. This shows that whilst the proposed massing would sit within that background view, officers consider that that the scheme has been well designed to positively respond to its surroundings. It is also worth noting that that at present the existing building does not contribute to, or enhance the setting of any of the listed assets.
72. The NPPF (2019) provides advice regarding the conservation and enhancement of the historic environment. Where a proposal will lead to substantial harm to or total loss of the significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. The NPPF also provide guidance to Local Planning Authorities to balance the harm (weighed as indicated) against the benefits of a proposal. In this case, the public benefits of bringing a low density brownfield site into more productive use including the provision of active ground floor uses, an intensification of employment generating uses and high quality design are considered to outweigh the harm caused. Officers are satisfied that the public

interest is such as to decisively outweigh the harm identified above and is therefore in accordance with the NPPF. Historic England have been consulted on the proposed development and have raised no objections.



### **Architectural design and materiality**

73. Strategic Policy 12 requires all development within the borough 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.” In this way, Saved Policy 3.12 states that new buildings should embrace a creative and high quality design solution, specific to their site’s shape, size, location and development opportunities and where applicable, preserving or enhancing the historic environment.
74. The proposal is designed as a brick-clad development with a simplistic material palette choice consisting of two tone brick, which is appropriate in this context and reflects the historic character of the New Kent Road established by the buildings to the east and further west along New Kent Road. Whilst a common masonry language is used throughout, two different brick tones, a Marziale cream brick and a Platinum white brick, have been used to the front and rear portions respectively to differentiate the primary front elevation to the rear massing. The base element of the building would integrate powder coated spandrel panels to frame the bays and generous openings extending across the New Kent Road frontage. This part of the building has been designed to create a strong street presence with enhanced fenestration heights to strengthen the visual connection between the ground floor and the public realm and dividing the elevation into rhythmic portions.
75. Irrigated integrated planters would frame the base of the building and would be made from Satin Nickel Kick Plates in tones to match the other metal detailings

proposed. Small architectural variations in the brickwork on the primary elevations are also proposed to delineate the commercial element from the hotel use and to provide subtle elevational variations and breaking of the monotony of a larger façade. On the ground floor concrete blocks in different bonds and resin bound gravel have been proposed. Areas of panelling for signage and wayfinding have been incorporated into the design of the building to ensure that signage can be accommodated in the future without necessitating any external mounting onto the elevation which will ensure the simplicity of the design is maintained.

76. On the upper levels the elevations have been designed with large horizontal bay windows with vertical fins integrated in a regular arrangement, adding articulation and animation to the primary façade. The vertical elements are both architectural features but are also functional and part of the window system to provide passive solar sun shading and privacy to the hotel bedrooms. These would be integrated into the fenestration and be of the same finish as the other elements on the elevation to provide design cohesion. The proposed composition and proportion are considered an appropriate architectural response and would provide with a high quality building. In order to secure this design quality, planning conditions requiring material sample submissions are recommended.



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

77. This scheme was presented to the Southwark DRP in January 2019. At this review, the panel commented that the application had the ability to play an important role in improving this portion of the New Kent Road frontage. It must be noted that at the time of the DRP the scheme proposed a mixed use 'compact living scheme'. Although the use of the upper level has changed the design has not had to change to accommodate the new use.

The panel raised the following concerns:

1. The panel recognised the irregular shaped site and supported the height but suggested the design could benefit from further refinement of an intermediate scale to form a sense of progression from the existent context.
2. The panel welcomed the cascading elevated gardens.
3. The panel made comments on the hierarchy of the building and a better definition of the base, middle and top should be considered with further work on window reveal
4. The panel suggested relocating one of the entrances from Theobald Street to New Kent Road.

### Officer response:

Following the comments from the panel and negotiations with officers, a number of revisions were made to address the concerns raised. The suggestions have been carefully considered and the massing reduced and given more definition, including further detailing in the brickwork to reinforce the subtle differences in the base and main body of the building. The comments from the panel have been addressed in greater detail in the main body of the report.

## **Landscaping and trees**

78. The proposed landscaping strategy can be grouped within three categories and is as follows:

### Ground floor:

79. At ground floor level, the proposal creates three distinct areas where the most substantive landscaping interventions can occur. To the main elevation, in-ground raised planters with integrated irrigators have been proposed to green the frontage of the building which will also contribute to the provision of a more positive public realm experience along New Kent Road. Given the high pedestrian footfall existing and anticipated along New Kent Road, this is considered to be an adequate strategy to provide on street greening and improvements to the public realm without obstructing the pedestrian footway. Along the western elevation on Theobald street and on the boundary with the existing Ark Global school, low growing shrubs have been designed into the scheme to frame the base of the building.
80. On the eastern boundary where the building has been inset from the boundary line, an area of planting has been created which serves both as a buffer to the adjoining residential premises as well as visual amenity to the users of the commercial floorspace. Planting has been chosen that would be suitable in this

area with tall trees which have been chosen for its adaptability and light canopy with the ability to allow light into the commercial area. Climbers are also proposed for this area for additional vertical greening.

