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<b>Item No.</b> 7.2	<b>Classification:</b> Open	<b>Date:</b> 17 November 2020	<b>Meeting Name:</b> Planning Sub-committee A
<b>Report title:</b>	<b>Development Management planning application:</b> Application 19/AP/6395 for: Full Planning Application  <b>Address:</b> CHEVRON APARTMENTS 294-304 ST JAMES'S ROAD LONDON SE1 5JX SOUTHWARK  <b>Proposal:</b> Extension of the existing building to provide 15 no. residential (C3) apartments together with other associated and enabling works.		
<b>Ward(s) or groups affected:</b>	Old Kent Road		
<b>From:</b>	Director of Planning		
<b>Application Start Date:</b>	20/12/2019	<b>Application Expiry Date:</b>	20/03/2020
<b>Earliest Decision Date:</b>	30/01/2020		

## Recommendations

1.
  - a. That the planning committee grant planning permission subject to conditions and the applicant entering into an appropriate legal agreement.
  - b. In the event that the requirements of paragraph 1 above are not met by 17 June 2020, that the director of planning be authorised to refuse planning permission, if appropriate, for the reasons set out under paragraph 188-189.

## Background Information

### Site location and description

2. The application site measures 0.15 hectares and comprises a former light industrial three storey building known as 'Universal House'. The rear elements of the building date from the late 19<sup>th</sup> century while the frontage was built in the 1950s/60s. In 2016 it was converted into 34 residential apartments and is now called 'Chevron Apartments'. It lies within the following Southwark Plan designations:
  - Old Kent Road Opportunity Area;
  - Old Kent Road Area Action Core;

- Old Kent Road Strategic Industrial Location;
- Urban Density Zone;
- Bermondsey Lake and Old Kent Road Archaeological Priority Zones;
- Air Quality Management Area;
- Flood Risk Zone 3;
- Public transport accessibility level (PTAL) of 4 on a scale of 1-6 where 1 is the lowest level and 6 represents the highest;

The site is allocated within the draft Old Kent Road Area Action Plan as falling within Sub Area 2 Cantium Retail Park and Marlborough Grove and forms part of Site Allocation OKR 11 – Marlborough Grove and St James’s Road.

3. The existing building makes up most of the site and is constructed predominantly in brick with a concrete frame, as well as concrete sills and lintels. The street frontage features a mid-20<sup>th</sup> century stock brick, while to the rear there are a number of brick coloured distinguishing the periods of commercial activity that have taken place within the site. The application site is not located within or in close proximity to any conservation areas and there are no statutory listed buildings on the application site, the closest being the Grade II Listed Evelyn Lowe School which is located on the corner of Marlborough Grove and Rolls Road.

### **The surrounding area**

4. The existing makeup and character of the surrounding area is complex; the western side of St James’s Road where the site is located consists largely of a mix of industrial units of different scales and ages. The application site is bound to the east by St James’s Road. To the west the site abuts a small industrial estate at 306 St James’s Road, which is let to the Department for Transport. To the south there is a private access road into 306 St James’s Road and to the south of this there is the former Lobo Meat Factory, which is currently understood to be vacant.
5. To the north of the application site is the St James’s Industrial Mews and 4 terraced Victorian properties which are remnants of pre-war development and the only purpose built residential accommodation with an immediate relation to the site. These have been identified in the further preferred draft of the Old Kent Road Area Action Plan as being of townscape merit. Across St James’s Road is the Bramcote Estate which is predominantly 2 storey 1980s residential properties.
6. Full planning permission is sought for the upwards extension of the existing building to provide 15 new residential dwellings in a part 3, part 4 storey extension.

### **Details of proposal**

7. The application site has a relatively lengthy planning history but the existing building is now in established residential use, having been converted in 2016 into 34 residential units under permitted development and renamed ‘Chevron Apartments’. Planning permission was subsequently granted on 02.10.2018 (ref 18/AP/0930) for the provision of further residential units. The approved

development includes a new extension in an almost full coverage roof addition, creating a further 8 units. Since the determination of that application, the site was purchased by Skyroom (the current applicant) who are now seeking a different approach to improve on the way in which the building can be extended. This includes uplift in number of homes in a revised massing strategy which sees the consolidation of heights on the eastern portion of the existing roof space, allowing for the creation a series of new green and amenity spaces.

8. Whilst the current application under consideration differs from the consented in a number of respects, it is important to note that some fundamental principles remain. As the granted consent can still be implemented, it is a material consideration that is relevant in the determination of this planning application. Importantly this proposal under consideration would secure additional benefits to the consented scheme, the most significant being a provision of on-site affordable housing. The proposal also includes the creation of new communal amenity space and allows for the future proofing of a link to a district heating network. The construction methodology proposed as part of this application has changed and is now wholly off-site which offers the benefit of less on site construction time and associated amenity related impacts, all of which are considered to be considerable benefits of the application under consideration.
9. A total of 19 consultation responses have been received and a detailed breakdown of the objections along with responses are set out in paragraphs 188-190.

## **Planning history**

10. See Appendix 3 for any relevant planning history of the application site.

## **Key Issues for Consideration**

### **Summary of main issues**

11. 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;
  - Tenure mix, affordable housing and viability ;
  - Dwelling mix including wheelchair housing;
  - Density;
  - Quality of residential accommodation;
  - Design, layout, heritage assets and impact on Borough and London views;
  - Landscaping and trees;
  - Outdoor amenity space, children's playspace and public open space;
  - 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.
12. These matters are discussed in detail in the 'Assessment' section of this report.

### **Legal context**

13. 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.
14. 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**

15. 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.
16. 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)

17. National planning policy is set out in the revised National Planning Policy Framework ('the NPPF'), published in 2019. 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'.
18. Paragraph 48 of the revised NPPF states that weight can be afforded to relevant policies in emerging plans depending on the stage of preparation of the plan. The council is preparing the New Southwark Plan (NSP) and Old Kent Road Area Action Plan (OKR AAP) which are emerging policy documents. The new London Plan is also in draft form. The weight that can be afforded to these emerging documents is discussed in greater detail in later sections of this report.

#### National Planning Policy Framework (NPPF)

19. Chapter 2 - Achieving sustainable development  
 Chapter 5 - Delivering a sufficient supply of homes  
 Chapter 7 - Ensuring the vitality of town centres  
 Chapter 9 - Promoting sustainable transport  
 Chapter 11 - Making effective use of land  
 Chapter 12 - Achieving well-designed places  
 Chapter 14 - Meeting the challenge of climate change, flooding and coastal change

#### The London Plan 2016

20. The London Plan is the regional planning framework and was adopted in 2016. The most relevant policies are those listed below.
21. Policy 2.17 Strategic Industrial Locations  
 Policy 3.3 Increasing Housing Supply  
 Policy 3.5 Quality and design of housing development  
 Policy 3.8 Housing choice  
 Policy 3.9 Mixed and balanced communities  
 Policy 3.10 Definition of affordable housing  
 Policy 3.11 Affordable housing targets  
 Policy 3.12 Negotiating affordable housing on private and individual private and mixed use schemes.  
 Policy 5.12 Flood risk management  
 Policy 6.9 Cycling  
 Policy 6.10 Walking  
 Policy 6.13 Parking  
 Policy 7.4 Local character  
 Policy 7.5 Public Realm  
 Policy 7.6 Architecture  
 Policy 7.8 Heritage assets and archaeology  
 Policy 7.21 Trees and woodlands  
 Policy 8.2 Planning obligations  
 Policy 8.3 Community infrastructure levy

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

#### Core Strategy 2011

25. 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:
  26. Strategic policy 1 - Sustainable development
  - Strategic policy 2 - Sustainable transport
  - Strategic policy 5 - Providing new homes
  - Strategic policy 6 - Homes for people on different incomes
  - Strategic policy 7 - Family homes
  - Strategic policy 12 - Design and conservation
  - Strategic policy 13 - High environmental standards
  - Strategic policy 14 - Implementation and delivery
27. 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:
  28. 1.2 - Strategic and local preferred industrial locations
  - 2.5 - Planning obligations
  - 3.2 - Protection of amenity

- 3.3 - Sustainability assessment
- 3.4 - Energy efficiency
- 3.8 - Waste management
- 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
- 3.28 - Biodiversity
- 4.2 - Quality of residential accommodation
- 4.3 - Mix of dwellings
- 4.4 - Affordable housing
- 4.5 - Wheelchair affordable housing
- 5.2 - Transport impacts
- 5.3 - Walking and cycling
- 5.6 - Car parking

Supplementary Planning Documents (SPDs)

- 29. 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)  
 Affordable housing SPD (2008 – Adopted and 2011 – Draft)  
 Residential design standards SPD (2015)  
 Development Viability SPD (2016)

**Emerging policy**

Daft New London Plan

- 30. The draft New London Plan was published on 30 November 2017 and the first and only stage of consultation closed on 2 March 2018. Following an Examination in Public, the Mayor then issued the Intend to Publish London Plan, which was published in December 2019.
- 31. The Secretary of State responded to the Mayor in March 2020 where he expressed concerns about the Plan and has used his powers to direct changes to the London Plan. The London Plan cannot be adopted until these changes have been made.
- 32. The draft New London Plan is at an advanced stage. Policies contained in the Intend to Publish (ItP) London Plan published in December 2019 that are not subject to a direction by the Secretary of State carry significant weight. 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. 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)

33. 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. The New Southwark Plan Proposed Submission Version: Amended Policies January 2019 consultation closed in May 2019. These two documents comprise the Proposed Submission Version of the New Southwark Plan.
34. These documents and the New Southwark Plan Submission Version (Proposed Modifications for Examination) were submitted to the Secretary of State in January 2020 for Local Plan Examination. The New Southwark Plan Submission Version (Proposed Modifications for Examination) is the Council's current expression of the New Southwark Plan and responds to consultation on the NSP Proposed Submission Version.
35. In April 2020 the Planning Inspectorate provided their initial comments to the New Southwark Plan Submission Version. It was recommended that a further round of consultation take place in order to support the soundness of the Plan. Consultation has taken place on this version of the NSP over the summer of 2020. The final updated version of the plan will then be considered at the Examination in Public (EiP).
36. It is anticipated that the plan will be adopted in late 2021 following the 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.
37. 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 4 years, with a first draft published in 2016. A further preferred option of the Old Kent Road AAP (Regulation 18) was published in December 2017 and concluded consultation on 21 March 2018. As the document is still in draft form, it can only be attributed limited weight.

#### **Consultation responses, and how the application addresses the concerns raised**

## Consultation responses from members of the public

38. This application was subject to a round of statutory consultation. At the time of writing the report, a total of 19 consultation responses had been received from members of the public, two of which were letters signed by a group of people. Of the 19 responses, 17 objected to the proposal. It should be noted that a number of respondents have submitted more than one comment although officers have not sought to quantify it in that way. Summarised below are the material planning considerations raised by members of the public. These matters are addressed comprehensively in the relevant preceding parts of this report but a summary has been provided below alongside a short response.

39.

