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Item No. 8.3	Classification: Open	Date: 26 July 2022	Meeting Name: Planning Committee
Report title:	<p>Development Management planning application: Application 21/AP/1342 for: Full Planning Application</p> <p>Address: BURGESS INDUSTRIAL PARK, PARKHOUSE STREET, LONDON SE5 7TJ</p> <p>Proposal: Demolition of the existing buildings and redevelopment of the site to provide residential units (Class C3), flexible commercial floorspace (Class E) and community floorspace (Class F) within 12 blocks of between 2-13 storeys, with car and cycle parking and associated hard and soft landscaping and public realm improvements.</p> <p><u>Further information to describe the proposal:</u> 375 residential units; 5,118sqm of class E floorspace; 112sqm of class F floorspace; Maximum AOD height of 13-storey tower is 48.25m</p>		
Ward(s) or groups affected:	St Giles		
From:	Director of Planning and Growth		
Application Start Date	18/05/2021	Extended Expiry Date	30/09/2022
Earliest Decision Date	19/03/2022		

RECOMMENDATIONS

1. That planning permission be granted subject to conditions, the applicant entering into an appropriate legal agreement, and referral to the Mayor of London.
2. That environmental information be taken into account as required by Regulation 26 of the Town and Country Planning (Environmental Impact Assessments) Regulations 2017 (as amended).
3. That following the issuing of the permission, the director of planning and growth places a statement on the Statutory Register pursuant to Regulation 30 of the Town and Country Planning (Environmental Impact Assessments) Regulations 2017 (as amended) and that for the purposes of Regulation 30(1)(d) the main reasons and considerations on which the planning committee's decision is based shall be set out as in this report, and shall inform the Secretary of State of the decision.
4. That in the event that the requirements of paragraph 1 above are not met by 30

September 2022, the director of planning and growth be authorised to refuse planning permission, if appropriate, for the reasons set out in paragraph 499 of this report.

EXECUTIVE SUMMARY

5. This is a major application which seeks to redevelop an industrial estate to provide a mixed-use development comprising employment floorspace (class E), community use floorspace (class F) and 375 residential units within 12 blocks ranging from 2-13 storeys high. The site forms a substantial part of what was formerly designated the Parkhouse Street local Preferred Industrial Location (PIL) under the 2011 Core Strategy and the 2007 Saved Southwark Plan, and within the PIL only employment uses or sui generis uses (i.e. not falling within a particular use class) were permitted. This planning application was submitted in April 2021 when the Core Strategy and 2007 Southwark Plan were still in use, and as such it was considered at the time to be a departure from these plans because it proposed residential units in an area designated for employment use.
6. The 2022 Southwark Plan has subsequently been adopted however, which replaced the Core Strategy and 2007 Southwark Plan. The 2022 Southwark Plan designates the former PIL for mixed-use development comprising replacement employment floorspace, housing, retail, community and leisure uses under site allocation NSP25. Of note is that last year the Planning Committee resolved to grant permission for two other developments within the former PIL which included employment floorspace and residential units. The change towards a mixed-use development within the former PIL is therefore already underway, consistent with the Southwark Plan site allocation.
7. Also of note is that this application follows a previous refusal of planning permission for a mixed-use redevelopment on the site. The previous application proposed up to 3,725sqm of employment floorspace, up to 128sqm of leisure floorspace, up to 551sqm of mixed retail uses and 499 residential units within 13 blocks of between 2-12 storeys high. It was recommended for approval by officers but was refused by the Planning Committee in November 2018 owing to concerns regarding the loss of employment floorspace and the residential accommodation not being of exemplary design to justify the high density proposed. An appeal was subsequently lodged and was dismissed. The Planning Inspector who dealt with the appeal found the loss of employment floorspace to be acceptable, but concluded that too many compromises had been made regarding the quality of residential accommodation proposed, that there would have been harm to the character and appearance of the area, and that there would have been an unacceptable loss of daylight and sunlight to some of the properties on Parkhouse Street and Wells Way. This previous application is described in the report as the appeal scheme.
8. The application now before Members therefore seeks to address the concerns raised by the appeal scheme, and this has been aided by the Parkhouse Street Local Development Study (LDS). The LDS was commissioned by the Council to guide the various developments coming forward in the area and whilst it is not a statutory planning document, it has proved a useful tool in ensuring that the different developments being proposed would work well together to form an attractive new neighbourhood. In summary, changes which have been made to

the proposal compared to the appeal scheme include the provision of additional employment space within the development, a reduction in the number of residential units, a general reduction in the building heights proposed across the development (except for the 13 storey tower which would be taller than the equivalent tower in the appeal scheme), improvements to the quality of accommodation and public realm including childrens' playspace, and improvements to the servicing arrangements.

9. The uses proposed under this application comprising class E and class F floorspace and new residential units would comply with site allocation NSP25 in the Southwark Plan 2022. Whilst there would be a significant loss of employment space, the new space being provided would be of high quality and would include 20% affordable workspace. The financial viability of providing different amounts of employment floorspace and affordable housing within the development has been independently tested on behalf of the Council. The proposed development would deliver 137 affordable homes which would equate to 35.4% affordable housing by habitable room with a policy compliant tenure split between social rented and shared-ownership housing. This amount of affordable housing would not be financially viable, but the applicant has committed to delivering it in any event and it would be secured through the s106 agreement. Policy IP3 of the Southwark Plan makes it clear that where a site cannot viably meet all of the land use requirements of a site allocation, the delivery of affordable housing should be prioritised. Delivering more employment floorspace on the site would reduce the amount of affordable housing which could be delivered, therefore the reduction in employment floorspace on the site can be supported in this instance given the outcome of the viability testing.
10. The application is accompanied by an Environmental Statement which identifies some adverse effects which would arise from the proposed development, and these are set out in detail in the report. There would be some adverse impacts upon daylight and sunlight to neighbouring properties, but these would generally be less than those of the appeal scheme and are considered to be acceptable when weighed in the balance with all the benefits and disbenefits arising from the proposal. With the exception of the 13-storey tower, compared to the appeal scheme the building heights across the proposed development have generally been reduced. As such it is considered that it would have an acceptable impact upon the existing townscape and would not cause any significant harm to nearby heritage assets. The 13-storey tower is classed as a tall building as it would be over 30m in height. The inclusion of a tall building on the site does not accord with some of the locational tests within the Southwark Plan's tall buildings policy. However, it is concluded that it would not be harmful, and that the identified benefits of the scheme are material considerations which can outweigh the failure to fully comply with development plan in this respect.
11. The proposal would provide an exemplary standard of residential accommodation, including sound proofing within the new dwellings which would limit the potential for noise complaints against existing commercial occupiers. Overall the quality of accommodation now proposed is considered to address the concerns raised in the appeal scheme. The proposal would deliver a policy compliant amount of wheelchair accessible housing and whilst it would only provide 20.3% 3+ bed dwellings rather than the 25% now required by the 2022 Southwark Plan, the 20% proposed complied with the Core Strategy which was

in force when the application was submitted.

12. The proposal would require the removal of 12 trees from the site, although 53 new trees would be planted, to supplement high quality new landscaping and public realm. This would provide greening and increase biodiversity on what is currently a largely hard-surfaced site. The provision of a significant quantum of playspace within the public realm is considered to be a very positive aspect of the proposal, as it would be accessible to both existing and future residents. Ecological impacts upon Burgess Park have been carefully considered through an independent ecological assessment, and following mitigation through conditions and planning obligations it is concluded that the proposal could deliver some biodiversity enhancements to the park.
13. The proposal would provide 14 accessible parking spaces, and future occupiers would be prevented from obtaining parking permits on the surrounding streets. Whilst the proposal would result in additional vehicle trips, these would not adversely impact upon the surrounding highway network and a s106 contribution would be required towards bus improvements in the local area. The proposal would incorporate measures to reduce its carbon dioxide emissions, and a contribution to the Council's Carbon Off-set Green Fund would be secured through a s106 agreement; matters relating to circular economy and whole life carbon have been taken into account. The proposal would be air quality neutral, and impacts relating to ground conditions, flood risk, wind microclimate, fire safety, digital connectivity, archaeology and socioeconomics, equalities impacts and health have all been considered and are found to be acceptable, subject to a number of conditions and planning obligations.
14. Overall it is considered that the concerns raised by the appeal scheme have been addressed, and that the benefits of the proposal, including delivery of high quality workspace and 375 new homes, would outweigh any potential harm caused. It is therefore recommended that planning permission be granted, subject to conditions, a s106 agreement and referral to the GLA and Secretary of State.

Planning summary tables

Housing

Units	Private Units	Private HR.	Aff.SR Units	Aff.SR HR	Aff.Int Units	Aff.Int HR	Total Units (%)	Total HR
Studio	15	30	0	0	0	0	4	30
1 bed	81	163	23	47	28	56	35.2	266
2 bed	94	363	32	116	25	75	40.2	554
3 bed	48	262	29	154	0	0	20.5	416
Total	238	818	84	317	53	131	100	1,266
% HR		64.61%		25.04%		10.35%		

Commercial

Use Class	Existing sqm	Proposed sqm	Change +/-
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Use Class E (g) i) Office	0	0	N/A
Use Class E (g) ii) and iii) research and light industrial	11,472.3	5,118	+5,118
Affordable workspace Use Class E (20% of total)		900.8	+900.8
Use Class B8 Storage/Distribution	572	0	-572
Use Class B2 Industrial	0	0	/
Use Class F community use	0	112	+112
Sui Generis	515	0	-515
Jobs	180 (all temporary jobs)	80-260	+80-260 permanent jobs

Open space and child playspace

	Existing sqm	Proposed sqm	Change +/-
Public Open Space	0	1,240sqm	+1,240sqm
Play Space	0	1,471	+1,471

Carbon neutrality and trees

CO2 Savings beyond part L Bldg. Regs.	61.8% (63% including unregulated savings)
Trees lost	5 x category B, 6 x category C, 1 x category U (12 in total)
Trees gained	53 (+41)

	Existing	Proposed	Change +/-
Urban Greening Factor	Unknown	0.4	+0.4
Greenfield Run Off Rate	Unknown	14.5l/s	
Green/Brown Roofs	0sqm	3,710 sqm	+3,710 sqm
EVCP (on site)	0	14	+14
Cycle parking spaces	Unknown	833	

CIL and s106

Southwark CIL (estimated)	£1,909,023.45
MCIL (estimated)	£1,635,569.87
S106	£1,412,313.26

BACKGROUND INFORMATION

Site location and description

15. The site is located on the north-eastern side of Southampton Way and measures 1.59 hectares (ha). Parkhouse Street forms a loop off Southampton Way and connects with Wells Way to the east. The site sits within that loop and also extends to the northern side of Parkhouse Street. It currently contains a series of buildings which are within office, light industrial and storage use, 33 and 45 Southampton Way which are in residential use, and a large brick chimney. Whilst the site is in a predominantly industrial area, it adjoins residential uses on Southampton Way and Parkhouse Street and there are houses on the opposite side of Wells Way. Part of the site adjoins Burgess Park to the north which is Metropolitan Open Land (MOL) and a Site of Importance for Nature Conservation (SINC). There is a wooded area within the park which immediately adjoins the site which is known as the New Church Road Nature Area.

Existing building – view from Wells Way



Existing building – 10-12 Parkhouse Street



Existing building – Proposed block B



Existing yard at rear of 1-13 Parkhouse Street



16. There are a number of current planning applications in the Parkhouse Street area. In 2021 the Planning Committee resolved to grant permission for two mixed-used developments on Parkhouse Street, comprising residential units and employment space and these sites sit opposite the application site. The first is 21-23 Parkhouse Street, for which planning permission was granted in April 2022 following the completion of a s106 agreement. The second is at 25-33 Parkhouse Street, and planning permission was granted in May 2022 following the completion of a s106 agreement. There are two pending applications for mixed-use residential and employment floorspace, one at 35-39 Parkhouse Street and another at 5-7 Cottage Green / 69 Southampton Way. Details of these applications are provided later in the report and in Appendix 3.
17. The site is subject to the following designations in the Southwark Plan 2022:
 - Urban Zone
 - Air Quality Management Area
 - Hot food takeaway schools exclusion zone
 - Site allocation NSP25
 - Public transport accessibility level (PTAL) of 2-4 (low to medium)
18. The site is within the setting of a number of heritage assets including the grade II listed Collingwood House on Cottage Green and 73, 75 and 77 Southampton Way. In addition, the proposed development could affect the setting of a number of heritage assets in the wider area including the grade II Listed 113 Wells Way, the Wells Way Baths, the former Church of St George on Wells Way, and the Addington Square Conservation Area which is to the west across Burgess Park.

Details of proposal

19. Full planning permission has been sought by Peachtree Services Ltd. for a comprehensive mixed-use redevelopment of the site, which would be known as Camberwell Union. Numbers 33 and 45 Southampton Way, the chimney and a building next to 13 Parkhouse Street would be retained, but all other structures on the site would be demolished. The proposal is for class E and class F floorspace and 375 residential units, laid out in a series of 12 buildings ranging from 2-13 storeys in height. Class E floorspace comprises commercial, business and services uses and class F comprises local community and learning uses. The existing and proposed floorspace figures are set out below:

Land use	Existing GIA sqm	Proposed GIA sqm	Difference
Class E	12,559.3	5,118	-7,441.3
Class F	0	112	+112
Class C3 residential	135	34,466	+34,331
Total	12,694.3	39,696	+27,001.7

20. Most of the development would be located on the larger, southern part of the site which sits to the south and west of Parkhouse Street and Wells Way, with two blocks located on the smaller part of the site which adjoins Burgess Park. On the larger part of the site the blocks would be arranged around a new public square which is described as the Garden Square, and which would include the retained chimney. There would be two new streets leading to the square; the Garden Street would start close to the junction of Wells Way with Parkhouse Street leading south-west, and would then turn north-west leading to the Garden Square and onto Parkhouse Street beyond. There would be a smaller, secondary street described as The Mews leading from Parkhouse Street to the Garden Square, and the Mews would be the focus of the class E floorspace within the development.