Green roofs:

81. Extensive areas of green roofs are proposed to be located at Level 1, Level 2, Level 3, Level 6, Level 8 and on the uppermost Roof Level of the proposed building. The proposed planting has again been chosen to include plants with the ability to thrive on rooftops, ensuring their longevity and reducing ongoing maintenance requirements. In the interest of protecting amenity of surrounding residents, these have not been designed with the intention of providing amenity to users of the hotel or the workspace. Rather these would serve to provide enhanced outlook into and out of the proposed building, increase biodiversity and wildlife habitats, reduce storm water runoff and contribute to improved air quality.

Vertical planting:

82. In order to introduce additional greening onto the site, vertical climbers have been proposed to the eastern elevation. Raised planters for climbers have been included within Levels 3 and 6 and a strained wire support system will be installed for the climbers, which will include an automated irrigation system. An indicative maintenance schedule for the sedum roofs and planters alike has been included within the Landscape strategy which has been submitted as part of this application. A condition to ensure the continual maintenance of the irrigation system as well as that of the vertical planting is recommended by way of condition to ensure its maintenance in perpetuity. The landscape details submitted are considered to be of high quality and appropriate for the development. Conditions to submit final details of the design, materials and planting proposed would be required to be submitted by condition.

**Trees**

83. Saved policy 3.13 of the Southwark Plan requires high quality and appropriately designed streetscape and landscape proposals. Whilst there are no trees within the red line boundary, one tree is in existence along the New Kent Road footway which lies outside of the application site. The tree does not have TPO and is of no particular merit however, it will be retained. A condition will therefore be imposed to ensure its retention and care throughout the construction process.

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

84. 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.

85. Impact of the proposed use:

The re-provision of the A class use B class workspace as well as new hotel

would be compatible with the surrounding land uses along New Kent Road, which are predominantly commercial in nature on the ground floor level. Conditions on opening hours and noise levels from both the proposed uses and the operational equipment have been included on the draft decision notice by recommendation of the Council's Environmental Protection Team.

#### Overlooking, outlook and daylight:

86. The nearest residential properties are located at Bartholomew Street. The site has been designed to be set back from the boundary with the adjacent terrace for amenity purposes and consideration has been given to the massing of the building for both amenity and heritage significance of the adjacent sites.
87. The properties along the terrace, including 1A, do not include on a side elevation that would be subject to further perpendicular overlooking as a result of the development. The building has been set back further through subsequent discussions with officers) to ensure adequate distances are maintained in order to ensure safeguarding of neighbouring privacy.
88. The eastern elevation has been designed as a predominantly 'closed façade' to ensure that the amenity of nearby residents are protected. At upper levels, starting from the portion of the building that is 6 storeys, the elevations do contain some windows. These have been included to break up the massing of this elevation and to provide additional recessed detailing into the façade, avoiding a monolithic massing using both fenestration and brick detailing. These windows would primarily serve the corridors leading into the rooms, but in some instances also serve as secondary means of light into some the end of corridor hotel rooms. Whilst officers consider that adequate separation distances have been maintained, in the interest in protecting residential amenity and limiting the perception of overlooking, a condition to include frosting or privacy screens to certain windows on the elevation is recommended to be imposed.
89. A 60m m separation distance will be achieved with the Ark Global Academy to the hotel façade and 32m with the 2 storey co worker element (although it must be noted that these do not contain any openings). Officers are satisfied that this will ensure no significant overlooking and the proposed layout of the building orientates the building away from the main school area.

#### **Daylight and sunlight impacts**

##### Daylight

90. A daylight and sunlight report has been submitted which assesses the scheme based on the Building Research Establishments (BRE) guidelines on daylight and sunlight.
91. The BRE sets out the rationale for testing the daylight impacts of new development through various test, the two most commonly used are the Vertical Sky Component Test (VSC) 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. As this is a non-residential accommodation, no criteria for DD testing had been required.
92. The first is the Vertical Sky Component test (VSC) is the most readily adopted.

This test considers the potential for daylight by calculating the angle of vertical sky at the centre of each of the windows serving the residential buildings which look towards the site. 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 principle elevations. The BRE have determined that the daylight can be reduced by about 20% of the original value before the loss is noticeable. If the VSC with the new development is therefore 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.

93. The following properties have been assessed as part of the daylight and sunlight assessment:

- 1A Bartholomew Street
- 1 Bartholomew Street
- 3 Bartholomew Street
- Ark Global Academy
- 9 Deverell Street
- Driscoll House

#### 1A Bartholomew Street

This is a newly constructed 3 storey residential dwelling addition to the end of the terrace and is the building that shares the closest relationship to the application site. The flank wall on the western elevation contains no windows. All other windows on the buildings have been assessed and the results demonstrate that none of the windows will not be adversely affected and will still receive acceptable levels of daylight. Of the 3 windows tested, 1 would meet the target figure recommended by the BRE and the other would achieve a VSC of at least 0.8% of the existing value.

#### 1 Bartholomew Street

This building again has no windows on the western elevation that look directly onto the application site. The results demonstrate that the existing windows will not be adversely affected and will still receive acceptable levels of daylight. Of the 6 windows tested, 4 would meet the target figure recommended by the BRE and the other 2 would achieve a VSC of at least 0.8% of the existing value.