Objections	Officer response summary
Height, scale and massing and impact on residential character	The response of the design to the character of the area, including its Opportunity Area status, is addressed in the section of this report on design considerations. The design is considered to be of very high quality, complies with draft AAP guidance and is subject to a number of conditions.
Loss of daylight and sunlight and privacy	A full daylight, sunlight and overshadowing assessment has been submitted and is summarised in the section of this report on the impact of the proposed development on the amenity of adjoining occupiers. Following review of the submitted daylight and sunlight assessment as outlined in the relevant paragraphs it is not considered to be of a level that would significantly impact on the neighbours' amenity.
The proposal would increase demand on existing local infrastructure and facilities	The draft OKR AAP looks holistically at the overall impact of increased population growth in the Old Kent Road area and how social infrastructure needs to be increased and improved as part of that growth, to ensure that sufficient infrastructure and facilities benefit new and existing communities equally. A number of contributions have been secured which have been detailed in the previous paragraphs which are commensurate to the scale of the proposal by using a standard methodology applied across all schemes. This is in addition to CIL contributions that will ensure that the cumulative impact of the development schemes locally provide sufficient contribution to infrastructure.
It would increase traffic and parking strain on the area.	Traffic impacts are considered in greater detail in the Transport section of this report. The scheme is proposed to be car free and financial contributions would be made to the cycle hire expansion scheme and bus services to

	accommodate further growth in the opportunity area in advance of the delivery of the BLE.
Insufficient disabled car parking	It is normally the Councils preference to have off-street disabled parking. Although the scheme does not provide any on-site wheelchair parking, a parking bay survey was undertaken in the vicinity of the site which demonstrated there is some capacity along the road network to accommodate the small demand arising as part of this application. This capacity could allow for applications for blue badge parking for wheelchair units if requested.
Location and bin and bikes to the forecourt	This has been the subject of a number of comments and the applicant has amended the proposed refuse location.
Clarification on waste management	A waste management plan will be requested as part of a condition.
Details on materials	Details of materials will be required by condition and required to be maintained as such thereafter.
Impact of construction on amenity of existing and neighbouring residents	A Construction Environment Management Plan is required by the Section 106 Legal Agreement. The CEMP would oblige the applicant and contractors to commit to current best practice with regard to site management and to use all best endeavours to minimise on site impacts.
Lack of consultation	Letters sent to local residents, the display of a site notice and a notice in the local press has been undertaken and this satisfies consultation requirements by the Local Planning Authority. The consultations undertaken by the applicant has been detailed in other sections of the report.
Density	The exceedance of density thresholds is not unacceptable as a point of principle. The appropriateness of the site to sustain further residential growth is determined by both policy and a qualitative assessment of the resulting accommodation which are discussed in greater detail in the main body of the report.
Architecture	The merits of the architectural design are established in the design considerations section of this report. The architectural design is considered to be of the highest quality
Landscaping of the forecourt	The forecourt will remain largely as is with the exception of a new boundary treatment which is considered to be a positive element of the scheme.
It would increase noise	Issues pertaining to noise will be controlled by condition.
Affordable housing provision	38.1% affordable housing is proposed. This is outlined in the Affordable Housing section of this report.
The site cannot	A detailed policy breakdown is provided in earlier

accommodate further growth	stages of the report. The ability for a site to sustain (additional) residential growth is set by national and regional policy alike and which is followed by a qualitative assessment on the practicalities of accommodating further residential units.	
Contrary to policy	Although this particular point was vague as to which policies precisely, a detailed policy breakdown is provided in earlier stages of the report,	
Lack of a full FVA	In line with the affordable Housing SPD, the full FVA will be made available 10 days prior to the application being presented to committee member. The executive summary is however uploaded onto the council website.	
Objection to rooftop communal amenity	The provision of green roofs and communal amenity is a benefit of the scheme the positioning and design of which has been given careful consideration being placed furthest away from the terrace. All other green space not marked as communal space will be biodiverse green roofs only with appropriately worded conditions to restrict its use for any other than maintenance.	
The Sunlight Results of the Daylight Assessment omits the results for W3 and W4	Sunlight assessments are only required when windows face within 90 degrees of due south and is assessed for horizontal windows.	

40. Two comments were received neither supporting nor objecting to the proposals, both from residents of the Chevron building. Where these raised concerns these have been included in the above table. Comments of support are as follows:

- The applicant proposes method of construction will minimise disruption to existing residents
- Provision of new communal areas for existing residents.
- The applicant has made positive changes to the design through discussions with residents.
- Preference for this application when compared to the last.

41. In addition to those that have been listed above, a number of comments have been received that are considered to be non material as they relate to issues with the existing building. For avoidance of doubt, these have been listed below.

- Existing issues with the building including:
  - i. Security measures
  - ii. Roller Shutter
  - iii. Existing maintenance of the building
  - iv. Existing cycle storage
  - v. Rear pond not functioning

- vi. Market value of the properties
  - vii. Management of the building
- General issues with parking on St James's Road including unauthorised vehicular parking on the forecourt of the application site and along St James's Road.
  - Use of the amenity on the adjacent estate by Chevron Residents.

## **Assessment**

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

#### Densification of an existing housing stock

42. 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. Chapter 11 of the NPPF states the need to make efficient use of land through planning policies and decisions to support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, the NPPF advises that upward extensions should be allowed where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well designed (including complying with any local design policies and standards) and can maintain safe access and egress for occupiers.
43. This policy position is reiterated within the draft London Plan which provides strategic direction for making the best use of land. The guidance contained within the plan emphasises on the need to recognise the role of small sites, particularly when considered cumulatively, in contributing to London's housing supply. To ensure that these contributions are met, the draft London Plan introduces a presumption in favour of small housing developments and a small sites target. For Southwark this equates to 8,000 units over a 10 year period or a provision of 800 units per year on small sites and which is a subcomponent of the overall housing delivery target for the borough.
44. The policy continues to state that boroughs should pro-actively support well designed new homes on small sites to diversify the sources, locations, type and mix of housing supply, support small and medium-sized housebuilders and to provide opportunities to support the use of Modern Methods of Construction. This is unless the development would give rise to unacceptable levels of harm to residential privacy, designated heritage assets, biodiversity or of safeguarded land use which would outweigh the benefits of additional housing provision.
45. Small sites are defined as those that are below 0.25 hectares in size and/or provide 1- 25 residential units on:
  - 1) Infill development on vacant or underused brownfield sites
  - 2) Proposals to increase the density of existing residential houses with

PTALS 3-6 or within 800m of a station or town centre boundary through:

- a) Residential conversions (subdivision of houses into flats)
- b) Residential extensions (upward, rear and side)
- c) The demolition and/or redevelopment of existing houses and/or ancillary buildings
- d) Infill development within the curtilage of a house.

#### Identification of sites suitable for densification

- 46. Good Growth Policy GG2 of the London Plan makes clear that making the best use of land, including intensifying sites, requires redirecting growth to the most accessible and well connected places, making the most efficient use of existing and planned public transport networks and infrastructure.
- 47. Therefore, when identifying the growth potential of small sites, Policy GG2 requires the application of a sequential spatial approach where points A to C should be followed. Point A of the policy states that development must: "Enable the development of brownfield land, prioritising opportunity areas surplus public land sector, sites which are well connected by existing or planned tube and rail stations and, sites within and on the edge of town centres as well as utilising small sites". Point B states that development must prioritise sites which are well connected by existing or planned public transport. Finally, Point C states that development must "proactively explore the potential to intensify the use of land to support additional homes and workspaces, promoting higher density development, particularly in locations that are well connected to jobs, services, infrastructure and amenities by public transport, walking and cycling." The following point D of the policy states the design-led approach must be applied to determine the optimum development capacity of sites.
- 48. Following the sequential approach as set out above, whilst located within an opportunity area and a small site the development criterion set within the first point of the policy (Point A) cannot be met as the site does not meet the definition of 'brownfield land' as set out in Annex 2 of the NPPF (and although the 'curtilage' of a building has no formal definition).
- 49. The following policy point B seeks to prioritise well connected sites, either by existing or planned public transport. The Area Action Plan for the Old Kent Road opportunity area is accompanied by significant public transport infrastructure improvements and includes the extension of the Bakerloo Line which has the potential to be transformative for Old Kent Road. The application site is situated approximately 700m equidistantly from the two preferred station locations as set out in Transport for London's (TfL) December 2019 consultation. Given the site has no formal listing, is of negligible biodiversity value and not one that is anticipated to come forward for comprehensive redevelopment, this satisfies this point of the policy in identifying sites with growth potential. The assessment on residential privacy as required by the remainder of the policy is discussed in further detail in following paragraphs of this officer report.

50. Although sufficient to comply with sequential approach, it is also worth noting that the policy also seeks to prioritise sites within and on the edge of town centres. This is a latter criterion of Point A and which is reiterated by Point C. The site is not currently within a designated Town Centre, it does however fall close to the boundary of one of the two new Town centres in the Old Kent Road which are proposed in the draft New Southwark Plan and draft OKR AAP. Given the direction of the draft London Plan, they are likely to be “District Centres”. These two new town centres have been 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. These would include retail, leisure, entertainment and recreation facilities in a significantly more attractive and accessible environment.
51. The application site is located within a Strategic Industrial Location (SIL), as identified in the Core strategy (2011). Strategic Policy 10 of the Core Strategy states that SIL will be protected for industrial and warehousing uses. However, the Core Strategy also sets out the future direction of Old Kent Road as a growth and regeneration area, subject to a future area action plan (AAP). This draft AAP for the Old Kent Road contains proposals for an innovative mix of industrial and residential uses in a detailed master planning approach across the opportunity area and where further policy is emerging at the local scale to realise the ambitions of the Old Kent Road Opportunity Area set by adopted policy. This includes phasing the release of protected industrial land for mixed use development and proposed new sites for SIL in a strategically co-ordinated process of SIL consolidation which Southwark Council and the GLA have now agreed an approach to. The fact that the site is now wholly in permanent residential use is one of the reasons why the draft AAP does not seek any industrial use of the site.
52. Nevertheless, saved Southwark Plan Policy 1.2 states that the only developments that will be permitted in SIL are B class and other Sui Generis uses which are inappropriate in residential areas. The proposal under consideration here is therefore contrary to both aforementioned policies in relation to uses appropriate in the SIL. As the application remains a departure from adopted policies, members must consider whether the benefits of the scheme would outweigh any harm caused, and whether those benefits would justify a departure from adopted planning policy.  
Set out in the following paragraphs are the key benefits arising from the proposal.

Provision of housing, including affordable housing

53. There is a pressing need for housing in the borough. This is reinforced through Strategic Policy 5 of the Core Strategy which requires development to meet the housing needs of people who want to live in Southwark and London by providing high quality new homes in attractive areas, particularly in growth areas. The adopted London Plan (2016) requires the provision of a range of housing and sets the borough a target of 27,362 new homes between 2015 and 2025. The provision of additional housing, in this case 15 new residential units, would contribute to both the overall and small sites targets for the borough and would be in accordance with adopted policy and emerging policy for the Old

Kent Road Opportunity Area and the expectation of additional housing provision.