Proposed site layout



21. **Blocks A and B** – These blocks would be located on the northern part of the site. Block A would be a 2-storey terrace comprising 4 x 3-bedroom houses with a staggered footprint, measuring a maximum of 6.97m high above ground level with a flat roof.
22. Block B would be formed from an existing 2-storey plus basement commercial building which would be retained, modified internally, and new rooflights provided along its north-eastern flank. This building measures 12.34m above ground level to the ridge of its pitched roof.
23. Both blocks could be accessed from an existing vehicular access on Parkhouse Street leading to two accessible car parking spaces, cycle parking and refuse storage. There would be a secondary pedestrian and cyclist access to this part of the site via an existing haulingway at 33 Southampton Way.
24. **Block C** – This would be located opposite 1-13 Parkhouse Street and would be 2-storeys high (7.35m high above ground level) with a flat roof. It would contain 4 residential units which would all have gardens at ground floor level. There would be a substation and refuse store at the eastern end of this block.
25. **Blocks D and E**– These adjoining blocks would be located on the south-western side of the Garden Square. Block D would have frontages to Parkhouse Street and the Garden Square and would be 5-6-storeys high fronting Parkhouse Street (21.35m above ground level), and 6 storeys fronting the square. It would contain class E floorspace, residential units and associated cycle storage, plant

and bin stores at ground floor level, with 42 residential units above. There would be a communal roof terrace at 5th floor level facing Parkhouse Street.

26. Block E would line the south-western side of the Garden Square and would contain class E and class F floorspace, cycle parking, refuse storage and plant space at ground floor level, with 32 residential units above. It would be part 5, part 6 storeys high (a maximum of 21.35m above ground level) and there would be a communal roof terrace at 5th floor level at the southern end of the block.
27. **Block F** – This would be a standalone block with a curved footprint fronting Parkhouse Street, and backing onto the Mews and the Garden Square. It would contain class E floorspace, a residential entrance, bin and bike stores and plant space at ground floor level, class E floorspace and residential units at first floor level, and 41 residential units above. It would be 7-storeys high (a maximum of 26.3m above ground level) with the top floor set back along the Parkhouse Street frontage. There would be communal amenity space at second floor level which would be connected to communal amenity space within blocks G and H via a pedestrian footbridge across the Mews.
28. **Blocks G and H** - These blocks would be connected to each other. Block G would front Parkhouse Street close to the junction with Wells Way, and would also have frontages onto the Mews and the Garden Street. It would be 7-storeys high (26m above ground level) and would contain class E floorspace, bin and bike stores and a residential entrance at ground floor level, class E floorspace and residential units at first floor level, and residential units on the upper floors (37 residential units in total).

The Mews



29. Block H would be the tallest part of the development in the form of a 13-storey

tower measuring 44.24m above ground level. It would front onto the Garden Square, and would also have frontages to the Mews and the Garden Street. It would contain class E floorspace, bin and bike stores, a residential entrance and residential units at ground floor level, class E floorspace and residential units at first floor level, and residential units above (75 residential units in total). Its communal amenity space would be at second floor podium level, connected to block F's amenity space by the elevated footbridge.

Proposed tower, view from Garden Square



30. Blocks I, J and K - These adjoining blocks would sit parallel with the Garden Street. Blocks I and J would be 6-8 storeys high and would measure a maximum of 28.62m and 25.67m above ground level. The ground floor would contain two residential units, with the remainder of the ground floor given over to communal residential entrances, cycle parking, refuse storage and plant space. The upper floors of these blocks would be residential and there would be a roof terrace at 7th floor level. Block I would contain 53 residential units and block J would contain 42 residential units.
31. Block K would be located next to Wells Way with frontages to this street and to the Garden Street. It would be 6-storeys high (24.24m above ground level) and would contain residential units, a communal residential entrance, a management office, cycle parking, refuse storage, plant space and a substation at ground floor level, with residential units on the upper floors (33 residential units in total). There would be a communal garden on the roof of the building.

32. Block L - This block would adjoin Block K and would sit parallel with Wells Way. It would be 4-storeys high (13.5m above ground level) with a 3-storey section in the centre of the block and would be entirely residential, made up of 12 duplex units.
33. Materials for the proposed development would comprise London stock brick, concrete and metal cladding.
34. There would be a one-way servicing route around the edges of the site which vehicles would enter from Parkhouse and exit onto Wells Way. Servicing would also take place from the Mews and this is set out in the transport section of this report. There would be 14 accessible off-street parking spaces to serve the development.

Phasing

35. The construction work would take approximately 3 years to complete and would be carried out in two broad phases. Phase 1 would comprise blocks A and B (to be completed in early 2025) and phase 2 would comprise blocks C to L (to be completed in early 2026).

Amendments to the application

36. A number of amendments have been made to the application as follows:
37. Reduction in the number of units from 386 to 375;
Increase in class E floorspace from 4,410sqm to 5,118sqm;
Omission of extension to block B and removal of residential units within this block;
Amendments to the footprint of block C and revised window positions;
Amendments to residential layouts and balcony positions;
Amendments to refuse stores and cycle parking;
Amendments to the detailed design of block H
Massing reduction to block I;
Alterations to the footprint of block L;
Amendments to pavement widths around the edges of the site;
Amendments to playspace and landscaping;
38. A number of new and updated reports have also been submitted including an updated bat survey report, accommodation schedules, commercial strategy and Environmental Statement (ES) statement of conformity.
39. The changes outlined above have been subject to a 30 day reconsultation. A number of other changes have been made after the reconsultation had been triggered, including amendments to some internal layouts to provide additional wheelchair user dwellings which necessitated a modest revision to the footprint of block C, relocating some playspace from the rear gardens of the houses in block A to communal gardens at the front of block A and responses to officer queries regarding daylight and sunlight. Given the minor nature of these changes which would not result in any impacts outside of the site, they have not been subject to a further re-consultation.

Previous application

40. This application follows an earlier planning application which was also for a comprehensive redevelopment of the site, the development description for which read as follows:

‘Demolition of the existing buildings and redevelopment of the site to provide 499 residential units, up to 3,725sqm (GIA) of Class B1 commercial floorspace, up to 128 sqm (GIA) of Class D2 leisure floorspace and up to 551sqm of Class A1-A3 floorspace within 13 blocks of between 2-12 storeys, with car and cycle parking and associated hard and soft landscaping’ (reference: 17/AP/4797).

41. Officers recommended this application for approval, however it was refused by the Planning Committee in November 2018 for the following two reasons:

1) The density of the development would significantly exceed the expected range for the area and would fail to provide the requisite exemplary standard of accommodation, owing to insufficient amenity space and the residential units not significantly exceeding minimum floorspace standards. This would be contrary to saved policy 4.3 ‘Quality of accommodation’ of the Southwark Plan (2007), policy 3.5 ‘Quality and design of housing developments’ of the London Plan (2016) and guidance within the Residential Design Standards Supplementary Planning Document (2015 – Technical update).

2) The proposed development would result in a significant loss of employment floorspace on a site within a local Preferred Industrial Location. This would be contrary to Strategic policy 10 ‘Jobs and businesses’ of the Core Strategy (2011), policy 4.4 ‘Managing industrial land and premises’ of the London Plan (2016) and emerging site designation NSP23 in the draft New Southwark Plan (December 2017) which seek to protect existing employment floorspace, and as such would fail to maximise the potential for job creation in the borough.

42. An appeal was lodged and was subsequently DISMISSED by the Secretary of State following a Public Inquiry. This is described in the report as the appeal scheme.

43. In summary, the Inspector found that too many compromises had been made regarding the quality of accommodation, with particular concerns regarding unit sizes including wheelchair units, and lack of private and communal amenity space. It was not considered to be exemplary design and as such the high density was not justified. The Inspector concluded that whilst the proposal would have been contrary to the employment policies in the adopted development plan by introducing housing into an industrial area, it would not result in a detrimental effect on the Borough’s stock of employment land and premises.

44. The Inspector found that the proposal would cause harm to the character and appearance of the area and would fail to relate successfully to the existing townscape, in particular by overwhelming the brick chimney and rising up steeply at the edges of the site to a series of large and bulky central blocks. Regarding heritage assets, it was found that whilst there would be some harm to the former Church of St George, it would be less than substantial, and the setting of nearby listed buildings and structures would be preserved. The Inspector considered

that whilst in many ways the proposed development would be able to successfully integrate with the existing residential uses on adjoining land, there were concerns about the effect on daylight to some properties on Parkhouse Street and Wells Way which would result in unacceptable harm to those residents. The Inspector was satisfied that the proposal would not conflict with policies relating to walking and cycling, it would not have an unacceptable impact upon highway safety or ecology and biodiversity in Burgess Park, and that flood risk matters could be addressed by way of a condition. The appeal decision is attached as Appendix 7.

45. The application now before Members seeks to address the concerns outlined in the appeal decision, aided by the Parkhouse Street Local Development Study, details of which are provided later in the report. The full planning history for the site is set out at Appendix 3.

Comments from members of the public and local groups

Initial consultation

46. A total of 32 representations have been received objecting to the application on the following grounds:
- 47.
- Development too high, overdevelopment and inappropriate design
 - Harm to heritage assets
 - Inadequate parking
 - Inadequate public transport provisions
 - Increase in traffic
 - Strain on existing community facilities including schools, GPs and dental surgeries
 - Affect local ecology including Burgess Park due to overshadowing, increased use of the park and light pollution
 - Close to adjoining properties
 - Conflict with local plan, including departure from industrial land policies
 - Increased risk of flooding
 - General dislike of proposal
 - Increased pollution and carbon emissions
 - Loss of light
 - Loss of privacy
 - Noise nuisance, including during construction and weekend working
 - Out of keeping with character of area
 - Over development
 - More open space needed on development
 - Residential amenity
 - Information missing from plans
 - In 2014 it was agreed that the site should be incorporated into Burgess Park
 - Concerns the developer is trying to garner support for the application
 - Lack of affordable housing and not clear why a developer profit cannot be made as the site has been largely unused for 10 years
 - Removal of trees on Wells Way
 - Impact of new access from Wells Way on the bus stop
 - Should be constructed of buff brick
 - Support new housing and workspace, but the proposal is too high.

- The appeal decision is a material consideration and the concerns it raised have not been adequately assessed
- Unnecessary development in a densely populated area. Would still be inappropriate if it were 100% social housing
- Only benefits the developers, social cleansing of the poor aided by the Council
- Whilst objecting to the application, welcome the reduction in the number of dwellings which makes the density more appropriate, and lower building heights in front of and behind 1-13 Parkhouse Street
- Accommodation not exemplary, too many single aspect units, no natural ventilation to bathrooms
- Loss of industrial buildings in the area is causing more people to have to travel further to work which impacts carbon emissions and pollution;
- Would set a precedent for the approval of other developments on appeal;
- Mixing residential and employment uses is inappropriate and would adversely impact both uses
- Lack of improvements to the surrounding area
- Incorrect references in the Design and Access Statement to a new route into Burgess Park

48. A total of 41 representations have been received in support of the application on the following grounds:

- Opportunity to create a hub and increase high quality spaces in the area;
- Use of reputable architects linked to other high quality residential schemes;
- Robust traffic management plan required as Southampton Way is unable to sustain the construction traffic;
- London and the UK is suffering a housing crisis. New developments are needed and the industrial estate adds nothing to the neighbourhood;
- Would be good for the local area;
- Provision of community space within the development;
- Support the public square, focus on green landscaping and new trees which would support biodiversity;
- Support sustainability measures including electric vehicle charging points and green roofs;
- Good pedestrian and cyclist accessibility;
- Would deliver a new neighbourhood including 35% affordable homes;
- Would bring new jobs and workspace for the community;
- Would transform the current, underused site into a green new community hub;
- Would provide family housing;
- Appropriate design using brick and metal to retain the character of Camberwell.

49. One neutral comment has been received on the following grounds:

- Concerns regarding the content of a leaflet being circulated advising that there would be significant loss of light and overshadowing;
- Question this as nobody has visited the property to assess it, front bedroom gets too hot and some shade would be welcome;
- Consider it unlikely the daylight / sunlight impacts would be as significant as set out in the leaflet, including to Burgess Park;
- The purpose of the leaflet seems to be to prevent a proposal for many new homes for the sake of some additional daylight and sunlight.