#### 3 Bartholomew Street

The last dwelling along the terrace that has been tested is No. 3 Bartholomew Street. As all the windows would achieve a VSC of higher than 27% it is therefore is the last building on the terrace to be tested as all other dwellings would achieve a value that is equal or greater than the results at no.3.

#### Ark Globe Academy

Although not residential windows, the daylight/Sunlight assessment report also tested the windows on the Educational premise that could be potentially affected by the development on the southern elevation. The results demonstrate that of the 10 windows tested, 5 would meet the target figure recommended by the BRE and the other would achieve a VSC of at least 0.8% of the existing value, and it is therefore considered that adequate levels of daylight will be maintained.

#### 9 Deverall St

To the northwest of the site is 9 Deverall St. which is a 3-4 storey residential property located to the north east of the application site. The preliminary

assessment demonstrated that all windows tested passed the 25 degree line test and therefore have been excluded from the detailed assessment with the BRE guidance.

#### Driscoll House

The last building tested is Driscoll House, where the 5 windows concerned have been tested and the results of which demonstrate that the 5 windows would achieve a VSC higher than 27% and therefore the application is not considered to be adversely impacted by the proposed development.

#### Sunlight

94. The BRE sunlight test is the Annual Probable Sunlight Hours (APSH) and the Winter Probable Sunlight Hours (WPSH) tests. The APSH assessment is carried out when there is an obstruction within the 25 degree line and the window is facing within 90 degrees due South. The APSH states that a room should receive at least:

- 25% of annual probable sunlight hours (APSH) throughout the year;
- 5% of annual probable sunlight hours during the winter months;
- Not less than 80% of its former sunlight hours during either period;
- Not more than a 4% reduction in sunlight received over the whole year (APSH).

A total of 10 windows from the surrounding buildings have been identified as facing the development and within 90 degrees due South. These belong to the Ark Globe Academy and whilst would not serve residential habitable rooms, have still been subject to the APSH tests. The analysis indicates that all the windows tested would satisfy the BRE criteria for sunlight. Five of the windows passed the 25 degree initial test and the remaining 5 have an APSH greater than 25% and WPSH greater than 5% or at least 0.8 of their former existing value. Therefore, the sunlight impacts would be of negligible significance.

#### Overshadowing

95. A Solar Access Analysis has been undertaken for the 14 amenity spaces that are in closest proximity to the proposed development. BRE guidelines advises that at least half of the area tested should receive at least 2 hours of sunlight on 21<sup>st</sup> March – if the area which can receive two hours of sun on 21<sup>st</sup> March is less than 0.8 times its former value, the loss of sunlight is likely to be noticeable. The analysis demonstrates that the development would have minimal impact on 11 of the 14 amenity spaces tested whilst the remaining three amenity spaces, at numbers 1, 2 and 3 Bartholomew St, would fall short of the BRE target.
96. It should be noted that this is not simply as a result of the development - the resulting daylight/sunlight conditions are further exacerbated due to the orientation of the properties having north facing gardens and self-casting shadows as well as well as low levels of sunlight currently received. As such any development is expected to lead to reductions. The results of the daylight/sunlight assessment of the development at 1A Bartholomew Street states that only a very small area of the ground floor amenity space would receive any light, falling short of BRE guidelines in its existing condition. The main amenity space on the roof however, which is the primary amenity space for the dwelling, would receive more than 2 hours of sunlight on 100% of its area

under the proposed conditions as demonstrated through the transient overshadowing images. The proposed development is therefore not considered to have significant impact on this building. The development of 1A further reduced the existing condition of the garden at 1 Bartholomew St which has resulted in no.1 also falling below BRE guidelines in its existing condition.

97. The transient overshadowing diagram and assessment provided also demonstrates that the Primary recreation area of the school and the Multi Use Games area will not experience any overshadowing as a result of the proposal. Similarly, no overshadowing would occur to the only designated Open Space in the immediate vicinity, Paragon Gardens, which is situated south of the application site across the dual carriageway.

#### Conclusions on daylight/sunlight and overshadowing

98. In summary, in relation to daylight, of the 31 windows tested, 5 passed the initial 25 degree line test. 22 of the remaining 26 achieved VSCs greater than 27% and the four remaining windows achieved relative VSCs over 0.8 of their former values. Overall, this is considered to be acceptable and does not result in the unacceptable loss of daylight.

In terms of sunlight, 5 of the 10 windows tested passed the 25-degree line test and the remaining 5 would satisfy the BRE criteria for APSH and WPSH. The application is therefore not considered to have a noticeable impact on sunlight.

99. Finally, in relation to overshadowing whilst 11 of the 14 amenity spaces tested would meet BRE guidelines, the remaining three would fall below of the recommended BRE targets. A certain degree of flexibility needs to be applied to BRE guidelines when considering dense urban environments, particularly as these are guidelines. 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)." Given the existing condition and that these would only fall slightly short of BRE guidelines, officers are satisfied that the impacts are on balance found acceptable

#### **Transport**

100. Saved Policy 5.2 of the Southwark Plan seeks to ensure that developments do not result in adverse highway conditions; Policy 5.3 requires the needs of pedestrians and cyclists to be considered and Policy 5.6 establishes maximum parking standards. Strategic Policy 2 of the Core Strategy encourages walking, cycling and the use of public transport rather than travel by car.
101. The site has a PTAL (public transport accessibility level) of 6b (excellent) and is located in a controlled parking zone (CPZ). It is located within 750m equidistantly between Borough station and of the Elephant Castle Rail and underground stations. The Elephant and Castle station is served by the Bakerloo and Northern Underground Lines and National Rail services. New Kent Road provides connections onto Quietway 1 which provides a good quality cycle link to Waterloo and Greenwich. The nearest bus stop is located just south of the application site

on New Kent Road. Given the excellent accessibility to public transport, it is considered to be an appropriate location for more intensive mixed-use development.