54. Southwark's policies on the delivery of affordable housing are contained in the Core Strategy and within certain 'saved' policies from the 2007 Southwark Plan. Strategic Policy 6 of the Core Strategy (Homes for People on Different Incomes) requires at least 35% of the residential units within new developments to be affordable. For developments of 15 or more units, affordable housing is calculated as a percentage of the habitable rooms and further information on this can be found in the Council's draft Affordable housing SPD (AHSPD) 2011.
55. The AHSPD sets out a sequential approach to housing provision with the preference for affordable housing to be located on the development site. The SPD states the order of affordable housing provision should be as follows: on site, off site, in lieu payment. This is reiterated within paragraph 2.56 onwards of the Mayor's Affordable housing SPG and within Policy 3.12 of the London Plan. All policies require applications to provide affordable housing in-kind and on-site unless it may be robustly demonstrated that exceptional circumstances indicate that an off-site offer more closely aligns with the aims of the development plan. These 'exceptional circumstances' include that a greater level of affordable housing can be delivered and/or a more balanced community can be achieved.
56. In accordance with the aforementioned policies and test, the application proposes all affordable units as an on-site provision and which are to be distributed across the development site. This would achieve a more inclusive mix of tenures and encourage community cohesion. This is particularly pertinent on this site given the wholly private tenure established by the permitted development conversion and subsequent permission for further units. Policy requires resistance to forms of development, including mono-tenure development that may compromise the aspiration for mixed communities. In this effect the introduction of some affordable tenure, will contribute to this objective and is a very positive aspect of the scheme.
57. Both London Plan policies as detailed above and Southwark Policies require that each application be considered on a site by site basis to ensure that a maximum level of affordable housing is secured as can be reasonably provided. In terms of the Mayor's policies, Part A of Policy 3.12 Negotiating affordable housing on individual private residential and mixed use schemes of the London Plan requires that the maximum reasonable amount of affordable housing should be sought with regard to a number of factors including:
  - Current and future requirements for affordable housing
  - The need to encourage rather than restrain development
  - The need to promote mixed and balanced communities
  - The specific circumstances of individual sites
  - Resources available to fund affordable housing, to maximise affordable housing output
  - The priority to be accorded to provision of affordable family housing.

58. Part B of the policy sets out that negotiation on sites should take account of their individual circumstances including development viability.
59. In total, 42 habitable rooms would be provided in the development of which 16 would be affordable (translating to 4 units) and would equate to an on site provision of 38.1%. This would be in excess of the minimum 35% that is required by policy. All the affordable units are proposed at intermediate level so although the application provides a satisfactory level of affordable housing; it falls short of the required mix by only proposing intermediate units.
60. The applicant's initial proposal was that the intermediate units would be for shared ownership. However, following recent discussions with officers, the applicant has confirmed that the intermediate offer will be switched to London Living Rent (LLR). LLR is considered to better meet local needs and would contribute to the Council plan commitment to deliver 1,000 London Living Rent homes by 2022.
61. LLR is a relatively new form of intermediate housing, one of the three 'genuinely affordable products' promoted by the Mayor and which is supported by the NPPF and the London Plan (adopted version and itP version), as well as the emerging policies as contained in the draft New Southwark Plan.
62. The definition of LLR is set within the NSP which states that eligibility criteria is restricted to households earning no more than £60,000 (in distinction to shared ownership which is available to households on incomes of up to £90,000). LLR is allocated according to intermediate eligibility criteria set locally by the council. The rent levels for LLR are dependent on location and is set by ward by the GLA who publish maximum monthly rents by bedroom numbers. These are derived from average local incomes and house prices at ward level. Broadly, the rent for a 2-bedroom property is based on one-third of the local median household income. The most recently published LLR rents in the Old Kent Road ward are £827 per month for a 1 bed flat, £944 for 2 bed flat and £1,010 for a 3 bed flat. LLR homes are offered on tenancies of a minimum of three years. Tenants are supported to save and given the option to buy their home on a shared ownership basis during their tenancy. They are also given extra priority for other shared ownership homes across London. As per the following paragraphs, the four LLR homes would be secured by the legal agreement in line with the requirements of the NPPF.

#### Development viability

63. Southwark's Development Viability SPD requires a financial viability appraisal to be submitted for all planning applications which trigger a requirement to provide affordable housing. The financial viability appraisal should identify the maximum level of affordable housing that can be sustained and justify any proposed departures from planning policy requirement. Because the existing building was converted into residential use in 2016, with all flats subsequently sold on long leaseholds, values associated with the existing flats do not form part of the financial appraisal. The appraisal simply reviews the opportunity provided by the roof space and the opportunity to extend upwards.

64. The council's viability consultant has scrutinised the cost and value assumptions that have been adopted in the applicant's viability assessment provided, in order to determine whether the current affordable housing offer is the maximum that can be delivered. This included a number of discussions between both viability consultant parties, primarily around the nature of the build being modular and adjustments to build costs. Accordingly, and despite some variances in relation to inputs, the council's consultant concluded that the scheme cannot viably deliver further affordable housing over and above the amount currently being offered by the applicant.
65. The site has planning permission for 8 private homes and the council's viability consultant compared the value of the site with 8 homes (all private) against the value of the site with 15 homes (11 private and 4 affordable). With regard to tenure split, the assessment undertaken by the viability consultant also considered a range of scenarios, testing both the applicant's proposal for intermediate homes as well as a fully policy compliant mix. The assessment concluded that a policy compliant mix would not be viable.
66. Although the LLR proposal has not been specifically tested, the London Plan and Mayor's SPG indicate that for viability purposes the assumptions between LLR and SO are similar. The applicant's initial assessment is that shared ownership homes trade at a higher premium than LLR and therefore in their view, the switch to LLR will have a negative impact on viability. (This has been confirmed by our independent viability advisor.) However, given the applicant's desire to make their products accessible to key workers, they have confirmed they will accept the change.
67. In addition the council's consultant raised a practical concern about the introduction of a small number of social rented flats in an otherwise private development, particularly when all flats are serviced from a single core. For long term management purposes, the provision of a separate stair core is often a requirement of Registered Providers for social rented units. In this case the absence of a separate core and the very small number of social rented units would make it very difficult to market the units to a Registered Provider (RP).
68. This is explained in more detail in the draft London Plan which offers further guidance as to the mix of tenures that are to be expected in development on small sites such as this. It advises that in some circumstances it may be impractical or unsuitable to provide on-site affordable housing with the relevant tenure split.
69. In such cases, affordable housing providers may not be either willing to absorb a small number of affordable homes into their portfolio or able to when servicing and management costs would exceed plausible income from service charges. These [servicing and management issues] may be reduced and long term affordability ensured where affordable homes are provided in a single affordable tenure and tenure flexibility is therefore required on small sites. The applicant has provided evidence that the site has been marketed to 21 Registered Providers and other housing providers, including Southwark Council. The Council's New

Homes team confirmed it would not take on the units, given the very small number of affordable homes proposed. The other RPs contacted responded similarly. The applicant is committed to delivering the scheme and would need to become a registered provider themselves should a RP not be found; as otherwise they would be unable to meet the requirements of the S106 agreement that requires the delivery of the affordable homes and so could not complete the scheme.

70. In line with the Mayor's Affordable Housing and Viability SPG, an early review mechanism would be required by the legal agreement. The review would determine whether the viability of the development has improved during that time, and accordingly whether it could deliver any more affordable housing. This would allow the Council to understand and capture any uplift that may occur in the construction period and at delivery stage. This would not allow for the reduction of the level of provision that is proposed as part of this application which would remain four affordable housing units. A contribution of £529.4 (a charge of £132.35 per unit on a provision of 4 affordable units) has been agreed towards affordable housing monitoring and maintained provision of these units, which would also be secured by the legal agreement.

Conclusion on affordable housing:

71. There is a shortage of homes and affordable homes in Southwark and across London and the provision of new quality housing is a key objective, particularly homes that people can afford. Although numerically set within policy, strategic priority encourages the delivery of as much affordable as possible and as can be provided by each site in line with local and regional guidance. Southwark's housing and market analysis (SHMA) supports this need for all affordable housing, both social and intermediate and identifies that 78% of the total affordable housing need in the borough is for intermediate housing. Given the scheme has an extant permission, it is also important to consider the offer in relation to the fall back position, which is for a wholly private scheme, against this provision of 38.1% affordable housing. For the reasons outlined in the preceding paragraphs, officers are of the view that the inclusion of LLR units is a significant benefit of this scheme.
72. Viability information has been submitted which supports the delivery of the quantum of affordable housing proposed. Officers are satisfied given the site specific circumstances presented, and which has substantiated both in terms of the level and the split by the independent viability review, that it has been sufficiently justified and evidenced that a policy compliant mix cannot be achieved without prejudicing the deliverability of the scheme. In accordance with the Mayor's guidance on tenure mix requirement on small sites and with Southwark's adopted policies on affordable housing provision, the offer of four affordable units is considered to be an acceptable offer and complies with the relevant policies in terms of securing the maximum provision of affordable housing on private residential sites.
73. The applicant proposes that the 15 units created will be secured for key workers. The council's draft Affordable housing SPD (AHSPD) defines a key worker as

someone with an essential public service. The SPD states that key workers are needed to provide key services, and an appropriate amount of affordable housing should be made accessible to key workers to ensure that they are able to live and work in Southwark. In 2017, Southwark Council consulted on an introduction of an intermediate rent housing list which recognised the role of key workers and the importance to ensure that key workers can afford to live within the city, who may not otherwise be able to access social housing but are also priced out of affording private rent. The report draws on the correlation between the ability to ensure sustained accommodation for key workers and the ability for the council, amongst one of the providers of important social care positions, to deliver on essential public services.

74. The report defines a Southwark keyworker to be somebody who works in an essential front line post who currently works in the London Borough of Southwark. The current proposal is that this includes the following:

- Nurses and other clinical staff employed in the NHS (at hospitals, health centres or in the community)
- Social workers, educational psychologists and therapists employed by a London Borough of Southwark or the NHS
- Firefighters
- Police officers and Police Community Support officers (PCSO)
- Teachers and teaching assistants who work in state schools, faith schools, free schools and academies (i.e. non-fee charging schools)
- Ambulance workers and paramedics

75. Given the heightened recognition of the important role of key workers, particularly recently, Southwark Council confirmed in a more recent report to Cabinet that a proportion of the council's commitment of delivering 11,000 new homes will need to be secured for key workers. The applicant's commitment to the provision of homes for key workers is therefore considered to be a benefit of the scheme.

76. The S106 will set out in greater detail the specificities of this agreement but a condition is also recommended to supplement the legal agreement to require that the marketing strategy be submitted and approved by the Local Authority. This would reflect the discussions held to date and would ensure that all units would be marketed to key workers that meet the Southwark definition of key workers. This will also require the applicant to set out how marketing will be carried out including on relevant websites and within institutions that are employers of key workers such as local hospitals and other local healthcare facilities.