Second round of consultation

50. This comprised notification letters and emails, site notices and a press notice. As well as outlining the changes made to the plans, the notification letters clarified an error in the original description in relation to the height of the tallest building on the site. On the original notification letter the tallest building was incorrectly described as 12-storeys instead of 13 storeys as shown on the plans. The height of the building had not increased, the letter simply corrected an error.
51. Reconsultation letters were sent on 10th and 11th February 2022.
52. 55 representations have been received objecting to the application, raising the following new issues:
- Contrary to the recently revised Local Plan
 - Does not provide new connections and permeability to the area
 - No dialogue with recently approved projects
 - Harmful impact upon the local economy
 - Inaccurate information in daylight and sunlight report
 - Amended plans do not address previous concerns
 - Support letters recently uploaded to the Council's website do not contain any text and should be disregarded – officer response – the applicant sent the support letters to the case officer directly. They contained personal details which have been redacted and where addresses were provided, all but one of them were from addresses within the borough
 - Loss of vegetation on the site
 - Daylight and sunlight information not updated to reflect amended plans
 - Overload on UKPN system
 - The space where block A is proposed would be better suited to providing a nursery or other community use
 - Consultation period too short
 - An earlier comment posted on the Council's website should be removed or redacted;
 - Impact on existing cycle route along Wells Way and question whether the developer owns part of the pavement currently used for cycling;
 - Carbon impact arising from demolition of the existing buildings;
 - Given the high values in London the developer should be able to make a profit, and it can be done with lower rise developments
53. One representation was received in support of the application raising the following new issues:
- Increased density benefits more people, including increased income and amenities
 - There are already tall buildings in the area
 - Existing low density buildings are difficult to heat and take up much land with their large gardens, which contributes to climate change.
54. One comment has been received as follows:
- Redeveloping the site is a good idea but would cause an unacceptable increase in traffic on Wells Way

- More trees should be planted along the west side of Wells Way to minimise loss of privacy
- The height of the tallest buildings should be reduced to minimise the impact on the park where possible

55. Friends of Burgess Park

Response to first consultation:

Object to the application on the following grounds:

- Close to adjoining properties
- Conflict with local plan
- Development too high
- Inadequate public transport provisions
- Increase danger of flooding
- Loss of light
- Out of keeping with character of area
- Over development
- Residential Amenity
- Main concern is heights of buildings across the site allocation and implications for the park edge, skyline, sense of openness and amenity value of the park.
- Tower height impacts upon the scaling of 10 and 11-storey buildings proposed on the park edge on other sites and is out of keeping with the area. Cumulative impact of this and other schemes needs to be considered. Building heights do not step down enough at the edges of the site.
- Tall buildings contrary to policy and not of exemplary design due to lack of playspace, inadequate urban greening factor and lack of sunlight to public realm. Contrary to advice in the LDS by exceeding the height of the chimney.
- Impact upon the setting of neighbouring listed buildings. Overall impact upon Burgess Park and Addington Square not adequately considered.
- Loss of employment space and loss of jobs.
- Lack of parking and impact upon public transport, including from the cumulative schemes.
- Loss of daylight and sunlight to neighbouring properties and proposed new residential units on Parkhouse Street.
- 76% of the units would be dual aspect, so one quarter are not.
- Insufficient affordable housing
- If it is not possible to promote a viable or deliverable development which meets all of the policy requirements and considerations, the Council should refuse this scheme which is not exceptional and compromises in too many areas.
- Cumulative impact assessments do not consider the scaffolding yard site (Southampton Way/Cottage Green).
- Impact on local services.
- Would create access for future development in the vacant plot behind 3 Cottage Green. Southwark must make a commitment for this to become a green, community shared space.
- Risk of ground and surface water flooding.

56. Response to second consultation:

- Continue to object to the height of the tallest building, 13 storeys. Has been used as the driver for the overall height proposals put forward for 21-23 and 25-33 Parkhouse Street developments. The access point to Burgess Park has been refused, negating the rationale for the "entrance way and marker" towers at 10 and 11 storeys. Impact on skyline including from Burgess Park, St George's Church and other local heritage;
- No policy support for a tall building in this location;
- Wells Way and the Southwark Cycle Spine: The Camberwell area vision map shows the cycle route along Wells Way: Question how this application would enhance this cycle route. The pavement area which currently exists as a cycle route on Wells Way is subsumed into the development. This is currently set out as a mini cycle route and is essential for the continuing and future viability of Wells Way as a safe and preferred cycle route. Question whether the developer owns this land. Concerns regarding reducing the quality of this route for cyclists and the potential for a cycle route along Wells Way.
- FOBP has consistently objected to the route across the park.
- Support the points made by Wells Way Tenants and Residents Association about many of the aspects of design do not meet the requirements to be exemplary.
- Support the retention of Block B as industrial space, retaining the design aesthetic without adding any additional residential space of height and bulk to the building.
- Support the provision of all play and amenity space on the site;
- Support the reduction in the height of block I;
- Support the improvement in the Urban Greening Factor which meets the Mayor's target score;
- Support the industrial provision but it does not re-provide the full amount.

57. Wells Way Tenants and Residents Association

Response to first consultation:

Object to the application on the following grounds:

- Welcome reduced density and that proposal now within the range set out in adopted policy, pleased that space standards now meet/exceed the minimum and not opposed to mixed-use redevelopment, but consider that the development is of a size and scale that is entirely out of character for the neighbourhood.
- Excessive height – the tower at the centre of the development would be taller than under the appeal scheme, contrary to planning policy for this area and would have negative impacts upon St George's Church and cause overshadowing and loss of daylight and sunlight
- Loss of employment space which conflicts with policy. The site has been run down and is being used as justification for less employment space in the development
- Errors in planning statement which show that most of the space is occupied so the site is not unusable or obsolete

- 50% affordable housing is required due to the loss of industrial floorspace
- Accommodation not exemplary – 24% single aspect units, most bathrooms do not have windows, 20% of the rooms do not meet the recommended average daylight factor and 23% do not meet levels of sky visibility, insufficient urban greening factor score, lack of 3+ bed units, amenity space not exemplary, balcony sizes not provided and lack of playspace.
- Overshadowing and loss of daylight and sunlight.
- Different PTAL levels given for the site.
- Planning statement notes a reduction in storey heights of the tower but it would be taller than in the appeal scheme;
- Planning statement states that the car wash is closed but this was temporary due to Covid 19 and it is now fully operational.
- The existing floorspace is given in the planning statement as 12,559.3sqm but when you add up the figures for each individual unit it comes to 12,970sqm.

58. Response to second consultation:

- Not easy for residents in the local community to assess another set of amendments to the plans for this site;
- There is no VuCity virtual 3d model available;
- Welcome the increased footway width on Parkhouse Street, removal of mobile antenna equipment from the chimney and the improvement to the urban greening factor which would meet the target score.
- Consider the size and scale of the development is still out of character for the neighbourhood;
- Excessive height - minor reduction to block I, but height of the tallest building unchanged and other neighbouring schemes will mean the introduction of multiple tall buildings in a neighbourhood which currently has none.
- Does not fully reprovide employment floorspace. Welcome the increase but there will still be a significant loss
- Not exemplary in a number of ways, e.g. 24% single aspect which is not improved compared to the original plans, kitchens and bathrooms without windows; insufficient 3+ bed units and some units only meet the minimum GLA balcony sizes.
- Concerns regarding daylight/sunlight remain and sky visibility has reduced;
- Public amenity space does not comply with BRE guidance for sun on the ground.
- Too many existing properties will suffer loss of daylight/sunlight. Seven properties on Wells Way alone will experience VSC/NSL reductions of more than 40%.

59. The Camberwell Society

Response to first consultation:

Object to the application on the following grounds:

- Height and visual impact - tower taller than under previous application and

significantly taller than the retained chimney, development does not step down enough at the edges of the site

- Not of exemplary design - lack of playspace and inadequate urban greening factor)

- Insufficient transport capacity – low PTAL, 20-30 minutes from Denmark Hill Station and existing bus services at capacity; questionable whether they can accommodate the increase in commuters from the scheme and other emerging developments nearby

- Welcome the Local Development Study (LDS) but should have been carried out before major schemes were developed

- Although the new application has been improved (e.g. number of residential units reduced, visual link with the lime kiln in Burgess Park, pedestrian routes through the site and new public open spaces have been incorporated) the Camberwell Society objects to this application based on the above observations and on the grounds of over-development.

60. Response to second consultation:

The reasons for our initial objection to the proposals remain largely unaltered.

- Tall building not appropriate for this site due to negative impact on daylight /sunlight and harm to the nearby Grade II listed former church of St George.

- The amended plans do not suggest any improvements regarding the quality of the design, which would make it exemplary. The proposal is not of exemplary architectural design as needed for tall buildings and would not comply with planning policies.

- The revised transport assessment states that the site is well connected to the surrounding public transport networks', although the site is still located in an area with a very poor PTAL rating of 2. It is considered that most people would use busses and the local bus network would not be able to accommodate the increased number of passengers from this and other developments.

61. Camberwell Identity Group (CIG)

- The applicant approached CIG to gain support for the planning application. CIG is made up of different community groups, some of whom will already have placed comments (objections or support) on the application in their own right.

- Purpose of discussion with the developers was to raise issues specific to the Camberwell Brand Identity and to the local artists' studios/manufacturing businesses being removed from the site:

- To incorporate the Identity branding including the colour palette, Camberwell 'C' and keystone shape that has been developed by CIG;

- To plant and landscape the development to resonate with Camberwell's health, medical and market garden heritage by incorporating botanicals with medical and health benefits.

- To design bespoke (and imaginative) street furniture to link the development with its former manufacturing business residents by commissioning their

fabrication with the artisans/manufacturers who are currently located in Burgess Business Park.

- The New Southwark plan requires developments to 'respond positively to local character and townscape'. CIG's concern is related to Camberwell Union's urban experience, lacking any visible link or expression of Camberwell as a place with a unique identity. A proposed art wall is a link to the Arts sector but would want to see some reference to Camberwell's Medical heritage.

- The development will be replacing artists and fabricators studios and manufacturing businesses with some maker spaces – a cut in employment numbers. Would be some compensation to those that will have to move to ensure that the new development's street furniture, play areas, public seating etc. are all bespoke designed and built by the departing/departed manufacturers as their legacy in the area.

- Unless can receive an assurance that these requirements are addressed as a formal condition of any planning consent that is granted, CIG would have to object to this development.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

62. The main issues to be considered in respect of this application are:

- Principle of proposed development in terms of land use and compliance with site allocation NSP25
- Equality implications
- Environmental impact assessment
- Design, including building heights and impacts upon local and strategic views
- Impact on heritage assets
- Trees and landscaping
- Ecology
- Affordable housing
- Mix of dwellings
- Wheelchair accessible housing
- Quality of accommodation
- Impact of proposed development on amenity of adjoining occupiers and surrounding area
- Noise and vibration
- Transport
- Air quality
- Ground conditions and contamination
- Flood risk and drainage
- Sustainable development implications
- Wind microclimate
- Fire safety
- Digital connectivity
- Archaeology
- Socio-economic impacts and health

- Planning obligations (S.106 undertaking or agreement)
- Mayoral and Borough community infrastructure levy (CIL)
- Community involvement and engagement
- Community impact
- Consultation responses from external and statutory consultees
- Human rights Positive and proactive statement

63. These matters are discussed in detail in the 'Assessment' section of this report.

Legal context

64. 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 2021 and the Southwark Plan 2022. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision-makers determining planning applications for development within Conservation Areas to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. Section 66 of the Act also requires the Authority to pay special regard to the desirability of preserving listed buildings and their setting or any features of special architectural or historic interest which they possess.
65. 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.

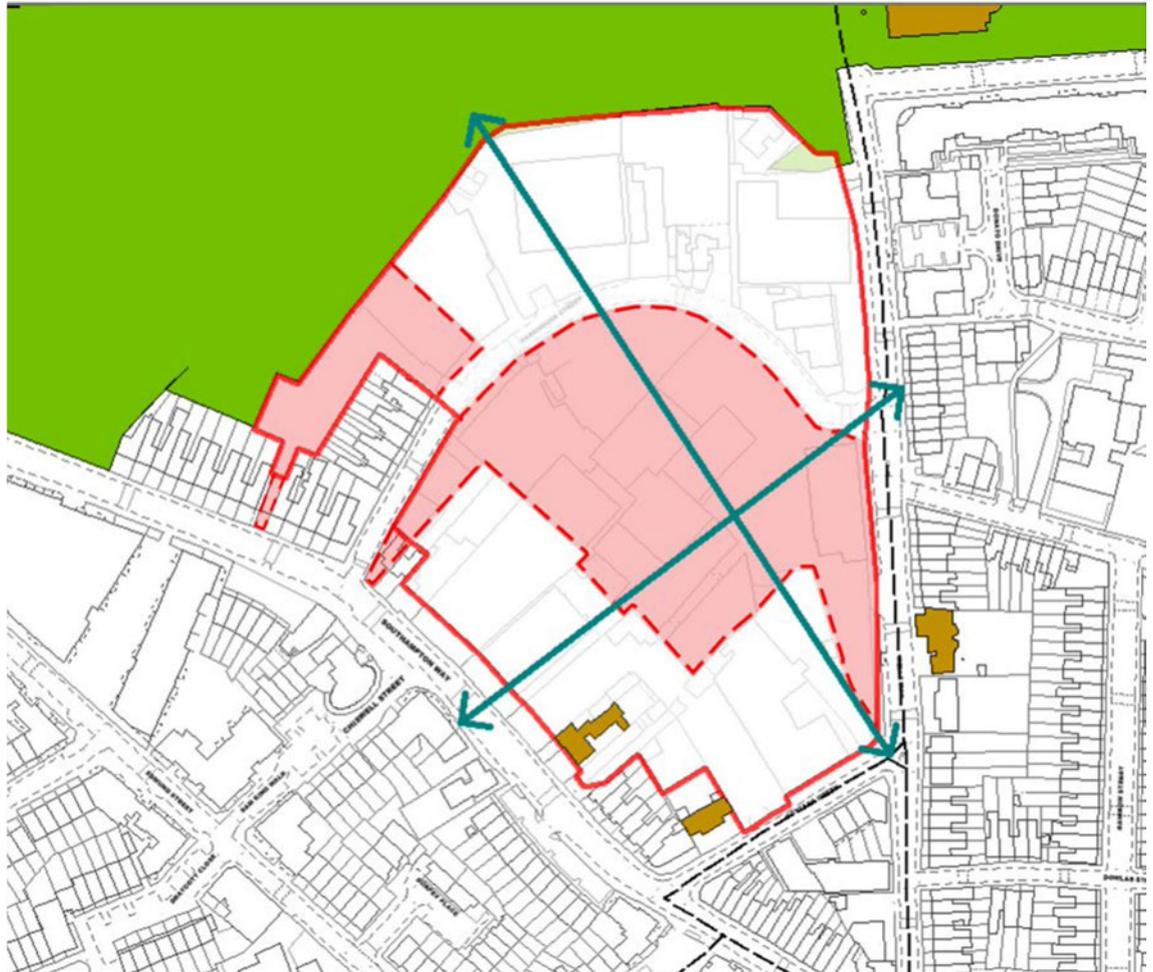
Planning policy

66. The statutory development plan for the Borough comprises the London Plan 2021 and the Southwark Plan 2022. The National Planning Policy Framework (2021) constitutes a material consideration but is not part of the statutory development plan. A list of policies which are relevant to this application is provided at Appendix 2. Any policies which are particularly relevant to the consideration of this application are highlighted in the report.