#### Existing site layout

102. The existing movement into the site would remain largely the same with servicing taking place to the rear of the site via Theobald Street. The application would propose improvements to the pedestrian footway with the setting back of the building to provide additional space for pedestrian movements along this important arterial road. The building now proposing active ground floor uses, it is expected to generate additional pedestrian footfall in addition to the footfall from along New Kent Road as an important arterial route. Given the location, this additional footfall is not considered to be detrimental to the public highway and on the contrary being a benefit to the aspirations for a vibrant town centre.

#### Trip Generation

103. A Trip Generation Assessment has been undertaken to the existing and proposed developments to understand the potential impacts on the highway and public transport. Once built and fully occupied, the estimated vehicular trip generation would be 22 additional vehicular movements a day of which 6-8 Vehicles throughout the day for operational deliveries which is broken down as follows:

- For the commercial element and given the specific nature of the use proposed; the development is likely to generate 1-2 vehicle moments associated with deliveries.
- For the hotel element; 5-6 vehicles associated with deliveries and 4 taxi/private hire vehicles in the AM and 5 in the PM.
- Given the extent of the retail element and offer, it is unlikely to generate a significant amount of deliveries per day. The deliveries resulting for the A class uses have been accounted for within the 'Commercial' element of the scheme.

104. The existing site, if fully occupied, has the potential to generate approximately 14 - 15 two way vehicles movements in the AM and PM periods – based on the trip generation Assessment, the proposals are unlikely to generate levels of vehicular activity that is far greater than of the existing levels at peak periods.

#### Public Transport Impacts

105. As the development is proposed to be car-free with the exception of the taxi drop off area and the disabled parking bay, it is estimated that the majority of the trips will be undertaken by public transportation, by foot or by cycle. The level of activity and the number of public transportation modes available, including the works to the Elephant and Castle ticket hall to increase capacity, it is not expected to have any impacts on the public transport network and can be absorbed into the existing and planned capacity. This was confirmed by TfL in their representation.

#### Servicing and delivery

106. Access for servicing will remain as existing from Theobald Street. Off-street

servicing is proposed to the rear of the site, within the shared covered servicing yard. Theobald Street is a no through road with limited vehicular activity and as there is no pedestrian entrance associated with the school from Theobald Street, this is not considered to generate any conflict with pedestrians.

107. The development would be car free with the exception 1 taxi drop off area and space for 1 disabled parking bay which would be accommodated within the service yard. The yard is large enough to accommodate an 11m Rigid HGV and an 11m Refuse vehicle and allows for sufficient space for on-site manoeuvring, allowing vehicles to enter in and exit in forward gear. The accompanying Travel Assessment (TA) and swept path analysis demonstrates the functioning of the space is adequate enough to accommodate all the uses anticipated for both the commercial and the hotel elements. The TA details, for deliveries associated to the hotel, the development is likely to generate 5-6 vehicles per day and a further 1-2 deliveries for the commercial element, generating a total vehicular trip generation of 6-8 delivery related trips per day. Refuse storage has been provided at ground floor level for the hotel and commercial uses which would amount to 15 x 1,100l Eurobins within a secured bin storage area.
108. Transport for London (TfL) have raised as an issue within their representation, the size of the operational yard and the quantity of uses proposed and potential impact on the highway as a result of spill out. As a response to this concern, a draft Service Yard and Management Plan has been submitted. This proposes a management strategy of the service yard and to demonstrate how the space could function and appropriately managed through an adequate management plan. It is proposed that the yard space management plan would include specific delivery hours for each use, including refuse, details of the provision of an on-site goods manager and an online booking system. This is recommended to be secured via legal agreement.

#### Taxis

109. The applicant's consultants have estimated the taxi movements that the hotel is anticipated to generate. These are predicted to generate 4 and 5 taxi/private hire vehicles in the am and pm periods respectively. The proposed scheme would introduce a dedicated taxi drop off bay to the rear of the site and given the trips likely to be generated by this mode of transportation, the provision made for to accommodate the trips by taxi are considered to be sufficient in capacity terms to sustain the anticipated demand from this application.

#### Coaches

110. A number of comments, including that from Transport for London (TfL), have raised within their representation concerns in relation to coaches, small and large. The proposed hotel is not expected to necessitate coach parking as the nature of the proposed hotel at a mid-scale offer and is not anticipated to generate this need. However, as an operator has not been appointed to date, a condition to restrict the use of coaches is recommended. A further condition is also recommended which will require the operator to state this within all marketing statements.

#### Cycle Parking

111. The proposed development would generate the requirement for 25 short stay cycle parking spaces (based on the London Plan calculation of 1x space per 90

sqm for the B class offer and 1 space per 20 bedrooms for the C1 portion). In regards to long stay, the application would be required to provide 1 space per 500 sqm for the B class offer and 1 space per 50 bedrooms. This would generate the requirement for and 7 long stay spaces.