#### Benefits to the existing building.

77. There are a number of issues that have arisen as a result of the conversion under permitted development which the council could not exert any development control over. Whilst it isn't in the remit of this application to resolve the matters incurred as a result of the conversion, the applicant has nonetheless sought to address the comments raised as part of ongoing discussions and the statutory consultation process. The benefits secured as part of this application are

summarised as follows:

1. Provision of communal amenity space that is accessible to all tenants.
2. Landscaping of the existing areas of hardstanding land and softening of the existing landscaping at ground floor, including removal of the pond to the rear.
3. Proposal for extensive green roofs
4. Improvement of the cycle storage facilities which will be secured via detailed design condition.
5. Consolidation of refuse storage.
6. Removal of redundant structure to the roof.
7. Securing of a flood risk management plan that will ensure that the necessary measures are in place in the event of a flood for all residents.

### Conclusion on land use

78. To conclude in relation to land uses, by virtue of its location within an opportunity area and in accordance with the sequential approach, policy considers locations such as these to be suitable for additional residential growth. The proposed development would however introduce residential (C3 uses) into the SIL, representing a departure from the adopted development plan. This must therefore be weighed against the benefits of the scheme which have been outlined above and below.
79. As the site benefits from an extant planning permission the inclusion of further residential units is an accepted principle and members must also, when assessing the principle of the land use, consider whether reaching a different conclusion on a matter with an established position would be reasonable given the circumstances relating to these have not materially changed.
80. Whilst the OKR AAP currently has limited weight, it is also important to note the future strategic direction envisaged for Old Kent Road is for a mix of residential and commercial uses in line with LBS and the Mayor's aspirations for the designated opportunity area. Given the changing character of the area and provided it would be designed to a high standard, and would not have an adverse effect on the amenity of neighbouring properties, the residential use is supported.. The introduction of housing on this part of the SIL would not result in the loss of any business space and nor would it prejudice the operation of existing businesses in the vicinity or on-site given its previous permitted development conversion.

### **Density**

81. Policy 3.4 Optimising Housing Potential of the London Plan states that development should optimise housing output for different types of locations within the relevant density range shown in Table 3.2 of the Plan. It also requires local context, the design principles and public transport capacity to be taken into account. Strategic Policy 5 - Providing new homes of the Core Strategy sets out the density ranges that residential and mixed-use developments would be expected to meet. As the site is located within the Urban Zone, a density range of 200 to 700 habitable rooms per hectare (HR/Ha) would be sought. Although

by virtue of its location within an action area core and an opportunity area, densities exceeding the threshold may be acceptable when they are of an exemplary design standard. Criteria for exceptional design are set out in section 22 of the Residential Design Standards SPD (2015).

82. The scheme under consideration would in itself not be of a density that would warrant requiring being of exceptional residential design. Officers however consider that there is a need to view the development as a whole, as it would more accurately represent the resulting condition experienced. As such when factoring in the existing units the development would have a density of approximately 793 Hr/ha which is slightly above that upper range. But as explained above, in locations such as this, both London Plan and Southwark Plan policies strive for higher density, high quality developments which assist in addressing the need for new homes. So given the evolving policy context, this is not considered unacceptable as a point of principle. If it can be evidenced that an excellent standard of accommodation would be achieved, and the response to context and impact on amenity to existing occupiers is acceptable, then it is considered that the exceedance of the density threshold in this opportunity area location would not raise issues which would justify withholding permission.
  
83. The assessed proposal would result in an excellent standard of accommodation, with many of the 'exemplary' requirements of the Southwark Residential Design Standards SPD 2015 as set out in section 2.2 being met. This has been assessed and summarised below with further commentary provided in other sections of the report

84.

Exemplary residential design criteria from Southwark Residential Design Standards SPD	Commentary
Provide for bulk storage	Each of the proposed units would provide for built in storage that would meet or exceed the standards set in the Residential Design SPD.
Exceed minimum privacy distances	Sufficient privacy distances would be achieved. Within the development, where residential units overlook communal roof terraces or circulation space, each would be provided with defensible space to ensure privacy. Balconies have also been designed so they would not sit immediately adjacent one another.
Good sunlight and daylight standards	All of the units would achieve good internal sunlight and daylight standards.
Exceed minimum ceiling heights of 2.3m	All rooms within the proposed dwelling would exceed the minimum 2.5m ceiling height.
Exceed amenity space standards (both private and communal)	Each dwelling is provided with at least one external amenity space measuring no less than 5.4sqm. 10sqm of amenity space would serve the three bedroom unit as per policy requirement. The amenity proposed is set out and discussed in the subsequent section on amenity space of this report.
Secure by Design certification	Normally, this would refer to the ground floor of the proposal and its relationship to the street, particularly how it has been designed to achieve good lines of sight. As the ground floor is not proposed to change, it is not expected that this application could respond to this criteria.
No more than 5% studio flats No studio flats are proposed.	No studio flats are proposed.
Maximise the potential of the site	As a proposal is to densify an existing housing stock, the potential of this site would be maximised.
Include a minimum 10% of units that are suitable for wheelchair users	The proposal is policy compliant which is discussed in subsequent paragraphs.
Excellent accessibility within buildings	The accessibility within the buildings would be excellent.
Exceptional environmental performance	The environmental performance would be fully policy compliant, taking into account on site measures and contributions to the Southwark Carbon Offset fund and potential to connect to SELCHP.

Exemplary residential design criteria from Southwark Residential Design Standards SPD	Commentary
Minimised noise nuisance between flats through vertical stacking of similar room types	The plans submitted demonstrate that a very good level of stacking has been achieved where kitchens are located above bedrooms. The construction method proposed allows for further vertical noise transmission mitigation. This is explained in further detail in this report. The noise transmission would be controlled by planning conditions, as recommended by the Council's Environmental Protection Team.
Make a positive contribution to local context, character and communities	The proposed development would be in compliance with the draft OKR AAP make a positive contribution in terms of its quality of design and regeneration benefits including affordable housing and investment in local transport and public space.
Include a predominance of dual aspects units	All of the units would have aspect on at least three sides (100%).
Have natural light and ventilation in all kitchens and bathrooms	All kitchens and bathrooms would benefit from natural light and ventilation.
At least 60% of units contain two or more bedrooms	The total number of units with two or more bedrooms falls short of the 60% requirement. This is explained in the subsequent paragraphs.
Significantly exceed the minimum floor space standards	All of the dwellings proposed would satisfy the minimum floor areas set out in Southwark's Residential Design Standards SPD.
Minimise corridor lengths by having additional cores	No more than 3 flats per core is proposed, complying with the Mayor's Housing Design SPG which advises no more than 8 flats per core.

85. In addition, officers have identified the following positive aspects of the residential design:

- Tenure blind design;
- Choice of layouts: the units are designed as open plan but have the ability to be partitioned, offering a wide range of configuration to meet the needs of various users.
- No overhanging balconies;
- The wheelchair accessible unit has an enlarged entrance hall including a dedicated area where a wheelchair may be stored.
- All rooms have direct access to a window which allows more

opportunities for natural light and ventilation, reducing reliance on associated mechanical or electric sources.

- The proposed galley kitchens, even though not 'habitable rooms' would also have access to at least one window.

86. For the reasons detailed in the above paragraphs and table, officers consider the quality of the residential design is considered to be excellent and has not been compromised by the nature of the proposal or by the quantum of development proposed.

### **Wheelchair accommodation**

87. The London Plan Policy 3.8 requires 10% of new housing to be designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users. Saved Policy 4.3 of the Southwark Plan supports this, requiring 10% of new dwellings to be suitable for wheelchair users, except where this is not possible due to the physical constraints of the site.

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89. The borough's emerging policy in the draft New Southwark Plan Policy P7 (wheelchair accessible and adaptable housing) would also require 10% of homes to be wheelchair compliant. However, it states that this should be as a measure of habitable rooms. In this instance, 4 habitable rooms (of the 42 total) would be wheelchair accessible and therefore be in accordance with emerging policy on the provision of Wheelchair dwellings.

### **Quality of accommodation**

90. Saved Policy 4.2 of the Southwark Plan 'Quality of Accommodation' requires developments to achieve good quality living conditions. The Council's Residential Design Standards SPD establishes minimum room and overall flat sizes, dependant on occupancy levels and requires dwellings to be dual aspect, to allow for good levels of light, outlook and cross-ventilation. This is reiterated in emerging policies in the draft OKR AAP and the NSP.

#### Flat sizes and layout:

91.

<b>Unit Type</b>	<b>SPD (sqm)</b>	<b>Size range (sqm)</b>
1B2P	50	50.3 -56.2
2B3P	70	70 - 89.9
3B5P	86	89.9

92. The above table demonstrates that none of the units fall below the SPD minimum.

Aspect & internal daylight.

93. All of the units would be triple aspect (100%) with some units having aspect on all sides. The aspect achieved is considered a very positive aspect of the proposal. A daylight and sunlight report based on the Building Research Establishment (BRE) Guidance has been submitted which demonstrates that the proposed development is anticipated to achieve good levels of internal daylight.

Conclusion on residential quality

94. To summarise, officers are satisfied that the quality of residential accommodation proposed would be very good. The units proposed are generously sized and 74% would exceed the minimum floor areas, many quite substantially. All are served by at least one area of private amenity space which is discussed in the amenity section of this report. Similarly, all individual room sizes meet and in most cases exceed the standards set out in the Residential Design Standards SPD. The aspect would be excellent throughout with good internal daylight levels and no single aspect units.

**Housing mix**

95. With respect to dwelling mix, Core Strategy Strategic Policy 7, 'Family Homes', requires a housing mix of at least 60% dwellings with two or more bedrooms, with 20% having at least three bedrooms. No more than 5% of the units should be studios, and these can only be for private housing. This is reiterated in emerging policy in the draft OKR AAP and the NSP.

96. The proposed housing mix is summarised in the table:

<b>1 bedroom</b>	53.3%
<b>2 bedroom</b>	33.3%
<b>3 bedroom</b>	13.3%
<b>Total</b>	100%

97. The proposal would fall short of the above housing policy requirements with 53% of the being one beds. Within the affordable element however, the mix is much improved to the policy position, with 62.5% having two or more bedrooms and 13.3% having three bedrooms. This mix is welcomed despite the shortfall for the scheme, which is a reflection of the challenges of planning a site that sits within the confinements of an existing footprint. This aspiration is closer within the affordable element and contributes to the aspiration for more affordable family dwellings.

98. Officers consider that the wider benefits of the scheme outlined in this report would outweigh any harm caused by this shortfall in the housing mix and in itself would not be a reason that would warrant the refusal of an otherwise acceptable scheme.