Site allocation NSP25

67. The site falls within site allocation NSP25 in the Southwark Plan which covers much of the Parkhouse Street area. The site forms a significant part of the overall site allocation as shown on the image below, which shows the full extent of NSP25 with the application site shaded red. The various requirements for NSP25 are set out below.

Extent of site allocation NSP25 with application site shaded in red



68. NSP25 states that redevelopment of the site must:

- Ensure every individual development proposal increases or provides at least the amount of employment floorspace (E(g), B class) currently on the site; and
- Provide new homes (C3); and
- Enhance permeability including new north-south and east-west green links; and
- Provide public realm improvements including a square.

Redevelopment of the site should:

- Provide industrial employment space (E(g)(iii)); (industrial processes)
- Provide active frontages (retail, community or leisure uses) at appropriate ground floor locations.

69. The site allocation has a minimum residential capacity of 681 homes. The design and accessibility guidance states that development should establish green links

into Burgess Park and from Chiswell Street to Newent Close, opening up access for new and existing residents with a new public realm offer throughout the site. Consideration should be given to focal points of activity and active frontages that encourage footfall. Redevelopment should enhance existing and proposed pedestrian and cycle routes including the Southwark Spine, and good accessibility to bus stops.

Other relevant guidance

70. The Council commissioned a Local Development Study (LDS) which was completed in October 2020. The purpose of the Parkhouse Street LDS is to promote a design strategy for development for the Parkhouse Street area in order to co-ordinate developer activities and encourage a cohesive form of development across the various landownerships. The LDS covers the area outlined in red below which is described in the LDS as the composite site. Currently there are 5 landowners which have submitted proposals for sites in this area and timescales are broadly in parallel, which presents a unique opportunity to address wider and shared objectives in order to deliver a co-ordinated approach to development in the area.

Extent of LDS area



71. The LDS sets out a strategic response to the planning policy guidance that exists and is to be used as the basis for discussion between the various landowners. It should be noted that the LDS has no statutory Planning status; it is however an agreed reference point for a cohesive design approach. Relevant to this particular application is the principle of a mixed use redevelopment, maintaining an appropriate buffer to Burgess Park, a physical and potentially a visual link to the Lime Kiln in Burgess Park with active uses along the link, a consistent shoulder height along the Parkhouse Street frontage, the mix of uses, and public realm improvements to Parkhouse Street. Planning applications at two of the neighbouring sites have recently been granted which followed guidance contained in the LDS (21-23 Parkhouse Street reference: 19/AP/0469 and 25-33

ASSESSMENT

Principle of proposed development in terms of land use and compliance with site allocation NSP 25

72. When this application was submitted in April 2021 the Core Strategy and the saved Southwark Plan were still in use. Under these plans the site was designated a preferred industrial location (PIL), in which only industrial and sui generis uses were permitted. The application was therefore advertised as a departure from the adopted development plan. The Southwark Plan 2022 has since been adopted however, and designates the site for mixed-use development including employment uses and residential. The site is therefore no longer subject to the PIL designation, and in light of this, the proposed development would no longer constitute a departure from the adopted development plan. It is noted that four planning applications have been submitted in the Parkhouse Street area which include residential uses, two of which have recently been granted permission following the completion of s106 agreements.
73. As set out earlier in the report, one of the reasons the Council refused planning permission for the appeal scheme was because of the loss of employment floorspace, although the Inspector did not find this aspect of the proposal to be unacceptable. There would still be a significant loss of employment floorspace arising from this proposal, although it would provide 779sqm more than the appeal scheme and this is explained further below.
74. The National Planning Policy Framework (NPPF) was updated in July 2021. The framework sets out a number of key principles, including a focus on driving and supporting sustainable economic development. Section 6 of the NPPF 'Building a strong, competitive economy' states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity.
75. A number of representations have been received raising land use concerns, including that employment space is being lost in Camberwell, and questioning the provision of residential uses alongside industrial uses. One objection states that in 2014 it was agreed that the site would be incorporated into Burgess Park. However, the site was allocated for industrial purposes at that time under the Saved Southwark Plan and Core Strategy, and not for park use. Another objector considers that the site of proposed block A would be better suited for a nursery, although the proposed land uses are in accordance with the Southwark Plan as set out below. Representations received in support of the application include the provision of employment space to activate Parkhouse Street, new community space and much needed new housing. The GLA has raised concerns regarding the loss of employment floorspace and has advised that replacement employment space should be maximised.
76. Policy E4 of the London Plan 2021 seeks to ensure that there is a sufficient

supply of land and premises in London to meet current and future demands for industrial and related functions, and the site falls within the 'locally significant industrial site' category under this policy. Policy E6 of the London Plan relates specifically to locally significant industrial sites, and requires boroughs to designate such sites in their development plans and to make clear the range of industrial and related uses which would be acceptable in these locations. Policy E7 of the London Plan relates to industrial intensification, co-location and substitution. Development plans and proposals should be proactive and encourage the intensification of business uses occupying all categories of industrial land. In locally significant industrial sites the scope for co-locating industrial uses with residential and other uses may be considered, and must be plan-led. This is subject to certain criteria being met such as industrial uses not being compromised in terms of their continued efficient function, access and servicing, and subject to appropriate design mitigation within the residential units to enable industrial uses to function efficiently.

77. At borough level and in line with policy E7 of the London Plan, the site forms part of site allocation NSP25. This requires each individual development proposal within NSP25 to increase or provide at least the amount of employment floorspace currently on the site, and to provide new homes. The requirement for each individual site within NSP25 to at least re-provide the existing employment floorspace is a direct result of the appeal decision. The version of NSP25 which was in use at the time the appeal was being considered did not make this clear. The Inspector therefore concluded that when the preferred industrial location was considered as a whole, including recent developments such as a Big Yellow Storage facility which provided additional B class floorspace (as it was then), the loss across the entire PIL would only have amounted to 2,870sqm which the Inspector concluded would not be harmful. The Council had concerns with this approach and the potential for incremental employment space losses across different sites, and amended the site allocation to make it clear that the requirement relates to each individual development proposal.
78. Policy P30 of the Southwark Plan requires replacement or increased employment space where required by site allocations. In exceptional circumstances a loss of employment floorspace may be accepted where the retention or uplift in employment space is not feasible. This must be demonstrated by a marketing exercise for two years immediately prior to any planning application, and should be for its existing condition and as an opportunity for an improved employment use through redevelopment which shows that there is now demand.
79. Existing employment floorspace – At present there is 12,559.3sqm of employment floorspace at the site, and an objector has raised that a breakdown of the unit sizes provided in the Planning Statement indicates that the total existing floorspace is higher than this. Officers have reviewed this and consider that 12,559.3sqm is the correct figure, and this was accepted at the appeal. The table below provides a breakdown of the existing occupiers:

Unit	Floorspace sqm (GIA)	Occupation details
Unit 1	1,092.6	Vacant and derelict
Unit 2	991.7	Occupied by Out of Order Design as a design studio

Unit 3	1,173.8	Occupied by Arebyte as artists studios
Unit 4	1,598	Occupied by Access Mobility Transport Ltd.
Unit 5	1,563.9	Occupied by Arebyte as artists studios
Unit 6	1,260.8	Occupied by Out of Order Design as a design studio
Unit 7	572	Occupied by Peachtree Services Ltd. for self-storage
Unit 9	677	Vacant
10-12 Parkhouse Street	2,104	Vacant office building with Prior Approval for residential
15-19 Parkhouse Street	1,010	Occupied by Tannery Arts Ltd. as a workshop
2 Parkhouse Street	515.5	Occupied by Continental Car Wash
Total	12,559.3	8,170.2sqm occupied (65%)

80. The Planning Statement advises that the existing floorspace is of poor quality; both parts of the site only have one access point, the site contains large areas of parking, the buildings are of poor quality construction with inefficient layouts and design, and they have limited environmental credentials. The submission advises that these issues render them unsuitable to meet modern requirements, and that their poor state of repair would require a significant amount of investment to bring them up to modern standards.
81. Of the 12, 559.3sqm of existing floorspace, 8,170.2sqm (65%) is occupied and this includes a car wash on the site which is listed in the Planning Statement as being vacant, but which re-opened following the easing of Covid 19 restrictions. All of the existing occupiers are on temporary leases, albeit that the car wash and Arebyte artist studios occupied the site when the appeal scheme was first submitted to the Council. The existing uses include artist studios, a design studio, a workshop, storage and the car wash. The applicant took over the management of the site some 13 years ago and has advised that several of the units, including 10-12 Parkhouse Street, have been vacant for over 10 years in spite of marketing to seek to fill the space.
82. When the appeal scheme was being considered only 3,938sqm (31.3%) of the employment space was occupied, which included 1,598sqm which was occupied by Arebyte as a meanwhile use. At that time the permanent uses on the site employed 57 people in total, mainly at Swiss Postal Solutions which has subsequently vacated. Following the refusal of the appeal scheme and its subsequent dismissal by the Secretary of State, more of the site is occupied, although now entirely on a temporary basis on short term leases. The tenancies for the existing businesses on the site started between December 2018 and September 2021. All tenancies are short term, have no rights to renew and contain rolling landlords break clauses exercisable at any time on 6 months notice.

83. Proposed employment floorspace – The proposed development would provide 5,118sqm of class E floorspace. Class E covers a broad range of uses including retail, food and drink, offices and light industrial. The Planning Statement sets out that the class E space would include approximately 5% food and drink uses and 7% retail uses (a total of 614sqm), with the remainder (4,504sqm) to be used for light industrial purposes. Whilst the focus of NSP25 is on providing employment space, it does state that redevelopment of the site should provide retail, community or leisure uses at appropriate ground floor locations. The provision of food, drink and retail uses within the development would therefore be acceptable in land use terms.
84. It is noted that policy P36 of the Southwark Plan requires an impact assessment for main town centre uses which are proposed outside of town centres, such as the site. However, as there is a specific requirement in the site allocation to replace or increase the existing amount of employment floorspace, no impact assessment is required.
85. The appeal scheme would have provided 3,725sqm of employment floorspace. At paragraph 386 of the appeal decision the Inspector concludes that when calculating the amount of employment space which would need to be replaced, it would be reasonable to exclude 10-12 Parkhouse Street from the calculation because it benefitted from a Prior Approval for change of use from office space to residential. This building measures 2,104sqm and still has Prior Approval for change of use to residential, although this has not been implemented. If this building is deducted from the calculations in line with the appeal decision, then there would be a need to replace 10,455.3sqm of employment space on the site. The proposed development would provide 4,504sqm of employment floorspace (which excludes the food, drink and retail uses) and this would equate to a 43% re-provision when 10-12 Parkhouse Street is excluded. Whilst it is noted that the provision of food, drink and retail uses would reduce the amount of employment space on the site, officers consider that these uses would be a positive aspect of the proposal in terms of place-making. They would provide facilities which existing and new residents could use, and would help to draw people into the site. It is however, recommended that a condition be imposed limiting the extent of these uses to 12% and requiring the remainder of the class E floorspace to be fitted out and provided as light industrial floorspace.
86. Whilst the proposal would provide 779sqm more employment floorspace than the appeal scheme, it would still result in a significant loss, equating to 5,951.3sqm when 10-12 Parkhouse Street is excluded. Whilst it is noted that no two year marketing exercise has been undertaken to justify the loss of employment floorspace as required by policy P30, this application was submitted prior to the adoption of the 2022 Southwark Plan, and a marketing exercise was not a requirement under the previous 2011 Core Strategy and 2007 Southwark Plan which were in force when the application was submitted. Providing a larger amount of employment floorspace on the site would reduce the number of new homes which could be accommodated here, and this in turn impacts on viability and the ability of the development to provide affordable housing.
87. Policy IP3 of the Southwark Plan relates to Community Infrastructure Levy (CIL) and s106 planning obligations. Part 3 of the policy requires a viability assessment

to be provided where a proposed development departs from any planning policy requirements (including land use requirements comprising those set out as 'must' or 'should' in the site allocation policies) due to viability. In circumstances where it has been demonstrated that all policy requirements cannot be viably supported by a specific development, priority will be given to the provision of social rented and intermediate housing in housing-led and mixed-use schemes. The weight to be given to a viability assessment will be assessed alongside other material considerations, ensuring that developments remain acceptable in planning terms.

88. The viability of the proposed development has been independently reviewed by Avison Young (AY) on behalf of the Council. AY has tested the impact that delivering different quantum of class E floorspace on the site would have on the amount of affordable housing which could be provided, and the five options which have been tested are set out below. Of note is that the site is a locally significant industrial site in the London Plan, and policy H5 of the London Plan expects that on these sites, where there would be a net loss of industrial capacity, 50% affordable housing should be provided; where it is not, the application must be supported by a detailed viability appraisal to justify the level of provision. This has been tested as option 1 below. The Southwark Plan requires all of the employment floorspace to be re-provided, and for a minimum of 35% affordable housing to be provided and this has been tested as option 2 below. Either of these scenarios would be policy compliant, i.e. the applicant could provide less than the existing employment space but would need to provide 50% affordable housing, or could re-provide all of the employment space and provide a minimum of 35% affordable housing. Either option would be policy compliant.
89. Option 1 – This option tests the proposed quantum of class E and class F floorspace (5,230sqm) and 375 residential units comprising 50% affordable housing with a 50/50 tenure split between social rented and shared ownership habitable rooms. AY has advised that this option would not be viable, with a deficit of £8,621,670.
90. Option 2 – This option tests 12,599.3sqm of class E floorspace (i.e. full provision), 112sqm of class F floorspace and 301 residential units with 35% affordable housing (a tenure split of 25% social rented and 10% intermediate). 301 residential units were tested owing to the need to provide the full replacement floorspace within the same building envelopes as proposed. AY has advised that this option would not be viable, with a deficit of £9,715,158.
91. Option 3 – This tests the applicant's proposal which is for 5,118sqm of class E floorspace, 112sqm of class F floorspace and 375 residential units with 35.4% affordable housing (25% social rented and 10% intermediate). AY has advised that this option would not be viable, with a deficit of £3,669,126. The applicant has nonetheless committed to delivering 35.4% affordable housing with a policy compliant tenure split. AY has undertaken a sensitivity analysis and has concluded that with some small changes which could occur to key variables over time, such as the residential and commercial values achieved for the proposed development, the scheme would be capable of becoming viable. The s106 agreement would secure early and late stage viability reviews with the ability to

secure additional affordable housing if the viability of the development were to improve over time. Given that policy IP3 of the Southwark Plan requires affordable housing to be prioritised where the requirements of site allocations cannot be viably met, officers consider that that this option can be supported.