112. In accordance with draft New London Plan policy cycle parking requirements, 34 cycle parking spaces would be provided. These are proposed to be located within secure covered storage areas to the rear of the service yard and within the worker/maker space, which would satisfy Saved Southwark Plan Policy 5.3 for cycle parking to be convenient, secure and weatherproof. In addition to the above cycle parking requirements, TFL have sought a contribution towards the provision of infrastructure for their cycle hire scheme as referred to in their representation. A contribution of £70,000 is therefore required, which is to be secured within the S106 Legal Agreement.

#### Buses

113. As detailed above, the site has convenient access to public transport including good links to existing bus services. The closest bus stops are located on New Kent Road directly south of the application site which provides bus links. The borough has an agreement with TfL those contributions to improve bus services will need to be made in the Opportunity Area and in particular along the Old Kent Road to accommodate the demand generated by the developments in advance of the opening of the planned extension of the Bakerloo Line. Whilst the application site is not located along the Old Kent Road, the cumulative impacts of schemes across the opportunity area must be considered. The methodology used in other schemes thus far has been the application of £2,700 per unit. Given the non-residential nature of this scheme a different methodology is to be applied and contributions have been calculated using a standard ratio of bedrooms/ units conversion. This would equate to a total contribution of £180,000 for improvements to the bus network and is to be secured in the legal agreement.

#### DSP bond

114. 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. As this development proposes a hotel, the methodology applied to arrive to the proposed DSP bond has been aforementioned ratio, the total figure of which has been included in the table below. 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:

- 1) Necessary to make the development acceptable in planning terms;
- 2) Directly related to the development; and
- 3) Fairly and reasonably related in scale and kind to the development.

The proposal is for the management of the new development to monitor the daily vehicular activity of the site both commercial uses, quarterly for a period of 2 years from first occupancy. If the site meets or better its own baseline target the bond will be returned within 6 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 in this instance would be £6,969.96 based on application of the aforementioned methodology to the 200 bedrooms as well as the £100/500sqm for all other floorspace proposed as part of this application. The applicant has agreed to the contribution which can be collected via the S106 legal agreement.

**Table: DSP Bond calculation**

<b>Use</b>	<b>SQM</b>	<b>£</b>
<b>Hotel</b>	5,642 (200 bedrooms)	6,666.67
<b>Commercial</b>	1,354	270.8
<b>Café</b>	162	32.4
<b>Total</b>	<b>1515 (+200 bedrooms)</b>	<b>£6,969.9</b>

### **Energy and sustainability**

115. 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. 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 commercial elements (Hotel and worker space) of the proposal would be expected to achieve a 35% reduction against part L of the Building Regulations 2010. An Energy Statement and a Sustainability Statement have been provided based on the Mayor's Hierarchy set out within Policy 5.2 of the London Plan.

#### Be Lean (use less energy)

116. '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:
- The specification of a higher performing building fabric and improved airtightness to reduce heat loss and will reduce the developments required heating energy;
  - Using mechanical ventilation with heat recovery (MVHR);

- The availability of daylight within the hotel bedrooms has been balanced with the overheating risk that solar gains can present; and
- The use of in built fins provides effective solar shading during summer but retains opportunity for useful winter passive solar gain when the sun is lower in the sky.

These passive and active energy efficiency measures listed above satisfy the 'Be Lean' criterion of the hierarchy.

#### Be Clean

117. The proposed design maximises energy efficiency and follows principles of good active system design. Given the location and current availability of connection into the existing district heating system, no savings are achieved within this segment of the energy hierarchy at present given the lack of existing infrastructure. The building has been designed to be easily connected to and take advantage of a potential district heating system. This would be required by the Section 106 Agreement.

#### Be Green

118. To satisfy the 'Be green' criterion of the energy hierarchy, photovoltaic Panels (PV panels) and air source heat pumps (ASHPs) have been introduced. The introduction of PVs and the ASHPs into the development would contribute to a reduction of CO2 emissions by a further 27.6%. The ASHPs would provide heating as well as hot water to the entire development and has the ability to provide comfort cooling for thermal comfort to users of the building in the warmer months.

#### Conclusion:

119. Taking all the on-site measures proposed, a cumulative carbon savings of 35.1% on site would be achieved which would meet the London Plan Policy for non-residential developments to achieve 35% reductions in CO2 emissions (against a Building Regulations (Part L 2013) compliant scheme. There is potential for greater savings but given that a hotel operator has not been appointed, the calculations have been based on moderate assumptions. The applicant has proposed a communal heat pump system which has the ability to be retrofitted to allow for a future connection to a district heating network should this be available in the future. This will ensure greater energy savings and a clause will be included within the S106 Legal Agreement to secure this.