## **Outdoor amenity space and communal amenity**

99. All new residential development must provide an adequate amount of usable outdoor amenity space. The 2015 Technical update to the Residential Design SPD (2011) sets out the required amenity space per which can take the form of private gardens, balconies, shared terraces and roof gardens:
- For units containing three or more bedrooms, 10 square meters of private amenity space.
  - For units containing two bedrooms or less, ideally 10 square meters of private amenity space, with the balance added to the communal space; and
  - 50 square meters of communal amenity space per development
100. With regards to the private amenity space, all flats would have access to private balconies. 5 of the units (including the 3 bed) would be served by 10 square meters of balcony space or more. The lowest provision would be 5.4sqm and would only be in the one bed units. A table detailing amenity space has been included in the subsequent paragraphs of this report.

### Children's play space

101. Policy 3.6 of the London Plan requires new development to make provision for play areas on the expected child yield of the development. Children's play areas should be provided using the play space yield which covers a range of age groups. In line with the Mayor's providing for children and young peoples play and informal recreation SPD, the development would be required to provide 61.6sqm of children's play space. One area of play space has been identified measuring 61.6sqm and which would satisfy the overall space requirement for all age ranges. Whilst an indicative location has been provided, a detailed account of the programming of the space to suit all the aforementioned age ranges as per the Mayors SPG will be secured by condition.

### Public Open Space

102. In addition to the amenity space requirements as set out above, the emerging Policy AAP10 in the draft OKR AAP 'Parks, streets and open spaces' requires the provision of 5sqm of public open space per dwelling or a contribution in lieu. The 15 dwellings proposed here would require a provision of 75sqm under this emerging policy. Given the nature as an extension to a building and also owing to the almost full site coverage of the existing building, it is not expected that this development could contribute to an on-site provision of public open space and the draft AAP masterplan does not identify this site as one that would need to fulfil such requirements. Some landscaping of the forecourt will nonetheless contribute to the general greening of the street, contributing to the aspiration for a more pleasant public realm experience along St James's Road.
103. Table 2 : Amenity space

	<b>Policy Requirement (sqm)</b>	<b>Proposal (sqm)</b>	<b>Difference (sqm)</b>
<b>Communal</b>	79.7 (50 +29.7)	112.4	+32.7
<b>Private</b>	150	120.3	-29.7*
<b>Dedicated children's play space</b>	61.6	61.6	n.a

*Note: the difference is calculated as a shortfall of private amenity per unit rather than total shortfall. Oversized balconies and terraces on units do not offset the loss in private amenity space on other units.*

## **Conclusions on outdoor amenity space, children's play space and public open space**

104. Sufficient outdoor amenity space has been designated to meet all the private amenity, communal amenity and children's play space requirements of the Residential Design SPD and the Mayor's Providing for Children and Young people's Play and Informal Recreation SPG as outlined above in the table. The communal amenity space proposed would be larger than what would be required of the development which is welcomed given the lack of private and communal amenity in the existing arrangement and this will be available to existing residents.
105. In addition, the re-landscaping of the ground floor areas has the potential to make the existing courtyards more usable as amenity space, although discounted within the figures above.
106. This schemes ability to meet all of these amenity requirements forms part of the further justification for the suitability of this site for densification and the site's ability to absorb further residential growth without placing undue strain on existing provision.
107. In respect of the public open space as required by the draft AAP, and although the applicable policy of the OKR AAP currently has limited weight, a financial contribution in lieu of providing such public open space on-site would be expected. A contribution of £15,375 (based on provision of 75sqm and a cost of £205 per sqm as set out in the Section 106 SPD) has been agreed and would help to fund delivery of public open space within the area, in this case the proposed open space in the new linear park.

## **Design issues**

108. Strategic Policy 12 of the Southwark Core Strategy (2011) states that all development in the borough is 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. Consideration of design quality needs to address the fabric, geometry and function of the proposal, as all three are bound together. 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

## **Height, scale and massing**

109. The design of the scheme has seen number of changes and iterations and has evolved to ensure the highest quality of design. The scheme has seen both a reduction in height as well as the refining of the massing to ensure a positive relationship to its surroundings. The changes made to the scheme are as follows:
- An initial reduction in height from 5 storeys to part 3 part 4
  - Reduction in the extent of the extension (i.e the amount of roof that it would cover)
  - Reduction and break-up of the massing to form a more refined building;
  - Relocation of the proposed bicycle/refuse storage and general redesign of the forecourt
  - Incorporation of additional greening (following the revision to the massing strategy).
110. The application under consideration proposes an alternative massing strategy to the consented scheme which includes a revision to the distribution of heights across the site with a consolidation of heights to the portion of the site fronting St James's Road, as opposed to a full coverage extension.
111. The draft London Plan requires boroughs to recognise both in their development plans and planning decisions that local character evolves over time and will need to change in appropriate locations to accommodate additional housing, particularly in regeneration areas and where the largest growth is anticipated. This is in order for sites to meet their optimum development capacities. Given that many of the historical negotiations and decisions predated the OKR AAP it is important to consider the legislation and policies under which are relevant to the determination of this application, including emerging and consented schemes along St James's Road.
112. The draft AAP establishes a strategy in relation to land use and massing including a hierarchy of heights. In accordance with the 'Stations and Crossings' Policy of the plan, the tallest elements are to be located on the junction of Rotherhithe New Road and Old Kent Road, where there is scope for "Tier 1" buildings of 30 or more storeys. The AAP states that building heights should generally decrease along St James's Road, with appropriate heights ranging from 5 to 8 storeys. There is an opportunity to mark the junction of St James's

and Rolls Road with a distinctive building.

113. The application proposes a part 3 part 4 storey extension which would result in a part 6, Part 7 storey building. In strict height and massing terms, the proposal under consideration would be in line with the emerging policy as set out in the Draft OKR AAP for scale expected along this middle part of St James's Road. The tallest element would be set back from St James's' Road and would sit behind the initial volume. The northern elevation of the proposed extension would be set in from the northern flank of the host building below, helping manage the transition to the adjacent terraced houses. The proposed composition and resulting proportion are considered an appropriate contextual response and would offer a height that when read alongside all the emerging and consented proposals would sit comfortably within that resulting streetscape.
114. As part of the aspiration for the allocation the draft AAP sees the transformation of the area from a series of large industrial units with complex land ownerships to a much improved place with a coherent and pleasant urban environment. To resolve some of the existing transport and permeability issues the AAP envisages the creation of a series of new links. Of importance is the new east west connection running parallel to the southern side of the application site. This would be a new road connecting St James's Road to a new street and park within the heart of the Six Bridges estate.
115. Although outside the red line boundary, the application addresses this new public realm aspiration by marking its entrance through a more prominent visual corner. As the existing southern elevation of the Chevron building is primarily a blank brick façade, the inclusion of more active frontages would also assist in the delivery of this important new connection by providing further opportunities for natural surveillance, in accordance with designing out crime principles set out in Policy 3.14 of the Saved Southwark Plan. This is also a requirement set out within the design guidance of the AAP to create active frontages onto open space, in this case new public realm space.



### **Details architectural design and materiality**

116. The proposed massing would span across the St James's Road frontage, taking cues from the form and proportions of the existing building. The resulting extension would read as a singular addition but would be broken up by inset balconies dividing the elevation into three rhythmic portions. Whilst these serve as massing breaks, this architectural choice also bears an element of functionality, creating of a series of private amenity spaces to feature along the primary elevation and contributing to the further enlivening of all frontages. This choice also allows the development to explore opportunities for enhanced residential accommodation through better aspect, more daylight and natural ventilation inbuilt into the design of the scheme.
117. The elevational strategy is designed with a simplistic material palette choice consisting of concrete framing, galvanised metal panels, columns, balustrades and glazed openings with metal framed windows. The deliberate contrast in material would read as a modern addition to a building, rather than an extended building. Officers have no objections to the aesthetic principles chosen, as a reflection of the succession of different industrial processes hosted on this site and as a marker of the longstanding industrial heritage along St James's Road
118. It is worth noting that the building would utilise wholly modular off site construction methods. Whilst this offers number of benefits including a higher performing building fabric, this can sometimes result in repetitive façade treatments. Officers are satisfied that sufficient variety has been achieved through the incorporation of subtle pattern, variety and depth. At the south east corner, the proposed frame extends up from the ground through the extension, linking old and new. The structure serves to frame the windows in the existing building, matching the rhythm

defined on the upper levels, creating a strong vertical articulation and integrating the contemporary component whilst maintaining clarity within the design. The interplay of tall expanses of glazing and panelling enhance the verticality of the proposed massing and reinforces the slenderness of its proportions.

119. Although the frame was initially proposed in steel, this has been revised following recent discussions with officers and the applicant is now exploring a muted concrete finish. This would be in character with the existing building which also is also concrete framed and features concrete detailing around the windows. The existing brickwork would be retained and left exposed. Officers consider that this approach would accord with the design principles of the AAP which in Sub Area 2 (p. 101) requires buildings to be broken down in to appropriate rhythms, and designed to reflect industrious uses, utilising materials such as brick, concrete and natural coloured metal.
120. On this application site in particular the success of the proposal will be reliant on the detailed design and the quality of the specified materials. In order to ensure that this is realised in the final building, the imposition of planning conditions have been recommended to require samples of all facing material. These are to be presented on site and detailed drawings to be submitted for approval by the local authority. To maintain the simplicity of the design, planning conditions are also recommended to restrict the installation of anything external that would compromise the simplicity of the design.

**Vignettes of Proposed Architectural Approach:**



1. Existing concrete details around windows



2. Proposed concrete structural frame



3. Proposed concrete framing with galvanised metal cladding



4. Proposed galvanised metal cladding



## Landscaping

121. Despite the almost full site coverage of the existing building and the nature of the development building above an existing building, the application maximises the opportunities for on site greening. Tied into the overall architectural language proposed are a number of landscaping measures that would contribute to the overall greening of the site across all levels. These strategies have been summarised as follows:

- 1) Creation of green roofs at upper levels (level 3 and roof level)
- 2) Landscaping of the existing courtyard spaces

## Landscaping of the existing forecourt of the building

122. Firstly, the scheme would see the creation of a substantial new green roof on 3<sup>rd</sup> floor level (which is the roof of the existing building). Where appropriate, some of the roof area would serve as new communal amenity space. However, in the interest of protecting neighbouring residential amenity, most have not been designed with the intention of providing amenity to residents (other than visual) and will only be accessible for essential maintenance. Rather these would incorporate planting providing increased biodiversity and wildlife habitats, reduce storm water runoff and contribute to improved air quality. How the apportionment of this is achieved to meet planning policy requirements for amenity space has been detailed in the amenity paragraphs of this report. As all roofs would be looked over either by the new dwellings or by surrounding developments, the expectation and preference is that these will be a green roof system as it will be green most of the year, is reasonably biodiverse and works with a thin growing substance.
123. This landscaping strategy also extends to existing areas and proposes enhancements of areas at ground floor level which currently consists of concrete and other non-permeable materials which are remnants of the past industrial/commercial uses. These interventions have been shown indicatively on plans submitted by the applicant but is also subject to a detailed design condition which will need to demonstrate that the proposal delivers on the maximum ecological benefits. This also includes details of material palette, plant species and adaptability to ground/rooftop conditions as well as the submission of a landscaping management plan which are to be agreed in consultation with the council's ecologist.
124. Lastly some soft landscaping is proposed as part of a new boundary treatment in the form of raised metal planter boxes. Whilst the forecourt of the application site will remain largely as existing, this would contribute to improving the general pedestrian experience by introducing some greening along St James's Road which is one of the public realm aspirations of the OKR AAP and a welcomed addition of this application. The delivery of all these strategies as described above would be controlled by planning conditions requiring detailed drawings.