92. Quality of employment floorspace – The design of the class E floorspace has been informed by a commercial strategy which accompanies the application. It considers that demand for space in this area is likely to arise from existing and new small businesses, predominantly employing between 1-9 people, but also businesses employing up to 49 people and the proposed design would allow for this.
93. The employment floorspace would be provided on the northern part of the main site, concentrated on the Mews which would be the commercial heart of the site. This would allow businesses to cluster together, with the potential to foster collaborative working over time. The class E units would also extend around the Garden Square helping to activate this space, and also north onto Parkhouse Street as shown on the images below (class E and F floorspace highlighted in purple). The location of these uses would provide active frontages to Parkhouse Street and within the site, and would allow for a quieter, residential character along the Garden Street.

Proposed class E and class F floorspace, ground and first floor levels



94. The class E floorspace along the Mews and fronting Parkhouse Street would be double height creating to a strong presence onto the street, and the entirety of block B on Parkhouse Street would be retained in employment use. It would have floor to ceiling heights of 4.5m at ground floor level and 3.150m at first floor level. This would align with the Old Kent Road Workspace Demand Study (May 2019) which indicates that for light industrial uses including studios and maker spaces, ceiling heights should generally be around 3.5m on average, and up to 4.4m. The units would not have yards, but would have recessed entrance bays and double height entrances to enable large equipment to be brought in and out. There would be a mix of single and double height spaces which could be adapted to suit end user requirements, and sufficient space for goods lifts to be installed if required.
95. The space could be used for a range of different functions, with a number of

different typologies set out in the commercial strategy including micro maker space (50sqm), maker mews (100sqm) and medium factory (500-1,000sqm). The potential types of uses identified include jewellery making, food production, textile manufacturing and a craft brewery.

96. The servicing arrangements for the commercial uses are set out in full in the transport section of this report. The Mews would be used for servicing, and would incorporate on-street loading bays.
97. The GLA has also requested details of the proposed extract, ventilation and drainage systems for fumes and dust arising from the employment uses. The units could be both naturally and mechanically ventilated, and a condition for full details has been included in the draft recommendation.
98. In accordance with policy E7 of the London Plan, a planning obligation is required to ensure that the commercial floorspace is completed in advance of any of the residential units being occupied. A condition has also been included in the draft recommendation to secure an appropriate level of fit-out for the units.
99. Job creation – Based on current employment densities the site would have supported around 636 jobs if fully occupied. The buildings have not been fully occupied for at least 13 years however, and when the appeal scheme was under consideration it only supported 57 permanent jobs.
100. The ES advises that the site now supports 180 jobs, although all of the businesses are on short-term leases. The proposed employment space has been designed as light industrial space which the Council's Local Economy Team (LET) has advised could support 50 jobs, with a further 30 from the food, drink and retail uses. These 80 jobs in total would exceed the 57 permanent jobs at the site when the appeal scheme was being considered. The applicant considers that the proposal could support up to 260 jobs based on a more intensive use of the class E floorspace, but officers note that if occupied as light industrial floorspace which it has been specifically designed for, occupancy levels would likely be lower. Some 370 jobs would be created during the construction period and employment and training provisions for borough residents would be secured through the s106 agreement.
101. To mitigate the loss of employment floorspace a contribution of £139,074.90 would be provided through the s106 agreement, to contribute towards skills and employment programmes in the borough. This has been calculated in accordance with the Council's adopted Planning Obligations and CIL SPD and following consultation with the Local Economy Team. The applicant has also increased the proposed affordable workspace within the development from the 10% required by policy to 20%, and this is considered later in the report.
102. Retention of existing businesses - Policy P31 of the Southwark Plan 'Affordable workspace' requires development to retain small and independent businesses on a site and where they are at risk of displacement, and to provide suitable affordable workspace for them within the completed development.

Policy P33 'Business Relocation' requires applicants to provide a business relocation strategy in consultation with affected businesses which must set out viable relocation options. In its Stage 1 report the GLA has advised that the applicant should confirm whether the existing tenants will be offered the right of return. The GLA has advised that in line with London Plan Policy HC5, the delivery of space suitable and affordable for the creative industries would be strongly supported.

103. The only two businesses which occupied the site at the time the appeal scheme was submitted and are still present at the site now are Arebyte which was and remains a temporary use, and the Continental Car Wash. Some of the space is occupied by the applicant, and all of the other occupiers are new businesses to the site which occupy it on a temporary basis with flexible leases. The commercial floorspace within the proposed development has not therefore been specifically designed with the existing businesses in mind, and no business relocation strategy has been provided. However, the floorspace would be suitable for some of the existing occupiers in any event, including artist and design studios. Whilst the lack of a business relocation strategy is noted, officers are mindful of the benefits of meanwhile uses on sites including providing flexible, affordable accommodation and site security. Rigidly applying the business relocation policies to meanwhile uses could potentially discourage developers from allowing them on their sites. In light of this officers recommend that this be accepted save for the existing car wash which should be provided with relocation assistance, and this is explained further in the equality implications section of this report.
104. Affordable workspace – Policy E2 (C) of the London Plan requires proposals for new B1 floorspace (now class E) greater than 2,500 sqm (GEA) or a locally determined lower threshold to consider the scope to provide a proportion of flexible workspace suitable for micro, small and medium-sized enterprises. Policy E3 relates to affordable workspace and the use of planning obligations to secure affordable workspace at below market rates. Policy E8 of the London Plan is also relevant, which states that employment opportunities for Londoners across a diverse range of sectors should be promoted and supported, along with support for the development of business growth and sector-specific opportunities. It requires the delivery of suitable workspaces to support the evolution of London's diverse sectors including start-up space and affordable workspace.
105. At borough level policy P31 of the Southwark Plan states that developments proposing 500sqm GIA or more of employment floorspace must:
- Deliver at least 10% of the proposed gross employment floorspace as affordable workspace on site at discount market rents; and
 - Secure the affordable workspace for at least 30 years; and
 - Provide affordable workspace of a type and specification that meets current local demand; and
 - Prioritise affordable workspace for existing small and independent businesses occupying the site that are at risk of displacement. Where this is not feasible, affordable workspace must be targeted for small and independent businesses

from the local area with an identified need; and

- Collaborate with the Council, local businesses, business associations and workspace providers to identify the businesses that will be nominated for occupying affordable workspace.

106. In order to meet the requirements of the policy, the following heads of terms have been agreed by the applicant. This includes provision of 20% affordable workspace, which would exceed the policy requirement, in recognition of the loss of employment floorspace which would arise.

- 20% affordable workspace (900.8 sqm) to be provided;
- The affordable workspace to be secured for a 30 year term and the same occupier could remain for the entire period;
- No more than 50% of the market rate floorspace to be occupied until the affordable workspace has been fitted-out ready for occupation;
- Rent on the affordable workspace to be £15 per square foot (index linked) inclusive of service charge for the 30 year term. This currently equates to a 25% discount on market value;
- Flexible leases;
- Applicants for the affordable workspace must either have an existing small and independent business in Southwark or be a resident of Southwark and the proposed use must be from a specific sector which has a social, cultural or economic development purpose or to accommodate an existing occupier at the site;
- During the construction period, a database of interested parties must be compiled and maintained;
- On completion, the affordable workspace must be marketed using a website, newspapers, agencies, managing agent, database, and external signage. It must be actively marketed for nine months to Southwark businesses and residents. Only if the space remains unoccupied after this period of marketing can it be made available to the same types of businesses outside of Southwark which would be permitted to remain in the affordable space, paying affordable rent, for up to five years. After those five years, the process would start again. During this time the existing tenant(s) could remain until a suitable Southwark tenant is found;
- The day-to-day management of the space to be carried out by a suitably competent management company;
- Each unit would be equipped with mechanical and electrical fit-out, sprinklers, heating and cooling provision and kitchen and WC facilities.

107. The provision of 20% affordable workspace on the site which would exceed the 10% policy requirement would be beneficial to businesses seeking low cost affordable workspace in the area, and is considered to be a positive aspect of the proposal.

108. Provision of class F floorspace – NSP25 states that redevelopment of the site should provide active frontages (retail, community or leisure uses) at appropriate ground floor locations. The proposed development would deliver 112 sqm of community floorspace in the Garden Square, at the heart of the development. This has been included in the application following pre-application consultation with neighbouring residents, and would comply with the site

allocation. Details of how the space would be managed and used by the local community should be secured by way of a planning obligation.

109. Provision of residential units - The NPPF makes it clear that delivering a significant number of new homes is a key priority for the planning system. London Plan Policies GG4 and H1 reinforce the importance of delivering new homes, setting a 10 year target of 23,550 new dwellings for Southwark. The Southwark Plan has identified capacity to meet the London Plan target of 23,550 by 2028.
110. The provision of new housing on the site would comply with site allocation NSP25. Of note is that the Planning Committee resolved to grant permission for two developments on Parkhouse Street which include residential accommodation, one at 21-23 Parkhouse Street (reference: 19/AP/0469) and another at 25-33 Parkhouse Street (reference: 20/AP/0858). Following the completion of s106 agreements planning permission was granted in April 2022 for the proposed development at 21-23 Parkhouse Street and in May this year for the proposed development at 25-33 Parkhouse Street.

Agent of change principles (ability for commercial and residential uses to co-exist)

111. E7 of the London Plan supports the intensification of industrial uses and co-locating industrial and residential uses, provided the ability of the industrial uses to operate efficiently is not compromised. Light industrial uses can generally sit comfortably alongside residential uses. However, it is important to ensure that such uses are accommodated within buildings that are fit for purpose in terms of layout and construction techniques, and that proper regard has been given to technical matters such as soundproofing and ventilation. London Plan policy D13 requires all developments to consider 'agent of change' principles to ensure that where new developments are proposed close to existing noise-generating uses, they are designed in a sensitive way to protect the new occupiers, such as residents and businesses, from noise and other impacts. Policy E7 of the London Plan also seeks to ensure that industrial activities are not compromised in areas where residential uses are provided alongside industrial uses. This is an important consideration for this site given the proximity of proposed residential uses in relation to existing and proposed employment uses.
112. A number of measures have been incorporated into the design to ensure that the residential and employment uses within the proposed development could co-exist successfully, and that the new residential units would not impact upon the continued operation of employment uses in the area. It has been designed with reinforced concrete frames in order to avoid noise and vibration transfer between residential and employment uses, and there would be separate residential entrance routes. Servicing activities would be concentrated in certain areas, and ventilation and extraction would be designed into each commercial unit to ensure no loss of amenity to the residential units within the development. On the advice of the Council's Environmental Protection Team (EPT) a number of conditions have been included in the draft recommendation to ensure that the residential units would be appropriately sound-proofed, which should reduce the likelihood of any noise complaints against neighbouring industrial uses. It is noted that some of the neighbouring sites are subject to planning applications

for redevelopment including residential in any event.

113. **Land use conclusion** - Overall, the proposed development is considered to be acceptable in land use terms. Although there would be a significant loss of employment floorspace, it has been demonstrated that the development currently cannot viably deliver any additional employment floorspace whilst maintaining the provision of 35% affordable housing. Policy IP3 of the Southwark Plan makes it clear that where the requirements of site allocations cannot be viably met, the priority should be the delivery of affordable housing. The proposal would deliver 35.4% affordable housing with a policy compliant tenure split. The proposal would deliver high quality class E and F floorspace and the number of permanent jobs at the site would increase compared to those which existed when the appeal scheme was being considered; a contribution of £139,074.90 would be secured in mitigation of the loss of employment floorspace, together with 20% affordable workspace which would exceed the policy requirement. The larger proportion of affordable workspace, and the overall quality of the new employment space, are significant benefits of the current application. The mix of uses proposed have the potential to create a vibrant and attractive destination in the heart of Parkhouse Street, and officers consider that it can be supported in land use terms.

Equality implications

114. The site contains one business owned by a person from an ethnic minority, who would be given assistance by the developer in finding a new premises if required. The proposed development would provide high quality employment space at the site and would provide new homes, potentially benefitting a broad range of people and resulting in positive equality impacts.

Legal context

115. The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics namely: age, disability, gender reassignment, pregnancy and maternity, race, religion, or beliefs and sex and sexual orientation. Section 149 of the Equality Act 2010 places the Local Planning Authority under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. 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 and which are set out below. Officers have taken this into account in the assessment of the application and Members must be mindful of this duty when determining all planning applications.
116. 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.

117. This section of the report examines the impact of the proposal on those with protected characteristics and with a particular focus on the Council's legal duties under s.149 of the Equality Act 2010. The main issue is the displacement of existing businesses. The proposed development would require the demolition of most of the existing buildings on the site, and the new buildings would be delivered in two phases.

Available material

118. The applicant has submitted an Equality Statement in support of the application. It sets out how all of the existing businesses at the site occupy it on a temporary basis. The leases expire in 2025, with rolling break clauses which can be triggered before then. The Equality Statement advises that the existing businesses benefit from favourable rents owing to the planned redevelopment of the site and the necessary flexibility this requires, and that all of the businesses are aware that a redevelopment is proposed. In light of this no analysis of the equalities impacts of displacing the existing businesses has been provided other than in relation to the Continental Car Wash, and no measures have been put forward to support the existing businesses.