#### **Overheating**

120. Policy 5.0 of the London Plan 'overheating and Cooling' states that major development proposals should reduce potential overheating and reliance on air conditioning systems and demonstrate that this in accordance with the cooling hierarchy. This policy seeks to reduce the impact of the urban heat island effect and excessive heat generation
121. In order to demonstrate compliance, the proposals would integrate active and passive design in the design, material, construction and operation of the development in order to mitigate potential overheating risks and demand for active cooling measures. In accordance with policy, the proposed development

would:

- Minimise internal heat gains through energy efficient design: this will include high efficiency air source heat pumps with all heat sources and pipe work sufficiently insulated to avoid excess heat transfer into internal spaces. This will also include the use of energy efficient fixtures and lighting to further limit the amount of internal heat gains and in reducing overall energy demand.
- Reducing the amount of heat entering the building in summer months: this has been achieved through balancing the aperture size to allow for sufficient light whilst reducing solar heat gains. Internal blinds and glazing with low transmittance will also be installed where required to provide additional reductions in solar gains.
- Utilisation of thermal mass and high ceilings – within buildings and during peak summer periods, this will allow for excess heat store and release, reducing temperature peaks.
- Ventilation: mechanical ventilation with heat recovery will be used in the entirety of the scheme as the primary strategy. Hotel rooms have been designed with passive ventilation systems as secondary strategy.

## **BREEAM**

122. Strategic Policy 13 of the Core Strategy requires commercial units to achieve BREEAM 'excellent'. A sustainability report has been submitted which demonstrates that the proposed development would achieve BREEAM Excellent for both the co-worker element as well as the hotel element of the scheme. This would be policy compliant and a condition to secure this is therefore recommended.

## **Ecology and biodiversity**

123. A biodiversity survey and report has been submitted which has been reviewed by the Council's ecologist. As detailed within the report the site has been identified as one of low ecological value and negligible potential to support all notable and/or protected species besides low potential to support nesting birds.
124. By recommendation of the Council's biodiversity officer, the inclusion of 4 Sparrow boxes and 6 Swift Bricks to be internally set onto the walls is recommended to be secured by condition. The extensive landscaping plans and enhancement features proposed including those proposed to be secured by condition, would result in a biodiversity net gain within this site, in accordance with London Plan policy and Saved Southwark Plan policies.

## **Air quality**

125. 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. 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 both from the construction and operation of the proposed development.

126. The Air Quality Assessment undertaken found that releases of dust and Particulate Matter (PM10) are likely to occur during site activities. It also identified that through good site practice and the implementation of suitable mitigation measures, the effect of dust and PM10 releases may be mitigated to where the effects are considered to be negligible. This will be secured through the Construction Management Plan (CEMP) required by the Section 106 Agreement.
127. The development is proposed to be car free with the exception of delivery and drop-off related activities which expected to generate 29 vehicular movements a day. This is considered to be unlikely to affect local air quality. Dispersion modelling has also been undertaken to predict concentrations of NO<sub>2</sub>, PM10 and PM2.5 to determine whether any mitigation measures would be required to protect future occupants. As the proposed use of the site is wholly commercial, no issues are raised as to long term exposure. However, a ventilation strategy has been submitted which details out strategies for the mitigation of short term air quality as in terms of NO<sub>2</sub>, the assessment indicates that an exceedance of the annual mean air quality objective is likely. This is largely attributed to the existing poor air quality rather than a result of the development. As Air Source Heat Pumps are proposed for heating the development is Air Quality neutral in respect of building-related emissions.

### **Noise and Vibration**

128. An environmental noise and impact assessment has been submitted and recommendations presented to ensure that occupiers and users of the proposed development do not suffer a loss of amenity due to noise nuisance or excess noise from activities within the building and from surrounding uses. This considers potential noise transfer between the hotel and the commercial element, the hotel and external environmental noise and the noise emitted through the plant equipment. Whilst the accommodation portion is not for residential uses, this mitigation strategy proposed would satisfy the policy of quality accommodation and can be secured through an appropriately worded condition. The Environmental Protection team have reviewed the documents and recommend the wording of these conditions.

### **Secured by design**

129. The applicant and LBS officers have met with officers of the Metropolitan Police, to review the design of the scheme and allow for appropriate security measures to be incorporated into the development and development design. The representation received by the Metropolitan Police confirms that the design of the development has considered opportunities for natural surveillance and excellent line of sites which are crime prevention measures. The representation states that it is possible for this application to obtain secured by design accreditation and as such a condition is recommended to be attached required that the applicant achieve secured by design accreditation.
130. In their representation, the MET police raised the following two issues. The first relates to clarity in relation to the service yard and concerns around the potential for anti-social behaviour. In response the concerns raised, the applicant has agreed that the service yard will be fully enclosed. A security fence is proposed to extend along the western boundary and the entrance secured by a roller shutter. The roller shutter is proposed to be remote operated by the hotel staff and the onsite yard manager. Further details of the service yard, including those of

pertaining to the security and operation of the roller shutter is proposed to be included within the Service Yard Management Plan which is to be secured via legal agreement.

131. The second concern is in relation to the compartmentalisation of uses. The agent has confirmed that the hotel access can be controlled by a fob system as to ensure that the hotel is only accessible by guests and staff. The café/restaurant is proposed to be used by both the hotels users, users of the co-working space and visitors and as such a deliberate fluidity in the approach of the design of the ground floor layout has been sought. Officers consider the approach to be one of the positive elements of the scheme and that this can be efficiently managed by on site personnel.