## Ecology

125. The ecological value of the site is negligible. As well as increasing the amount of green coverage and generally reducing areas of non permeable surfaces across the development site, the applicant has also proposed the inclusion of 9 external bird boxes which are to be installed onto the elevations, the possible locations which have been indicatively marked on plans. Again, the exact specification and locations are to be agreed as part of a detailed design condition however, the principle has been reviewed by the council's ecologist and is considered to be an acceptable way of incorporating further ecological benefits onto this site.



## Heritage assets

126. London Plan (2016) Policy 7.4, Local Character, states that development proposals should respond to their context, including buildings, opens spaces, street patterns and the historic environment. 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 3.18, 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.
127. The Eveline Lowe School is the formally listed building in closest proximity to the application site. The significance of the Eveline Lowe School is primarily drawn from its historical, communal and architectural values of the building, principally in relation to its function and interior as a design driven by educational philosophy. There is no relationship or inter-visibility between the application site and the listed asset and at street level, these share no visual relationship.

128. Given the low rise industrial buildings surrounding the site, the application would see the introduction of a massing that would protrude above the immediate building lines and the proposed development would sit within the background view of the designated heritage asset. However, the background view already contains taller modern elements including the built Bermondsey Works scheme and consented schemes, the Ruby Triangle Masterplan consisting of Ruby Triangle and Carpetright schemes as well as 272 St James's Road which sits on the corner of Rolls Road and St James's Road.
129. The application would appear within that background view. It would however sit within that consented and emerging cluster, adding to the composition of taller elements. Officers are of the view that no harm would be caused by the introduction of this building to neighbouring heritage assets.

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

130. The successful implementation of the small sites policy is reliant on the consideration on impacts on amenity, specifically privacy. Policy 3.2 Protection of amenity and Strategic Policy 13 High environmental standards states that the council will not allow development where it leads to a loss amenity for neighbours. These have been detailed in the following sections and the following paragraphs assess each of the neighbouring properties in relation to the impact of the proposed development on privacy /overlooking, daylight / sunlight and overshadowing.

#### Impact of the proposed uses

131. The inclusion of further residential units has been raised as an issue of compatibility with the existing character of the area. For many years, the application site has operated as a commercial premise, in close proximity to residential properties. The provision of further residential units on an established residential site, is not considered to introduce a use that is incompatible with its current use. The permitted development conversion in effect introduced a use that is less likely to be compatible with the existing commercial nature of OKR11 and the principle of compatibility must also be considered against this commercial setting. Further residential units is not considered to be of harm to the character of the area, nor would they hinder the operation of the neighbouring industrial and warehousing units or their future redevelopment potential.
132. As mentioned above, the inclusion of further residential units is an accepted principle. Proximity is not considered to be an amenity issue that is preclusive of this development and noise transmission would be controlled by planning conditions. Given the orientation of the properties, there would be no direct overlooking into any primary windows or adjoining amenity areas. In relation to the extent of any perpendicular overlooking into secondary windows contained in the outriggers of the neighbouring properties, the obtuse angle from the proposed residential windows (which are at third floor level and above) would limit any potential overlooking to the closest neighbour. All other windows are considered

to be sufficiently distanced by Southwark SPD standards. To limit the perception of overlooking, the northern elevation has been designed to consider this relation by placing openings in locations where they do not provide direct oversight into other residential windows.

### Daylight impacts

133. The submitted daylight, sunlight and overshadowing assessment considers the potential daylight and sunlight impacts of the proposed development on surrounding residential properties. This analysis is based on guidance published by the Building Research Establishment (BRE).
134. With regard to daylight, the Building Research Establishment (BRE) guidelines set out numerical values for both Vertical Sky Component (VSC) with the recommendation that a VSC of at least 27% or 0.8 times the existing and Daylight Distribution (DD), with at least 80% or 0.8 times the existing area of the room in front of the No Sky Line be met in order for there to be no noticeable change in daylight.
135. The numerical criteria for determining the scale of effect is based on percentage alterations, as follows:  
  
0-19.9% alteration = negligible;  
20-29.9% alteration = minor;  
30-39.9% alteration = moderate;  
>40% alteration = major.
136. Given the largely industrial uses of the immediate surroundings there are only a limited number of properties in the immediate vicinity that are in residential use and therefore of a higher sensitivity to daylight/Sunlight. The submitted report has taken into account the daylight and sunlight impacts for these buildings which are in residential use which are:
  - 278 St James's Road
  - 280 St James's Road
  - 282 St James's Road
  - 284 St James's Road
  - 286 St James's Road
  - 288 St James's Road
  - 290 St James's Road
  - 292 St James's Road
  - 10 – 11 Fern Walk
  - 1-2 Culloden Close
137. In addition 1 and 2 St James's Mews has also been taken into account. Given the series of conversions as a result of permitted development, the report assumes that these are at least in part in residential use. For daylight, and for the case of 1 and 2 St James's Mews, 278, 280, 282, 284, 286 and 290 St James's Road, 10 to 11 Fern Walk and 1 and 2 Culloden Close, the results of the test show that

all windows and rooms would be fully compliant with BRE guidelines. The effect on these properties is therefore considered to be negligible. For the remaining two properties which wouldn't satisfy the BRE criteria as above a more detailed account of the daylight sunlight is provided below.

### 288 St James's Road

The results of the VSC assessment show that 5 of the 6 windows would be fully BRE compliant. The single window, which is located on the first floor and which is likely to serve a non-habitable or as a secondary window, demonstrates a minor alteration from 22.59% to 16.59% which is a 26% reduction and by BRE criteria is considered minor. The room would however be fully compliant with the NSL with 94% of the total room still benefitting from direct skylight.

### 292 St James's Road

As the properties follow the same disposition the results are similar and the VSC assessment shows that 5 of the 6 windows would be fully BRE compliant. The single window, which is located on the first floor demonstrates an alteration from 3.14% to 2.42% which is a 23% reduction and by BRE criteria and is also considered minor. The room would however be fully compliant with the NSL with no reductions in the percentage of the total room area benefitting from direct skylight.

138. The results of the assessment show that 97% of the windows tested (55 out of 57) would still meet the recommended VSC levels (27% VSC) once the proposed development is constructed, and that 100% of the rooms tested (the remaining 2) would still meet the recommended NSL levels and therefore daylight impacts are considered to be 'not significant'.

### Sunlight Impacts

139. The BRE sunlight tests are the Annual Probable Sunlight Hours (APSH) and the Winter Probable Sunlight Hours (WPSH) tests. If, with the proposed development in place, a window can receive more than 25% of the available APSH, including at least 5% of WPSH during the winter months, then the BRE advises that the room should still receive enough sunlight. If a window retains at least 80% of its former value in terms of both APSH and WPSH, then the BRE advises that the reduction is likely to be unnoticeable. If the overall annual loss is greater than 4% of APSH, the BRE advises that the room may appear colder and less cheerful or pleasant
140. The initial BRE target for each test is 25% APSH for annual sunlight of which 5% for winter APSH. A total of 50 windows from buildings surrounding the site were assessed for sunlight access. The APSH results show that 26 out of 50 windows tested would meet the levels recommended by the BRE Guidelines for annual probable sunlight hours (APSH) and winter probable sunlight hours (WPSH). The following properties would experience minor impacts on their sunlight amenity, or have sunlight amenity that already fall below BRE guideline levels:

Property	APSH results	
<b>282 St James's Road</b>	No change - but levels are already below BRE guidelines in some rooms.	
<b>284 St James's Road</b>	Three of 4 rooms tested would deviate from BRE guidance - but levels are already below BRE guidelines. One would experience APSH reductions greater than 4%, but all APSH values would remain above those recommended by BRE.	
<b>288 St James's Road</b>	2 of 4 rooms tested would deviate from BRE guidance - but levels are already below BRE guidelines. One would experience APSH reductions greater than 4%, but all APSH values would remain above those recommended by BRE and only 1 would not have 5% winter APSH.	
<b>290 St James's Road</b>	3 of the 4 rooms would see no change with the exception of one but levels are already below BRE guidance.	
<b>292 St James's Road</b>	No rooms tested would deviate from existing levels - but levels are already below BRE guidelines.	
<b>1 Culloden Close</b>	One of the three tested would have losses greater than 4%, but results would remain well above guideline levels.	
<b>2 Culloden Close</b>	All three rooms tested would have losses greater than 4%, but results both in APSH and winter APSH would remain well above guideline levels.	

142. Therefore, the proposed development is not considered to have a significant impact on sunlight access to windows of surrounding developments following implementation of the development. Only in one instance would sunlight levels fall below BRE guidance as a result of the development and therefore the residual impact to these would be of negligible significance

Daylight/Sunlight impacts on existing properties of the Chevron building.

143. In this application, the assessment must also consider the impacts on the existing residential properties of the Chevron Building. The results of the ADF assessment show that of the 53 existing rooms assessed, 43 would be fully compliant with BRE guidelines. Of the remaining 10 rooms, 4 are living rooms and 6 are bedrooms. For the bedrooms, these are considered less sensitive to daylight within BRE guidelines. 5 of the 6 would retain good ADF values of between 0.62% and 0.97% when compared to the baseline target value of 1%. Of the 4 living rooms 2 would retain good ADF values of 1.02 -1.77% against a baseline

of 1.5 and the remaining 2 wouldn't experience alterations that would see significant reduction beyond baseline and consent.

144. In terms of sunlight, the results show that 22 of 24 of the windows that are relevant for this assessment would be compliant with the APSH criteria. The remaining 2 windows are ground floor and naturally are more constricted in terms of sunlight. The reduction in sunlight levels are also considered to be moderate.

### Overshadowing

145. Section 3.3 of the BRE guidelines describes the method of assessment of the availability of sunlight within garden/ amenity spaces. An overshadowing analysis was undertaken for the existing amenity spaces for the full 24 hours on 21 March in line with the BRE guidance. The BRE advises that the amenity areas should receive a minimum of two hours on sunlight on 21 March over at least 50% of their area. If as a result of the new development an existing garden does not meet the above and the area which can receive two hours of sunlight on 21 March is less than 0.8 times its former value then the loss of amenity is likely to be noticeable.
146. Given the largely industrial use of the immediate surroundings the amenity spaces considered are to the gardens to the terraced houses. Accordingly, the following open spaces in the area surrounding the development proposals have been assessed:
- 282 St James's Road
  - 292 St James's Road
  - 284 St James's Road
  - 286 St James's Road
147. In the case of 282, 284 and 286 St James's Road, these already fall below BRE guidance. The effect of the proposed development is considered to be negligible as these would remain fully compliant with the BRE guidance on March when considering the degree of reduction. No.s 288, 290 and 292 St James's Road on the other hand would see more substantive alterations from the existing baseline conditions, falling beyond the BRE guidelines. However, this is not strictly a result of the development – the conditions are exacerbated by the western orientation of the properties and low levels of light that is already received (51, 21 and 12 respectively).