Summary of equality impacts

119. The Equalities Statement advises that the proposal would have positive, neutral and no equality effects in relation to age, disability, gender and gender reassignment, marriage and civil partnership, pregnancy and maternity, race and sexual orientation. However, officers consider that there could be a negative impact in relation to race on account of the loss of the Continental Car Wash. The business owner is from an ethnic minority and the employees are Eastern European. There are no proposals to accommodate this business within the development therefore it would have to relocate. The business owner could potentially experience difficulties in finding alternative premises. The Equalities Statement considers this to be a neutral impact because the use is temporary, although officers consider it to be negative and note that whilst the use may be on a temporary lease now, it has been at the site for many years. It is therefore recommended that clauses be included in the s106 agreement to provide relocation assistance to this business, should it be required.

120. A Commercial Strategy has been submitted with the application which sets out a commitment to develop Camberwell Social Union in order to help to build a sustainable and community focussed commercial cluster in the development. The concept of developing Camberwell Social Union is set out further in a document entitled 'Social impact vision and delivery'. Measures proposed include devising a support package for new local businesses, particularly those from a BAME background, to help them to access space and provide business support. The applicant would work with the Council to monitor the uptake of the commercial space by ethnicity and demography, to help inform a strategy which would best support local businesses. The document sets out how a rent credit voucher is being considered, which would be offered to businesses at the site which provide apprenticeships, mentoring and volunteering. A BAME Young People's Council would be trialled to help meet the needs of young people from ethnic minority backgrounds, and it is proposed that young people be involved in the design of the public realm. Whilst these are noted as positive measures and are welcomed, they are not current policy requirements. If they are to be given weight in the decision making process, they would need to be secured in the permission, and this would most appropriate through the s106 agreement.
121. Conclusion to equality implications – Other than the car wash, no equalities information has been provided for the existing businesses at the site on the basis that they are temporary uses. The equality impacts of the proposal would generally be positive, except for a potential adverse effect in relation to race owing to the loss of the car wash. The s106 agreement would therefore require the developer to assist this business in finding alternative premises, although this may or may not be successful. Members must therefore keep this firmly in mind in the decision-making process, and weigh this impact in the balance with all of the other benefits and disbenefits of the proposal. Given the range of positive equality impacts which would arise, officers consider that the benefits would outweigh the harm in this instance.

Environmental impact assessment

122. The application is accompanied by an Environmental Statement (ES) dated April 2021. The ES has been independently reviewed by Land Use Consultants (LUC) on behalf of the Council and following the submission of additional information and clarifications, LUC has advised that the ES is sound.
123. Applications where an Environmental Impact Assessment (EIA) is required will either be mandatory or discretionary depending on whether they constitute Schedule 1 (mandatory) or Schedule 2 (discretionary) development in the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended). In this case the proposed development falls under Schedule 2, Category 10b 'urban development project' of the EIA Regulations where the threshold for these projects is development including one hectare or more of urban development which is not dwellinghouse development, or development including more than 150 dwellings, or development where the overall area of the development exceeds 5 hectares. Notwithstanding this, an EIA is only required if the development is likely to generate significant environmental effects having regard to the criteria set out in Schedule 3 of the Regulations, which include:

- the characteristics of the development;
 - the location of the development; and
 - the types and characteristics of the potential impact.
124. It is considered that the proposed development could generate significant environmental effects based upon a review of Schedule 3, and therefore an EIA is required.
125. Regulation 26 of the EIA Regulations precludes the granting of planning permission unless the Council has first taken the environmental information into consideration. The environmental information means the ES including any further information, together with any representations made by consultation bodies and any other person about the environmental effects of the development.
126. The ES must assess the likely environmental impacts at each stage of the development programme, and consider impacts arising from the demolition and construction phases as well as the impacts arising from the completed and operational development.
127. The 2017 EIA Regulations introduced a requirement for mitigation and monitoring of significant residual (i.e. after mitigation) adverse effects on the environment, which would be secured by planning obligations and conditions.
128. The submitted ES comprises the Main Report (volume 1), Built Heritage, Townscape and Visual Impact Assessment (volume 2), Appendices (volume 3), and a Non-Technical Summary. It sets out the results of the EIA and provides a detailed verification of the potential beneficial and adverse environmental impacts in relation to the proposed development, including the following areas of impact (in the order that they appear in the ES):
- Socio Economics
 - Traffic and Transport
 - Noise and Vibration
 - Air Quality
 - Daylight, Sunlight, Overshadowing and Light Pollution
 - Wind Microclimate
 - Effect interactions
 - Likely significant effects and conclusions
 - Mitigation and monitoring
 - Built Heritage, Townscape and Visual Impact Assessment
129. Issues relating to aviation, ecology and biodiversity, TV and radio reception, land take and soils, project vulnerability and waste have been scoped out of the ES on the basis that no significant environmental effects would be likely to occur. Ecology, soil conditions and land contamination and waste (circular economy) are considered later in the report.
130. The 2017 EIA regulations introduced climate change and health as topics which must be considered. Climate change is considered within each of the topics outlined above, and a Climate Change Technical Note and Greenhouse Gases Assessment are appended to the ES. Of note is that guidance from the Institute

of Environmental Management and Assessment (IEMA) which is used to prepare Environmental Statements states that any net increase in greenhouse gas emissions associated with a project, no matter how small, is considered a significant effect. Greenhouse gas emissions would occur during demolition and construction including from producing new materials and transporting those materials to site, as well as any energy associated with construction activities and later the operation of the development. These are all unavoidable requirements, however they would be minimised where possible through measures such as recycling waste materials and the use of low carbon technology for space and water heating. Health is considered in the socio-economic section of this report, and a separate Health Impact Assessment is appended to the ES.

131. In assessing the likely environmental effects of a scheme, the ES must identify the existing (baseline) environmental conditions prevailing at the site, and the likely environmental impacts (including magnitude, duration, and significance) taking account of potential sensitive receptors. It further identifies measures to mitigate any adverse impacts, and a summary of potential positive and negative residual effects remaining after mitigation measures is included in the ES in order to assess their significance and acceptability. The ES takes account of the phased nature of the development, and that blocks A and B which form phase 1 could be occupied whilst works on phase 2 (blocks C-L) are ongoing.
132. The environmental effects of the proposed development are expressed as follows:

Scale of an effect:

133.
 - Major – These effects may represent key factors in the decision-making process. Potentially associated with sites and features of national importance or could be important considerations at a regional or district scale. Major effects may also relate to resources or features which are unique to a receptor and which, if lost, cannot be replaced or relocated.
 - Moderate - These effects, if adverse, are likely to be important at a local scale and on their own could have a material influence on decision-making.
 - Minor - These effects may be raised as local issues and may be of relevance in the detailed design of the project, but are unlikely to be critical in the decision-making process.
 - Negligible - Effects which are beneath levels of perception, within normal bounds of variation or within the margin of forecasting error, these effects are unlikely to influence decision-making, irrespective of other effects.

Nature of an effect:

134.
 - Adverse - Detrimental or negative effects to an environmental / socio-economic resource or receptor. The quality of the environment is diminished or harmed.
 - Beneficial - Advantageous or positive effect to an environmental / socioeconomic resource or receptor. The quality of the environment is enhanced.
 - Neutral - Where the quality of the environment is preserved or sustained or where there is an equal balance of benefit and harm.

Geographic extent of effect

135. At a spatial level, 'site' or 'local' effects are those affecting the application site and neighbouring receptors, while effects upon receptors in the borough beyond the vicinity of the application site and its neighbours are at a 'district / borough' level. Effects affecting Greater London are at a 'regional' level and those which affect different parts of the country, or England, are considered being at a 'national' level.

Effect duration

136. For the purposes of the ES effects that are generated by demolition and construction activities are classed as temporary, and further classified as short-term or medium-term depending on the duration. Effects from the completed and operational development are classed as permanent or long-term effects.

Direct and indirect effects

137. The ES identifies whether an effect is direct, i.e. resulting without any intervening factors, or indirect, i.e. not directly caused or resulting from something else.

Effect significance

138. Following the identification of an environmental effect, its scale, nature, geographical extent and duration and whether it is direct, indirect, reversible or irreversible, the ES sets out whether the effect (pre-mitigation) is significant or not significant. Following identification of whether the potential or 'unmitigated' effects are significant or not, the requirement for any mitigation to either eliminate or reduce likely significant adverse effects has been considered. Where mitigation measures are identified to eliminate or reduce significant adverse effects, these have been incorporated into the proposed development or through measures such as management plans. The ES then highlights whether the 'residual' effect (i.e. after mitigation) would remain significant and generally classifies them as follows:

- 'Moderate' or 'major' effects are deemed to be 'significant'.
- 'Minor' effects are 'not significant', although they may be a matter of local concern; and
- 'Negligible' effects are 'not significant' and not a matter of local concern.

139. Additional environmental information or 'Further Information' has been received during the course of the application and the plans have been amended. An ES Statement of Conformity setting out that the additional information does not alter the conclusions of the ES has therefore been submitted. In accordance with Regulation 25 of the EIA Regulations all statutory consultees and neighbours have been re-consulted in writing, site notices have been displayed and an advertisement has been displayed in the local press. The assessment of the ES and Further Information and the conclusions reached regarding the environmental effects of the proposed development as well as mitigation measures (where required), are set out in the relevant sections of this report,

although cumulative impacts are considered below.

Alternatives

140. Regulation 18(3)(d) of the EIA Regulations sets out the information that is required within an ES, which includes a description of the reasonable alternatives studied by the developer and an indication of the main reasons for the option chosen, taking into account the effects of the development on the environment. The ES considers three alternative options which are the 'Do Nothing' scenario, 'Alternative Sites', and 'Alternative Design brief'.

The 'Do Nothing' scenario

141. This scenario would involve leaving the site in its current condition. This option has not been considered by the applicant on the basis that the site represents an opportunity to redevelop a brownfield area in the heart of London in a sustainable manner, providing high quality residential accommodation, space for office uses and leisure. The ES advises that this would lead to employment opportunities and other direct and indirect socio-economic benefits which would not otherwise be realised if the site were left as it is.
142. The Southwark Plan 2022 been adopted and the site forms part of site allocation NSP25 which supports a move away from a solely industrial site to a mixed use development including employment space and new homes. Officers consider that the 'Do Nothing' scenario could result in a number of missed opportunities including the provision of high quality workspace, the delivery of a significant quantum of new housing including affordable housing, and the provision of new public realm. However it must also be noted that the number of long terms jobs on site, if the current buildings were brought back into optimum use, could be higher than those likely under the proposed scheme.

Alternative sites

143. The ES advises that no alternative sites have been considered for the proposed development, and that the site is an area of brownfield land in need of regeneration. It advises that the site is in an area which is undergoing regeneration and so it is appropriate to consider it as a viable redevelopment opportunity. Officers again note that the Southwark Plan designates the site for comprehensive redevelopment.

Alternative designs

144. The ES sets out how the design has progressed, from the initial designs prior to the submission of the appeal scheme, through to the current proposal. This includes amendments to the master plan layouts, differing quantum of development for block A, alterations to the building heights, and alterations to the energy strategy. The ES does not consider a wholly commercial scheme on the site, due to concerns such as the location of the site and public transport access. The ES notes that the proposed development seeks to retain the positive elements of the appeal scheme such as place-making and the provision of new

residential accommodation, but has been amended to take account of the appeal decision and advice from Council officers. It is again noted that the Southwark Plan site allocation requires a mix of uses on the site including housing.

Cumulative effects

145. Two types of cumulative effects have been considered within the ES. The first is how the various effects of the proposal could interact to jointly affect receptors at and around the site (effect interactions). The second is effects arising from the proposed development combined with effects from other developments in the surrounding area (i.e. cumulative schemes).
146. With regard to effect interactions, these are considered in chapter 12 of the ES which advises that during demolition and construction there would be adverse effect interactions in relation to noise, dust and visual amenity for properties on Southampton Way, Parkhouse Street, Wells Way, Cottage Green and new residential units on the site ranging from minor to significant in scale. Officers note that construction would be a temporary process, and that mitigation, through a construction management / logistics plan would reduce these effects as far as reasonably practical. Following the completion of the development, effect interactions at locations along Southampton Way, Parkhouse Street and Wells Way as a result of daylight / sunlight effects would range from minor adverse to major adverse, with a minor adverse impact upon overshadowing to Burgess Park. Daylight and sunlight impacts and the impact upon Burgess Park are considered later in the report.
147. With regard to cumulative impacts in conjunction with other developments in the area, the ES advises that if the proposal is built at the same time as another consented developments within 100m of the site, there would be cumulative noise and vibration effects during demolition and construction which would be temporary, local, and moderate adverse (significant), with negligible impacts arising from the cumulative effects of construction traffic. Negligible noise and vibration effects are anticipated from the completed development with neighbouring developments taken into account. The ES predicts that the impact upon social infrastructure would be minor and that the overall cumulative effects on education, healthcare, open space and play space would be negligible and not significant. In relation to transport, no significant effects are anticipated. With regard to air quality, if other consented developments nearby were being constructed at the same time air quality effects could arise, but with mitigation in place the impact would not be significant. Upon completion of the development no significant air quality effects are anticipated when consented developments near to the site are considered.
148. With regard to daylight, in the cumulative scenario the ES predicts that 90% of the windows tested for Vertical Sky Component and 90% of the rooms tested for No Sky Line would comply with the BRE guidance. Of those remaining, 14 would experience no impact, 41 would experience a negligible effect, and 8 properties would experience impacts ranging from minor to moderate adverse, although it is noted that the impacts would fall within these categories with just the proposed development taken into account. There would be no changes to sunlight effects when other developments are taken into account. The ES does not consider

impacts when the planning application for the neighbouring scaffold yard site is taken into account, as this was submitted after the ES had been completed. Daylight / sunlight impacts from that proposed development would need to take account of the proposed development on the application site. Overshadowing to Burgess Park would increase in the cumulative scenario, and this is considered in the ecology section of this report. No additional shadowing would occur to rear gardens on Wells Way or St George's Primary School. There are not expected to be any significant environmental effects on wind conditions within and surrounding the site if consented developments on the neighbouring sites are completed. With regard to townscape and visual impact, in the cumulative scenario the ES concludes that impacts would range from negligible neutral, to minor / moderate beneficial.