### **Ground conditions and contamination**

132. A Land contamination Assessment Desk Report has been submitted which provides an assessment of the potential for contamination at this site. This also includes a preliminary UXO Risk Assessment to understand the likelihood of encountering UXO below the site. The report concludes that it is considered to be low risk in respect of finding contamination that would require remedial works. Therefore it is considered that there will be no risk to ground surface waters, ecology or wildlife as a result.

### **Water resources and flood risk**

133. The site is located in Flood Zone 3 which is defined as having a 'high probability' of river and sea flooding and accordingly the applicant has submitted a Flood Risk Assessment. The Environment Agency have been consulted on the application and have not raised any objections subject to proposals and have recommended conditions.
134. In addition to the green roofs having the abilities to slow down runoff rates, the sustainability statement provided details a site specific Sustainable Urban Drainage System (SUDs) based on the existing geology and urban context of the area. The proposed SUDs system comprises of 115m<sup>2</sup> of permeable paving system with 900mm deep geo-cellular attenuation storage with capacity of 98 cubic meters, which would be capable of accommodating the required storage capacity to meet the runoff rates which have been calculated to be 2l/s from an existing 16.8l/s representing a substantial betterment. This will manage onsite runoff rates at a rate mimicking infiltration and storage capacities of semi-natural devices such as trenches, swales and ponds.
135. Further to the flow control system, the proposed SUDs strategy also proposes an attenuation system utilises biological and mechanical filtration system which has the ability to remove any particulate matter and pollutant before its release into the local system. The post development area has been used to determine the volume required to meet the runoff target for storm events up to 1:100 year (plus climate change) event. The application would reduce surface water runoff rates by 88% (when compared to the existing on site condition) after the implementation of SUDs exceeding the 50% requirement of the Southwark Core Strategy. The inclusion would replace the 1,580 sqm of currently hardstanding area on the site which includes the building, which takes about 50% of the site, and the parking space to the rear forming the remainder of the site.

136. As the site falls within the Old Kent Road Regeneration area, development must achieve greenfield runoff rates, or pay a financial contribution. The application is very close to meeting Greenfield Runoff rates and the flood and drainage team have requested that the applicant undertake further investigations into meeting greenfield runoff rates (the greenfield runoff rate is a just below 0.1L/s whilst the application proposes a runoff rate of 0.2L/s). The follow up work concluded that it would not be recommended as it could result in blockages to the system as there would be insufficient flow to flush out any potential residue caught up within the system. This was reviewed by the Councils Flood Risk Team and proposed discharge rate was subsequently agreed.
137. As schemes in the Old Kent Road must achieve greenfield runoff rates, or pay a financial contribution, a financial contribution sought. This will be secured through the Section 106 Legal Agreement at a charge of £365 per cubic metre that it falls short of, as well as a detailed design of the proposed SUDs system. It is also recommended that conditions requiring a SUDs maintenance plan as well as an emergency Flood evacuation plan is submitted to and is approved in writing by the planning authority prior to the occupation of the site. This should specify appropriate access and egress routes for all users and/or safe areas of refuge on upper levels.

### **Archaeology**

138. The site lies within an Archaeological Priority Zone (APZ), and when the New Southwark Plan is adopted the site will lie within the North Southwark and Roman Roads Tier 1 Archaeological Priority Area (APA). Saved Policy 3.19 of the Southwark Plan (2007) requires that applications for development in APAs should be accompanied by an archaeological desk-based assessment (DBA) and an evaluation report (the results of trial trenching on the site).
139. The applicant has submitted a desk based assessment with this application and an archaeological evaluation works on the site has also been undertaken. The works were undertaken to a very high standard by MoLA and were monitored on site by the Council's Archaeology Officer.
140. The small scale evaluation revealed that very little archaeological material were present in the area excavated. However, as recommended in the archaeological evaluation report a small -scale watching brief (targeted on those parts of the site not evaluated) should take place during construction groundworks, as a safeguarding measure. This is recommended to be secured by condition by recommendation of the Council's Archaeological Officer.

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

<b>Planning obligation</b>	<b>Mitigation</b>	<b>Applicant's position</b>
<b>Local Economy and Workspace</b>		
Affordable workspace	Co working space at no more than 25% of local market rate for 10% of the B1 net	Agreed

provision	internal floorspace.	
<b>Transport and Highways</b>		
Highway works	<p>Repave the footways including new kerbing fronting the development on Theobald Street using materials in accordance with Southwark's Streetscape Design Manual - SSDM (precast concrete slabs and 150mm wide granite kerbs).</p> <ul style="list-style-type: none"> <li>• Construct the vehicle crossover on Theobald Street to current SSDM standards.</li> <li>• Reinstate the redundant vehicle crossover on Theobald Street as footway.</li> <li>• Construct a raised table at the junction of Theobald Street junction with New Kent Road.</li> <li>• Repair any damages to the highway due to construction activities for the development including construction work and the movement of construction vehicles.</li> </ul>	Agreed
Bus contributions	£180,000	Agreed
Delivery service plan bond	£6,969.9	Agreed
Cycle club scheme	£70,000	Agreed
<b>Energy, Sustainability and the Environment</b>		
Connection to (or futureproofing for connection to) district CHP	Provision to be secured in the S106	Agreed
Greenfield runoff	Provision to be secured in the S106	Agreed

rates		
Administration fee	Payment to cover the costs of monitoring these necessary planning obligations calculated as 2% of total sum.	Agreed

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

- Workspace Specification
- Construction phase jobs, short courses and apprenticeships or Employment and Training contribution
- Highway works – Section 278 Agreements
- Connection to a future District Heating System (SELCHP)
- Final Demolition and Construction Environment Management Plans
- Construction Logistics Management Plan
- Yardspace management plan
- Delivery and Servicing Management Plan

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

143. In the event that a satisfactory legal agreement has not been entered into by 15 December 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 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).”