Property	Overshadowing
<b>288 St James's Road</b>	Is below BRE guidance in its existing and consented conditions and would not be less than 0.8 times its former value
<b>290 St James's Road</b>	Is below BRE guidance in its existing and consented conditions and would not be less than 0.8 times its former value
<b>292 St James's Road</b>	Is below BRE guidance in its existing and consented conditions and the change would be more than 0.8 times its former value but this is also the resulting condition on the extant consent.

149. Whilst the proposed development has been assessed against existing baseline conditions, but it is also important to consider these in relation to the extant permission, the differences between the two and the degree of harm that would be further incurred. In relation to 288, 290 and 292 St James's Road, the results between the two are similar and it is only the case with no.288 that this application would result in further reductions beyond what has been consented. On June 21 when these amenity spaces are most likely to be used, all gardens are shown to be fully compliant with BRE guidance.

150. The daylight/sunlight test submitted demonstrates that the application under consideration does not see a diminishment of daylight/sunlight/overshadowing levels that are significantly beyond that of the consented application. Officers therefore consider that as these additional impacts are marginal, they are outweighed by the benefits of the scheme.



Fig 02 - Sun Hours on Ground Diagram - Existing



Fig 04 - Sun Hours on Ground Diagram - Proposed



Fig 03 - Sun Hours on Ground Diagram - Consent

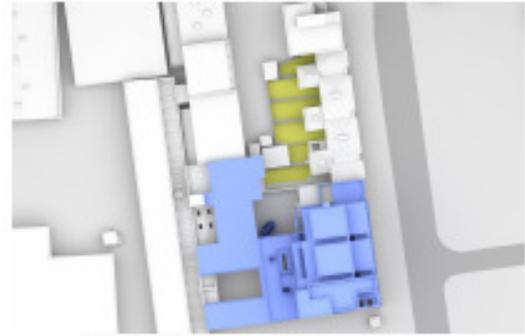


Fig 05 - Sun Hours on Ground Diagram - Proposed (June)

### Conclusions on daylight/sunlight and overshadowing

152. The NPPF provides some guidance in relation to BRE guidance. Paragraph 123 of the NPPF states that “ *Local Planning Authorities should refuse applications which they consider fail to make efficient use of land, taking into account policies in the 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)*”. It is important to note that the BRE guidelines are based on a suburban environment and as such a degree of flexibility needs to be applied when considering an urban environment.
153. Particularly as whilst the BRE benchmarks are widely used, these criteria should not be seen as an instrument of planning policy. Overall, the application would not see a reduction in daylight/sunlight that would be considered harmful or that which would warrant refusal. Whilst it is acknowledged that there will be reductions in daylight and sunlight to the neighbouring properties, these generally would retain acceptable daylight and sunlight levels as although the VSC reductions to some of the windows serving these properties would not be BRE compliant, the NSL reductions would remain with the acceptable range established by the BRE.
154. Within the existing residential dwellings of the Chevron building, where the proposed conditions would lead to reductions that fall below BRE guidance, this is also considered to be acceptable in this instance given 1) that the worse case scenario still does not lead to a reduction beyond which would be considered to be harmful by BRE standards and/or 2) the baseline conditions already falls below BRE guidance.
155. In regards to overshadowing, these are also considered to be acceptable and other than at no. 292 the tested amenity spaces would see no discernible difference on the amount of daylight that is received.
156. In all cases, consideration needs to be given to the aforementioned guidance and to the urban environment in which the application site sits but also the consent. Some reduction has already established by the extant planning permission and further reductions to not go beyond those which would also be considered acceptable. When considering the above and the guidance that is provided by

both national policy and by the BRE, the impacts on daylight and sunlight are considered to be acceptable. In assessing the daylight/sunlight impacts, weight also needs to be placed on the fact that some daylight/sunlight impacts have been accepted as part of the extant scheme. The additional impacts on daylight and sunlight are minimal and are far outweighed by the provision of affordable homes.

## **Transport**

157. Strategic policy 2 Sustainable transport of the Core strategy and Saved Policies 5.2 Transport Impacts and 5.3 Walking and Cycling of the Southwark Plan aim to ensure that developments do not have a harmful impact and makes provision for sustainable forms of movements.
158. The site has a PTAL of 4 and is situated within the CPZ, although on the border of the CPZ. The site is conveniently accessed in close proximity to accessible public bus service connecting to New Cross, Elephant and Castle, London Bridge, Waterloo, Liverpool Street and Kings Cross. South Bermondsey Rail station is the closest station to the application site which is 800m from the application site. The site is also located 400m from Old Kent Road (A2 corridor) with good bus services as well as Quietway 1 providing direct cycle routes to Waterloo and to Greenwich. The application site as stated above is located in an area where substantial infrastructure is being planned, being located approximately 700m from the proposed two Bakerloo Line Extension (BLE) stations. As the site layout will remain, largely to ensure continued operational requirements, the following sections in relation to transport will mostly consider the impacts on the road network and the on site provision of cycle parking.

### Impacts on the local public transport network

159. Transport and parking is an issue that has been raised by several respondents, citing a lack of on-site car parking provision and resulting pressures on the public highway network as objections. The development is proposed to be car free which is compliant with the vision for a healthier Old Kent Road as detailed in emerging policy and the Mayors Transport strategy. A condition is therefore recommended requiring all marketing and promotional material to promote car free living and be explicit that these units are car free to ensure that occupants are aware that they will not be entitled to permits.
160. In addition to the above recommended condition, as a borough there is an agreement with TfL that bus services will need to be increased in the OKR area in advance of the delivery of the BLE to accommodate the demand generated by additional homes and jobs in the opportunity area. A financial contribution has therefore been agreed which will go towards improvements to bus networks ahead of the BLE and which will be secured within the s106. As per all other schemes in the opportunity area, the proposal is that there would be a maximum cap for TfL to call on of £2,700 per residential unit and which would be secured through the Legal Agreement.
161. The initial cycle strategy proposed by the applicant showed a combination of Sheffield stands, lockers and double stackers to the forecourt of the application

site. This mix is acceptable from a transport policy perspective and the innovative cycle parking proposals are considered a positive aspect of the submission. However, the placement of the cycle storage was a concern raised in a number of representations received. Following discussions with the applicant, the cycle strategy was revised and details of which now show a revised cycle strategy away from the forecourt of the application site.

162. The revised plans submitted indicates two areas where cycle parking is proposed to be accommodated within existing cycle locations in a split between an internal cycle storage area and a covered cycle rack in the courtyard. Some short stay cycle parking is proposed near the residential entrance. A number of comments have also been raised commenting on the existing cycle provision. Although not within the remit of this application to remediate, the applicant has proposed the consolidation of cycle and refuse to meet the needs of the entire Chevron building, retaining the provision of 51 existing cycles spaces in a mix of new of wall mounted and double tiered stands with some provision for Sheffield stands for the short stay requirements. An additional 22 spaces would be provided to meet the demand of the new dwellings accommodated within the consolidated strategy. Overall this would be acceptable level of parking with the storage being convenient and accessible in accordance with policy 5.3 Walking and Cycling of the Saved Southwark Plan. Conditions are recommended requiring detailed design and will be required to remain in perpetuity unless agreed with in writing by the Local Authority.
163. Servicing is proposed to be undertaken using the existing arrangements ie on street. Normally, the Council's preference would be for servicing to be undertaken from within the curtilage of the site. However, the nature of the development and the existing conditions are such that it would not be possible to provide off street servicing. The refuse area, which is discussed in more detail in later sections of this report, is located in an easily accessible location and is in this particular instance is considered to be acceptable.

### Conclusion

164. The proposal has been reviewed and there is unlikely to be any impact on the local highway network, public transport services or active transport routes. A delivery and servicing Plan should be provided to show how servicing trips will be managed in the development.
165. The S106 agreement will include a contribution towards the delivery of Infrastructure for the cycle hire expansion scheme of £50 per residential unit which totals £750.0. For information the initial programme will see 3 docking stations between Bricklayers Arms existing docking stations and Ilderton Road. This is part of a programme of extensions to link Burgess Park to Bermondsey station and Canada Water.

### Construction

166. As mentioned in earlier sections of this report, the construction methodology proposed as part of this application is for modern method of construction. Aside

from the efficiency and sustainability elements, it offers the benefits of being less disruptive than a traditional construction method as it would see the majority of the construction taking place off site, in a factory, which limits on site works to enabling and assembly. This is considered to be an improvement on the consented scheme.

167. A preliminary draft of the Construction Logistics Plan (CLP) has been submitted to accompany the application and which has been developed to provide the management framework required for the planning and implementation of construction activities on site. This includes impacts on the highway as a result of construction, deliveries and removal of construction material, best practice in relation to dust, noise and monitoring. The CLP draft also details that notices will be placed and a single point of contact be known to residents, neighbours and neighbouring businesses.
168. The S106 Agreement would secure a full detailed Construction and Environmental Management Plan (CEMP) and a £40 per unit contribution for Construction Management within the OKR AAP area. This is to enable the council to manage cumulative impacts on the highways and environment.

#### Conclusion on transport impacts

169. The securing of a cycle storage as proposed in the transport strategy ensures that the cycle storage for the entire Chevron building is subject to a detailed design condition which will ensure that it is retained as such in perpetuity and which given the previous permitted development conversion was not secured at the time.
170. Subject to the adherence to the S106 obligations and planning conditions mentioned in this section of the report the proposal is supported as it is considered that the impacts on the transport network are minimal. As per advice from the Highways Team, conditions are required that would require the applicant to repair/make good any damages to the kerb/pavement as a result of construction.

### **Sustainable development implications**

#### Energy

171. 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. Residential developments would be expected to achieve net zero carbon. An Energy statement has been submitted based on the Mayor's hierarchy as set out within policy 5.2 of the London Plan.

#### Be Lean (use less energy)

172. '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:

1. The specification of a higher performing building envelope with better U-Values than the minimum required within the approved document Part L2A with consistent thermal bridging and a good level of low air permeability. This reduces the developments winter heat loss and required heat energy and is again achieved through the method of construction proposed.
2. Active design measures include the use of mechanical ventilation with heat recovery (MVHR) and efficient heating and ventilation systems with energy efficient fixtures.
3. The ample daylight and sunlight within the dwellings, enabled by the aspect proposed.

173. After the incorporation of 'Be Lean' passive and active energy efficiency measures, the domestic CO2 emissions would be 32% lower than a Part L1A 2013 compliant development, which is the baseline scheme.