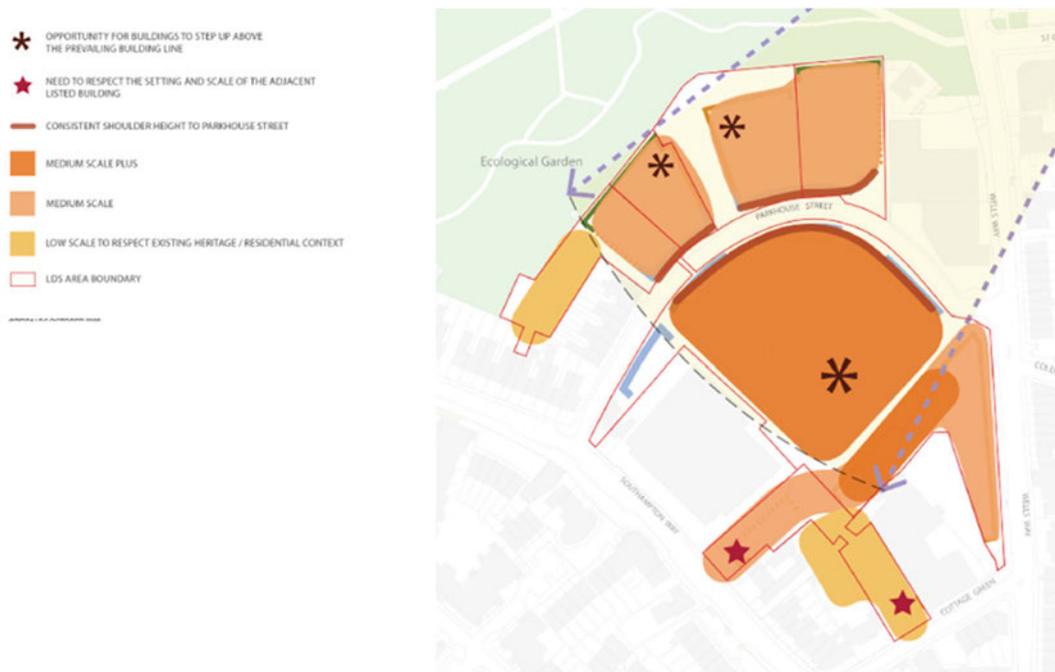
149. The overall conclusion of the ES is that during demolition and construction, moderate adverse effects would occur in relation to noise and vibration, which would be local and short term. An adverse effect is identified in relation to climate change which would be at a global scale and long term, although as noted above, any increase in greenhouse gas emissions is deemed to be significant and details of how these would be reduced are set out later in the report. For the completed development there would be significant adverse effects relating to daylight and sunlight and climate change (as noted above). The completed development would have significant beneficial effects in relation to the provision of new homes and visual amenity, including when considered cumulatively with neighbouring developments. Officers concur with the findings of the ES, and Land Use Consultants which have independently reviewed the ES on behalf of the Council consider it to be sound. The ES recommends a number of mitigation measures which would be secured through conditions or planning obligations.

Design, including building heights and impacts upon local and strategic views

150. In assessing the appeal scheme the Inspector raised concerns regarding the overall height, scale and massing of the proposed development and the impact upon the local townscape. In order to address this, most of the building heights across the development have been reduced. The only exception to this is the 13-storey tower. In the appeal scheme a 12-storey tower was proposed. A 13-storey tower is now proposed which would measure 44.24m above ground level, 6.3m taller than under the appeal scheme and this is considered in detail below. Also of note is that planning permission has recently been granted for developments at 21-23 and 25-33 Parkhouse Street, which include a 10 and 11-storey building respectively, located on the opposite side of Parkhouse Street.
151. The NPPF stresses that good design is a key aspect of sustainable development and is indivisible from good planning (paragraph 124). Chapter 3 of the London Plan seeks to ensure that new developments optimise site capacity whilst delivering the highest standard of design in the interest of good place making. New developments must enhance the existing context and character of the area, providing high quality public realm that is inclusive for all with high quality architecture and landscaping.

152. The importance of good design is reinforced in the Southwark Plan. Policies P13 and P14 require all new buildings to be of appropriate height, scale and massing, respond to and enhance local distinctiveness and architectural character; and to conserve and enhance the significance of the local historic environment. Any new development must take account of and improve existing patterns of development and movement, permeability and street widths; and ensure that buildings, public spaces and routes are positioned according to their function, importance and use. There is a strong emphasis upon improving opportunities for sustainable modes of travel by enhancing connections, routes and green infrastructure. Furthermore, all new development must be attractive, safe and fully accessible and inclusive for all.
153. Site allocation NSP25 assumes redevelopment at a higher density than the existing buildings, and employment space to be re-provided, along with new homes. The overall area should have enhanced east-west and north south routes, including into Burgess Park. The site allocation requires a comprehensive mixed-use redevelopment of Burgess Business Park which 'could include taller buildings subject to consideration of impacts on existing character, heritage and townscape'. The Southwark Plan defines tall buildings as being over 30m, and taller buildings as generally higher than their surrounding context, but not significantly taller to qualify as tall buildings.
154. The proposed development is one of several submitted for planning permission in this area. In order to ensure that the various developments add up to a coherent whole, a Local Development Study (LDS) has been undertaken. This suggests that new buildings should follow the alignment of a widened and improved Parkhouse Street, with a key pedestrian space at the heart of the development that provides an appropriate setting to the retained chimney. The scale of the buildings along Parkhouse Street is suggested as six storeys, but is not specified elsewhere. However, the LDS notes an opportunity for taller landmark buildings at key locations including at the centre of the site and fronting the park. The image below which is taken from the LDS sets out where taller buildings could be located.

Extract from the Parkhouse Street LDS



155. With regard to heritage, the LDS requires new buildings to respect the setting of St Georges Church steeple (just to the east of Burgess Business Park area) and to remain subservient. It recommends that the historic brick chimney in the centre of Burgess Business Park site is a focal point and prominent feature in the setting of adjacent buildings. With regard to the park, the study suggests a 5m protection zone ‘within each site along the park edge’ and a secure boundary structure. A key objective is to ‘build on the historic industrial character of the site...’ In this respect the LDS references a traditional warehouse building on the southern part of the site. Whilst the LDS has no planning status, it has been a useful tool for applicants when designing their proposals.
156. A number of design concerns have been raised during public consultation on the application, including that the proposed development would be too tall and out of context with the surrounding area, and that the site is not suitable for a tall building in policy terms. Representations received in support of the application include that the site is currently empty in appearance, the site and wider area need to be redeveloped, the proposed design is appropriate, and it reflects the character of the area. A Built Heritage, Townscape and Visual Impact Assessment (TVIA) has been submitted with the application, and includes a built heritage assessment. The TVIA considers 11 views within the local area, including from within Burgess Park, and together with one strategic view.
157. Site context – The site sits within an area containing a mix of small units and yards of different eras, interspersed with pockets of terraced houses. The extent to which it has a coherent character is linked to the strong geometry of the crescent of Parkhouse Street itself, and its location adjacent to the leafy southern boundary of Burgess Park.

158. Demolition of existing buildings – The site is not in a conservation area and it does not contain any listed buildings. The LDS references a brick warehouse building on the south-eastern boundary of the site as being of distinctive architectural character, to serve as a reference for future built form. The LDS recognises the importance and local interest of the chimney and recommends that it should be retained. Officers have no objection to the demolition of the existing buildings on the site, and the retention of the chimney as an undesignated heritage asset is important in maintaining the local identity and should be secured by way of a condition.
159. Site layout - London Plan policy D8 requires new developments to create well designed, accessible, safe, inclusive attractive and well-connected public realm where appropriate. The policy sets out a range of criteria which new public realm should address. Site allocation NSP25 identifies the need for enhanced public realm, and a diagram included in the allocation shows a new north-south and east-west route through the site.
160. The appeal scheme included an L-shaped central street and whilst the Inspector did not challenge the site layout, noting that it would improve permeability in the area, paragraph 413 of the appeal decision concludes that the knuckle of the L shaped street would not be large enough to provide a focal space within the development. The image below shows the layout proposed under the appeal scheme.

Appeal scheme layout



161. The LDS recommends a public space at the heart of the development, focussed

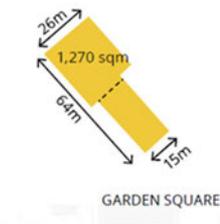
on the retained chimney, with new routes through the site. The images below show the layout suggested in the LDS, together with the layout of the proposed development.

LDS layout on left hand side, LDS with proposal overlaid on right hand side



162. The scheme would form part of the comprehensive, mixed-use and higher density development of the wider area envisaged by NSP25. It would closely follow the approach to site layout recommended in the LDS, with the provision of a 1,270sqm Garden Square at the heart of the development. The Garden Square would be similar in size to open space outside Chumleigh Gardens, as shown on the image below. Officers consider that this addresses the point raised in the appeal decision regarding insufficient space around the tall building to act as a focal point.

Image showing proposed Garden Square and similar size space at Chumleigh Gardens



The southern part of the Garden Square is 15m wide



163. The masterplan layout would be defined by a series of new routes and spaces introduced across the site. The Garden Street would be a wide route with a green and residential character, including integrated playspace within the public realm. By contrast the Mews would be a more intimate, commercial street and the Garden Square, which would connect these two routes, would have a more civic character lined with commercial uses and incorporating the retained chimney. These differences would establish an interesting and attractive hierarchy of spaces within the development, each with their own different characters.
164. The new routes would not only offer permeability across the site north to south and east to west, but would also knit-back to pre-established access points and features of local interest including the retained chimney and the protected tree on Parkhouse Street . The east-west route would link up with a route next to the Big Yellow building which currently terminates at the site boundary. This would create a new connection across the site from Wells Way to Southampton Way, significantly increasing permeability in the local area. Planning obligations to ensure that this route is delivered, together with appropriate landscaping and public realm between this site, the Big Yellow and the scaffold yard site (if that scheme is granted) should be secured. The chimney, being a local landmark, would become the focal point of the Garden Square at the intersection of these new routes. Finally, the north-south route would link up with proposed developments at 21-23 and 25-33 Parkhouse Street, offering an axial view of the chimney from the park and the listed Lime kiln.
165. These routes and spaces have become the framework around which the development has been arranged. Parkhouse Street would be lined with buildings which would rise from 2-storeys to 6-storeys with a set back 7th floor, with block F having a curved footprint which would reinforce the curvature of the street. The buildings fronting the street would be set sufficiently far back to allow the existing pavements to be widened, with new tree planting focussed on the new entrances into the site. The buildings would arranged as a series of blocks (Blocks D, E, I, J and K), rising from 6-storeys and stepping to 7 and 8 storeys at the centre of the site to line the new routes and public spaces.

166. Compared to the appeal scheme, servicing access has predominantly been diverted to the Mews and along the edges of the site, allowing the Garden Street and Garden Square to be largely vehicle free; this is considered to be a significant improvement on the appeal scheme which proposed some servicing taking place from the central street.
167. The LDS recommends that for new buildings there should be a protection zone of at least 5m created within each site along the Burgess Park edge, including any balconies. In this instance the separation distance between block A and the park boundary would generally be 3.4m, with a 2m pinchpoint in one location. However, it is noted that block A is only 2 storeys high, so has limited visibility or impact over the park edge. Block B is also closer than 5m, but is an existing building being retained, so this relationship is maintained. At the request of the Council's Parks and Leisure Service a 2.4m high brick wall planted as a green wall would be provided along the boundary, and this is considered further in the ecology section of this report.
168. Overall, the site layout and urban design principles for the masterplan are considered to be logical and appropriate, and the scale of the proposed blocks would be measured and highly articulated; this is considered further below. In particular, the arrangement of blocks around new areas of public realm ensures that the masterplan would be generous and accessible. With its highly articulated blocks and measured scale which reduces towards the edges of the site, the masterplan demonstrates how it has complied with the Council's adopted urban design policies and with the LDS.
169. Height, scale and massing - In the appeal decision the Inspector noted that the planned regeneration of the area is likely to result in considerable change to the townscape over time (paragraph 409 of the Inspector's report). This reflects NSP25 which expects development on the site to be at higher densities. However, at paragraph 507 of the appeal decision the Inspector raises concerns about the relationship of the development with its townscape context, in particular the way that the development would rise up steeply from the perimeters of the site to a series of tall central blocks, resulting in an imposing cluster of buildings of considerable bulk and solidity when viewed from the surrounding area. Concerns were also raised that the brick chimney would have been overwhelmed by the scale and proximity of the proposed buildings.
170. In seeking to address these concerns, the buildings across the development have generally been made lower (with the notable exception of the tallest building), resulting in a significant reduction in the number of residential units. The difference between the appeal scheme and the current proposal in terms of storey heights is shown on the images below. As noted earlier in the report, the proposed tower would be taller than under the appeal scheme, and this is considered further below in the tall building assessment.

Proposed building heights



171. The proposed development would consist of blocks of varying heights, as do the planned developments on the neighbouring sites. Height would be concentrated at the centre of the site, stepping down towards the edges close to the existing low rise residential buildings, and this would result in a skyline which would be varied and layered. It would avoid any abrupt incursion of the tallest building on the lower scale surroundings, and means that views of the tower would be limited and appropriate. The range of heights, from 2-storeys next to the park to 13-storeys at the centre of the site is considered to be appropriate, and would provide a more gradual stepping up of heights compared the appeal scheme as shown on the image below. In this way, the development is considered to have addressed the concerns raised in the appeal decision regarding its relationship with the existing townscape.