#### **Mayoral and borough community infrastructure levy (CIL)**

144. Section 143 of the Localism Act states that any financial contribution received as “community infrastructure Levy” (CIL) is 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.

145. In this instance it is an estimated CIL payment of approximately £967,232.00 and an estimated Southwark CIL payment of £426,720 would be required.

#### **Summary of neighbour consultation**

146. 17 Consultation responses were received of which 15 objected to the proposal and which detailed the following material concerns:

- The proposed height and scale of development

- Proximity to the Ark Global Academy
- Overprovision of hotel in the area
- Impact on the highway, including on coaches and large busses as well as the impact of deliveries to the front of the building and on neighbouring amenity
- Impact on the listed terrace
- Objection to the inclusion of the A class use on waste and littering.
- Impact on the local pub
- Loss of light to the listed terrace and to the gardens of the terrace
- Objection to the communal roof amenity
- Loss of outlook
- Overlooking
- Concerns about maintaining the B class floorspace
- Impacts on the foundations of the adjacent buildings
- Impacts on air quality
- Overprovision of food premises and impact on the school
- Comment on the use of brick
- Location of the entrances

These have been addressed in detail in the main body of this report.

### **Community impact and equalities assessment**

147. The Council must not act in a way which is incompatible with rights contained within the European Convention of Human Rights
148. The Council has given due regard to the above needs and rights where relevant or engaged throughout the course of determining this application.
149. 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:
  1. The need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act
  2. 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
  3. 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.

150. The protected characteristics are: race, age, gender reassignment, pregnancy and maternity, disability, sexual orientation, religion or belief, sex, marriage and civil partnership.

**Human rights implications**

151. This planning application engages certain human rights under the Human Rights Act 2008 (the HRA). The HRA prohibits unlawful interference by public bodies with conventions rights. The term 'engage' simply means that human rights may be affected or relevant.
152. This application has the legitimate aim of providing a new mixed use building with hotel, workspace and café uses. 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.

**Positive and proactive statement**

153. The Council has published its development plan and Core Strategy on its website together with advice about how applications are considered and the information that needs to be submitted to ensure timely consideration of an application. Applicants are advised that planning law requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise.
154. The Council provides a pre-application advice service that is available to all applicants in order to assist applicants in formulating proposals that are in accordance with the development plan and core strategy and submissions that are in accordance with the application requirements.

<b>Positive and proactive engagement: summary table</b>	
Was the pre-application service used for this application?	
If the pre-application service was used for this application, was the advice given followed?	Yes
Was the application validated promptly?	Yes
If necessary/appropriate, did the case officer seek amendments to the scheme to improve its prospects of achieving approval?	Yes
If necessary/appropriate, did the case officer seek amendments to the scheme to improve its prospects of achieving approval?	Yes
To help secure a timely decision, did the case officer submit their recommendation in advance of the statutory determination date?	No

**Other matters**

155. N/A

## Conclusion

156. The major redevelopment of the site is supported and welcomed in principle. The introduction of a hotel use on this site is considered to be acceptable in principle as it would not result in an overprovision of hotels in the area and would create an increase in overall employment floorspace density in a modern building. Whilst the application does not provide full reprovion of the commercial floorspace, the 20sqm shortfall is considered on balance to be acceptable for reasons discussed in the main body of this officer report. The proposal would also have some A class uses on the ground floor which would activate the frontage along New Kent Road. The proposed mix of uses would contribute to the vibrancy of the area and which would be complemented by a high quality building.
157. Whilst part of the proposed building would be slightly taller than the buildings immediately adjacent, the overall scale of the development is considered to be acceptable within this location and has been designed to be of high quality and to respond to its immediate context. The proposal would not result in any significant daylight, sunlight, outlook or overlooking impacts on the surrounding residential properties. The architectural design is considered to be of the highest quality, and any harm to the setting of the surrounding listed buildings is considered to be outweighed by the major regeneration benefits of the proposal.
158. It is therefore recommended that planning permission be granted, subject to conditions and the agreement of a S106 Legal Agreement under the terms as set out above.

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file:  Application file: 19/AP/5389  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: 020 7525 5535 Council website: www.southwark.gov.uk

## APPENDICES

No.	Title
Appendix 1	Consultation undertaken and replies received
Appendix 2	Draft decision notice
Appendix 3	Recommendation

## AUDIT TRAIL

<b>Lead Officer</b>	Simon Bevan, Director of Planning	
<b>Report Author</b>	Alicia Chaumard, Planning Officer	
<b>Version</b>	Final	
<b>Dated</b>	27 May 2020	
<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>		28 May 2020