#### Be clean

174. The proposed design maximises energy efficiency and follows principles of good active system design. Given the nature of the development as an upwards extension, the application has been designed to make use of available energy networks. At present there is no available district heating system. The proposal has been designed to be easily connected to the proposed district heating system that is in the plans for the local area - the South East London Combined Heat and Power network (SELCHP) by proposing a CHP plant which has the abilities to be retrofitted to SELCHP. Once connected to SELCHP a greater level of carbon reduction would be achieved. Given the centralised substation, connection to SELCHP would also result in an improved reduction in regulated CO2 emissions in the existing residential portion, which although at this stage not quantified is an additional benefit of the scheme under consideration. This would be required by Section 106 agreement.

175. 'Be Clean' measures would provide a further 15% reduction in domestic CO2 emissions, amounting to 47% along with 'Be Lean' measures.

#### Be Green

176. To satisfy the final tier of the energy hierarchy, 'be green', an air to water Heat Pump and a Waste Water recovery system are proposed which would offer the best efficiency and have been considered suitable for the proposed scheme.

177. 'Be Green' measures would provide a further 2% reduction in domestic emissions, amounting to a total saving of 49% across the residential component of the proposed development. This represents an annual saving of approximately 8.25 tonnes of CO2. To enable the new dwellings to meet the net zero carbon target, a

one off carbon offset payment of approximately £27,910.24 will be required in line with Southwark's Core Strategy and London Plan Policy. This figure is based on a shortfall of 15.5 tonnes CO2 per year for a period of 30 years at a rate of £60/tonne of CO2. The applicant has agreed to make this contribution which would be secured through the Section 106 Agreement and would make this aspect of the scheme fully policy compliant.

## **Air Quality**

178. The site is located in an Air Quality Management Area and an Air Quality Assessment has been submitted, which considers the air quality impacts arising from the construction and use of the development. Southwark Plan Policy 3.6, Air Quality, states that planning permission will not be granted for development that would "lead to a reduction in air quality." London Plan (2016) Policy 7.14 states that development proposals should minimise increased exposure to existing poor air quality and make provision to address local problems of air quality.
179. The Air Quality Assessment describes any potential impacts on local air quality, as a result of the development but also on the impacts on emissions from the road network on future residents. The document found that construction and associated operations activities would pose a risk that without mitigation are considered to be 'not significant' - with low risk of dust impacts and increases in particulate matter (PM10) concentrations. This is a result of most of the construction taking place off site. It also identified that through good site practice and the implementation of suitable mitigation measures, the effect of dust releases would be managed and reduced. These will be secured through the CEMP required by the Section 106 Agreement. The details of the Air quality assessment have been reviewed by the Council's EPT team who confirm that the findings are fully accepted.
180. The assessment concluded that the residual effects of dust and PM10 generated by construction activities on air quality would not be significant. The residual effects of emissions to air from construction vehicles on local air quality were also not considered to be significant and would remain below the relevant benchmarks therefore satisfying the requirement for developments to be air quality neutral.

## **Refuse**

181. The planning permission as originally submitted contained a refuse strategy which would place the bins within the forecourt of the building. Whilst this refuse management strategy would have been in accordance with the Southwark's guidance, similarly to the cycle storage, a consolidation/intensification of existing bins is proposed following consultation comments to meet the needs of existing and proposed residents. The amount is proposed based on the Southwark Waste Guidance notes for Residential development. The proposal can be broken down as follows:

Recycling: 2260L (to meet 34 existing units ) + 1065L (to meet 34 existing units) = 3325L

3x 1100L eurobin would be provided

Refuse: 3390L (to meet 34 existing units) + 1598L (to meet 34 existing units) = 4988L (5x) 1100L eurobin would be provided

182. The existing bin store will be reconfigured to meet the aforementioned quantum for 3 1100L eurobins and 5x 1100L Eurobins for recycling and refuse respectively. The collection point will remain as existing and at the closest point will be less than 10m away from the kerbside and therefore is also policy compliant. Further details will be addressed through the delivery and service plan.

### Other matters

#### Flood Risk

183. The application site is located within Flood Zone 3, which is considered to be 'High Risk' but does benefit from the Thames tidal defences. The Environment Agency (EA) initially objected to the proposal on the basis of a lack of a flood Risk Assessment. Officers have been in discussions with the EA and LBS flood risks team alike. Following further conversations and based on the submitted information contained within the relevant documents the EA retracted their letter of objection and confirmed that the proposed units, at third floor level, will be above the 2100 breach flood level. The EA made recommendations including a flood risk and evacuation management plan which the applicant has agreed to and is proposed to be secured in by condition.

Greenfield runoff rates

184. Given the nature of the development, it is not expected to be able to achieve greenfield runoff rates on site, however, some attenuation can be achieved through the extensive green roofs proposed. A full desi tailed design of the strategy should be submitted by condition and I the event that the proposed development cannot achieve greenfield runoff rates, as per the policy as contained in the draft OKR AAP, a financial contribution would be collected at £366 per cubic metre,

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

185.

Planning obligation	Mitigation	Applicant's position
<b>Housing Viability and Amenity Space</b>		
Affordable (intermediate)	£529.4 (4 affordable homes x £132.35)	Agreed

housing Monitoring		
Public open space	£15,375 5sqm of public open space per residential unit x 205	Agreed
<b>Transport and Highways</b>		
Transport for London Cycle Hire expansion Scheme	£750 (£50 x 15 residential units)	Agreed
Transport for London Buses	£40,500 (£2700 x 15 residential units)	Agreed
Construction Management monitoring	£600 (£40 x 15 residential units)	Agreed
<b>Energy, Sustainability and the Environment</b>		
Carbon offset fund	£27,910.24	Agreed
Administration fee	Payment to cover the costs of monitoring these necessary planning obligations calculated as 2% of total sum, equating to	Agreed
<b>Total</b>	<b>£85,664.64</b>	

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

- Affordable housing provisions (4 London Living Rent homes), including provision for an early stage review;
- Marketing, allocation and fit out of the wheelchair units;
- Highway works – s278 works, plan to be prepared to show the extent to be covered in the event of construction related damages to the pedestrian footway and/or kerbside to be reconstructed to SSDM standards.
- Car club membership for 3 years;
- Connection to a future district heating system when it becomes available;
- Construction and environment management plan;
- Delivery and service management plan;
- Controlled Parking Zone – ineligibility for residents to apply for parking permits;

Securing of TDO architects to deliver the building detailed design, unless otherwise agreed in writing.

187. In conclusion, the S106 heads of terms agreed would satisfactorily mitigate against the adverse impacts of the proposed development
188. In the event that a satisfactory legal agreement has not been entered into by 8 April 2020 it is recommended that the director of planning refuses planning permission, if appropriate, for the following reason:
189. The proposal, by failing to provide for appropriate planning obligations secured through the completion of a S106 agreement, fails to ensure adequate provision of affordable housing and mitigation against the adverse impacts of the development through projects or contributions in accordance with saved policy 2.5 'Planning Obligations' of the Southwark Plan (2007), strategic policy 14 'Delivery and Implementation' of the Core Strategy (2011), policy 8.2 'Planning obligations' of the London Plan (2015) and the Planning Obligations and Community Infrastructure Levy SPD (2015)".

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

190. Section 143 of the Localism Act states that any financial contribution received as community infrastructure levy (CIL) is a material "local financial consideration" in planning decisions. The requirement for payment of the Mayoral or Southwark CIL is therefore a material consideration. However, the weight attached is determined by the decision maker. The Mayoral CIL is required to contribute towards strategic transport investments in London as a whole, primarily Crossrail, while Southwark's CIL will provide for infrastructure that supports growth in Southwark.
191. In this instance a Mayoral CIL payment of £ £362,048.0 and a Southwark CIL payment of £180,790.73 would be required to total £542,838.73. These are approximate figures and also are pre-social housing relief figures and accordingly would be reduced when the CIL Social Housing Relief claims submitted after the grant of planning permission.

### **Community involvement and engagement**

192. Consultation was carried out by the applicant prior to the submission of the planning application, and during the consideration of the application. The consultation undertaken was carried out with the local community and key stakeholders from the area which included:
  - Two meetings with Chevron Apartment residents and a number of individual follow up meetings
  - Two public consultations one on 24 July 2019 and the second on 29 August 2019.
  - Presentation to Ward Councillors
  - Introductory meeting to Chevron residents that took place on 17 July

- Distribution of consultation materials via email to those that could not previously attend
193. In addition, this included the provision of a direct point of contact by email where queries may be redirected to.
194. A detailed summary of the consultation carried out by the applicant can be found within the submitted Development Consultation Charter.

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

195. The Council must not act in a way which is incompatible with rights contained within the European Convention of Human Rights
196. The Council has given due regard to the above needs and rights where relevant or engaged throughout the course of determining this application.
197. 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.
198. 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**

199. 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.

200. This application has the legitimate aim of providing an extension to the building to provide 15 new homes alongside other enabling works. 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**

201. 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.
202. 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.

203. **Positive and proactive engagement: summary table**

Was the pre-application service used for this application?	YES
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
To help secure a timely decision, did the case officer submit their recommendation in advance of the statutory determination date?	NO

### **Conclusion**

204. The principle of extending the site has been accepted by virtue of the previous consent and under the current application, continues to be acceptable. The principle of housing on the site is also accepted, and would be in line with policy aspirations to increase the number of new homes in the area but would result in

the introduction of residential uses into the SIL. In advance of emerging policy being adopted and SIL being formally released, the proposal must be weighed against the wider regeneration benefits of the scheme which would include:

- 15 new homes to the borough's housing stock and towards the small sites target;
- 38.1% affordable housing (London Living Rent);
- Generous provision of play for younger children along with a large communal amenity for residents to use and enjoy, that includes existing residents which do not have any communal space, and in the majority of cases private amenity space;
- A contribution to new and existing parks, with delivery mechanisms secured through the Section 106;
- The site will benefit significantly from the planting of trees and landscaping features that are currently not available on site;
- The introduction of a substantial green roofs represents significant ecological gain on this site
- 100% of the homes would be marketed to key workers.

205. In light of this, officers consider that the departure from the adopted local plan policy and the principle of the proposed development in land use terms should be supported.

206. The proposals would deliver 15 units for key workers and designed to the highest quality architectural quality. This includes the quality of the residential accommodation which is considered to be excellent. The proposal would be car free, proposing sufficient cycle and contributions for infrastructure delivery to support growth in the Opportunity Area.

207. The impacts of the scheme in relation to daylight and sunlight, are on balance considered acceptable, and whilst there would be departures from the BRE guidelines, the daylight and sunlight levels are still considered adequate for a dense urban area.

208. It is therefore recommended that planning permission be granted subject to conditions and the agreement of a Section 106 Legal Agreement under the terms as set out above.

## Background Documents

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

## Appendices

No.	Title
Appendix 1	Consultation undertaken
Appendix 2	Consultation responses received
Appendix 3	Relevant planning history
Appendix 4	Recommendation

## AUDIT TRAIL

<b>Lead Officer</b>	Simon Bevan, Director of Planning	
<b>Report Author</b>	Alicia Chaumard, Old Kent Road Regeneration Team	
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<b>Dated</b>	27 October 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>		30 October 2020