Proposed view from Wells Way looking north. Appeal scheme massing in red, proposal massing in blue

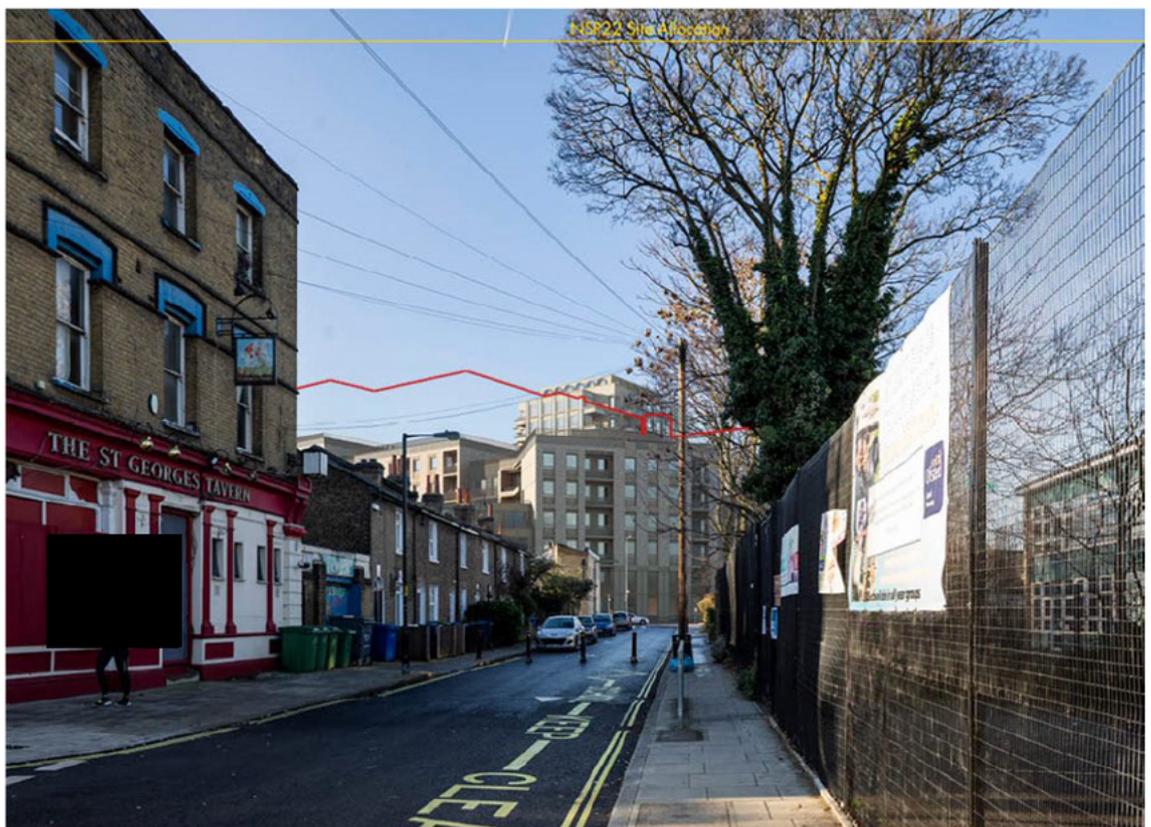


172. On Parkhouse Street heights have been reduced to create a 6-storey shoulder height with a set-back 7th floor, and this aligns with guidance in the LDS which recommends a 6-storey shoulder height along this street. The proposed development, together with the other proposed developments on the northern side of Parkhouse Street, would help to create a coherent frontage to the street.

Proposed view along Parkhouse Street looking east, showing block B (black outlines are of consented buildings on the Aylesbury Estate)



Proposed view from Coleman Road, with appeal scheme massing in red



173. Detailed design – Each block has been designed to reflect the industrial heritage of the site and at the same time an effort has been made to give them a

unique identity. The new buildings are designed as a modern interpretation of warehouse architecture, brick clad and with robust, deep-set reveals and a strong industrial aesthetic which would comply with guidance in the LDS.

174. Blocks D, F and G which would face onto Parkhouse Street would have inset-balconies and a set-back lighter and articulated roofline. At the centre of the site and facing onto the Garden Street, projecting balconies are proposed which would reflect the predominant residential character of that part of the site. At the edges and where the new blocks would face directly onto established residential buildings, (blocks A, C and L), the design adapts again to reflect the terraced house design of the existing properties. The design of block L is considered to be successful and would sit comfortably opposite the existing dwellings on Wells Way.

Proposed blocks F and L



Proposed units fronting the Garden Street



175. Overall it is considered that the design of the buildings would be of a very high quality in terms of their architecture, with an appropriate site layout, height, scale and massing. Conditions requiring material samples, detailed drawings, internal finishes to common areas and a mock-up panel for the tower have been included in the draft recommendation.
176. Tall building assessment - The proposed development would contain a single building which would be over 30m and would therefore be defined as a tall building under the Southwark Plan. It would be in the form of a 13-storey tower located towards the centre of the site, with frontages to the Garden Square, the Garden Street and the Mews. It would contain double height commercial floorspace at its base, and residential accommodation above.
177. The appeal scheme included a number of tall buildings which would have been at least 30m in height, with buildings of 9, 10 and 11-storeys and most notably a 12-storey tower at the centre of the site. The design conclusions in the appeal decision relate to the height, scale and massing of the overall development, which included taller blocks at the edges of the site. The appeal decision does not suggest that the site is not capable of accommodating a tall building, and officers note that two tall buildings of over 30m in height have recently been consented at 21-23 and 25-33 Parkhouse Street.
178. Policy D9 of the London Plan relates to tall buildings, and sets out a list of criteria against which to assess the impact of a proposed tall building (location/visual/functional/environment /cumulative). Part B of the policy states that Boroughs should determine if there are locations where tall buildings may be an appropriate form of development, which should be identified on a map. The site and the Burgess Business Park area are not specifically identified as a

location for tall buildings in the Southwark Plan, although NSP25 states that the site could include *taller* buildings.

179. Policy D9 (C) of the London Plan sets out a range of impact criteria against which to assess tall building proposals. Functional and environmental impacts are considered in relevant sections of this report. The GLA has raised concerns that part C of the policy has not been adequately addressed. This requires consideration of views of the building from different distances, impacts upon heritage assets, and functional impacts including detailed design, servicing, and environmental impacts. These issues are considered to have been addressed in the various documents which support the planning application, including a TVIA which considers impacts on views and heritage assets, a transport assessment, and the environmental statement which considers a broad range of issues including socio-economics and wind microclimate. The applicant has also submitted a statement which specifically addresses part C of the policy. The design related impacts of the proposed tall building are considered below:

London Plan Policy D9 C- Impacts: Views, visual impact and relationship with surrounding area including way finding, cumulative impact.

180. The group of sites covered by the Parkhouse Street LDS would together read as new neighbourhood which would be large enough to define a new character for the area. The LDS, although not a statutory planning document, has laid down key urban design principles to shape a coherent and attractive overall character, albeit one at a taller and more intensely developed scale than the low rise and underused semi-industrial area that exists at present. Although the area is within a number of different land ownerships, the proposals on the various sites have been brought forward within the guidance set out in the LDS and this would allow for a comprehensive development which is coordinated, and where the individual sites can make a proper contribution to the quality of the new neighbourhood.
181. The location for height within this area was anticipated in the LDS, which highlighted the sensitivities of local heritage assets and recognised the importance of views, especially from Burgess Park. In this way, the centre of the site was recognised as an appropriate location for the tallest element of the masterplan. The proposed tall building would be located at the centre of the site, at the confluence of the Garden Square, the Garden Street and the Mews.
182. The proposed application masterplan goes on to embed the principles defined in the Council's tall buildings policies, with a substantial part of the site being dedicated to public realm, a high level of permeability across the site, the creation of pedestrian-priority spaces, integrated play and a new Garden Square centred on the chimney, all arranged around the proposed tower.
183. In itself and as a part of the greater whole, the proposal would not be tall enough to have a significant impact upon long range strategic views. The site falls within the extended area of strategic view 1A.1 (Alexandra Palace viewing terrace to St Paul's Cathedral). Policy HC4 of the London Plan 'London View Management Framework' states that development in the background of a protected view should not harm the composition of the view or the ability to recognise the strategically important landmark which is the focus of the view. The TVIA assesses the impact upon this view and confirms that whilst the top of the 13-

storey tower would be slightly visible between the dome and western towers of St Paul's, given the very low visibility it would not impact upon the ability of the observer to appreciate the strategically important landmark. The scale of the proposed development would not disrupt the elevated backdrop of the view and is considered to comply with the London Plan policy; the GLA is also satisfied that there would be no harm to this view.

184. There would be mid to long range views from east to west across Burgess Park towards the site where the proposed buildings, alongside those proposed on neighbouring sites, would be visible along the southern edge of the park. There is no doubt that the proposed development, along with adjacent developments, would change these views quite considerably from one where buildings are not by and large visible above the Burgess Park tree canopy, to one where the proposed development and adjoining developments would be obvious features rising above the tree line. However, Burgess Park is a very large and open space. The tops of buildings rising above trees would provide an edge or boundary to the park which is considered to be appropriate for a new neighbourhood. Having viewed the application material it is not considered that the proposal would impact upon the openness of the MOL at Burgess Park and this is considered further below.

Proposed view from Burgess Park



Cumulative view from Albany Road (view 6) (proposal outlined in blue)



Architectural quality and materials

185. This has been considered above in relation to detailed design, and the design of the tall building is considered to be exemplary. It would have a strong base containing double height commercial space which would provide an appropriate presence and activation onto the Garden Square. Its materials and detailing would be of a high quality, and the top of the building would be lightened to provide an appropriate crown to the building. The residential accommodation is considered to be exemplary overall, as set out in the quality of accommodation section of this report.
186. Policy P17 of the Southwark Plan covers similar ground to that of policy D9 of the London Plan, albeit a little less detailed. It expects tall buildings to be located in major town centres, opportunity area cores, action area cores and the central activities zone, or where identified in site allocations. It is noted that the site is not in one of these locations, and this has been referred to in responses from neighbouring residents. NSP25 expects that development will be at a higher density to incorporate replacement employment space and new housing. It states that comprehensive, mixed-use redevelopment of the site could include taller buildings subject to consideration of impacts on existing character, heritage and townscape. As the proposed development would include a tall building, i.e. over 30m, the proposal does not fully align with the guidance in NSP25 in this respect.
187. It is therefore necessary to consider whether there are benefits to the development which should outweigh the non-compliance with this element of the site allocation, and whether harm arises from the additional height. In submitted objections, reference is made to the impact on local character and on Burgess Park. However, after careful consideration of the views, both locally and across the park, officers conclude that the building would sit comfortably in the context, either alone or as part of a wider development of other substantial buildings, including two tall buildings at 21-23 and 25-33 Parkhouse Street which would be

closer to the park boundary. The scale of development supports the delivery of more new homes, and the ability to provide a policy compliant level of affordable housing. No significant harm has been identified in relation to amenity or heritage as set out later in the report, and on balance, the inclusion of a tall (rather than 'taller') building within the scheme could be justified.

188. Part D of London Plan policy D9 advises that free to enter publically accessible areas should be incorporated into tall buildings where appropriate, particularly more prominent tall buildings. In this instance no public access is proposed, and this is considered to be acceptable given the proposed height, which would not be of a London-wide scale.

189. In addition, policy P17 of the Southwark Plan also sets out the following criteria for buildings over 30m in height.

1. Is located at a point of landmark significance;

190. Whilst not currently at a point of landmark significance, the proposed tower would define the central point of the wider development. It would be at the confluence of the Garden Street, the Garden Square and the Mews, and the focus of new routes connecting Wells Way and Southampton Way, and connecting with Parkhouse Street to the north. It would align with the LDS guidance and is considered to be acceptable in this respect.

2. Have a height that is proportionate to the significance of the proposed location and the size of the site;

191. Whilst considerably taller than its context, a 13-storey tower in this location is considered to be appropriate. It would be at the heart of a new residential neighbourhood, anchored on the Garden Square and providing a visual marker for the new square from the surrounding area. Compared to the appeal scheme the proposed buildings at the edges of the site have been reduced which would provide better definition to the tower as the tall building within the development, and avoid the creation of a mass of tall and bulky buildings towards the centre of the site which was a criticism of the appeal scheme. The site is some 1.59 hectares in size, and the height of the tower is considered to be proportionate to this.

3. Make a positive contribution to the London skyline and landscaping, taking into account the cumulative effect of existing tall buildings and emerging proposals for tall buildings;

192. The single tall building within the development would have a local rather than London-wide impact, and would not adversely affect any strategic views. Nevertheless it would be part of a carefully considered composition both with regard to the development itself and with the wider redevelopment of the Burgess Business Park area. The scheme is one of several at a similar scale which would completely change the character and function of the Parkhouse Street area, and overall coherence has been ensured in part by the LDS which laid down basic urban design principles for developers follow. This includes the approach to layout and mass, as well as an architectural language and material pallet which

would ensure the buildings complement one another, but have enough variety to form an interesting part of the townscape. The proposed tower, when considered in conjunction with the adjacent development proposals, is considered to be acceptable in terms of cumulative impacts and this has been considered in the TVIA.

193. The landscaping and public realm for the proposed development are considered to be of an exceptionally high standard, focussed on a generous Garden Square and an attractive Garden Street. The pavement would be widened along Parkhouse Street with new tree planting at the site entrances, and playspace would be incorporated in the public realm, making it accessible to all members of the community. The public realm provision is therefore considered to be acceptable, and would meet the requirements of the Southwark Plan.

4. Not cause a harmful impact on strategic views as set out in the London View Management Framework, and to our Borough views.

194. The impact upon strategic views is set out above. No borough views would be affected by the proposed development.

5. Responds positively to local character and townscape

195. This is considered above.

6. Provide a functional public space that is appropriate to the height and size of the proposed building;

196. As explained above, the tall building would be anchored in the Garden Square, at the confluence of new routes through the site. The new spaces around the tall building are considered to be generous and appropriate to its height.

7. Provide a new publically accessible space at or near the top of the building and communal facilities for users and residents where appropriate.

197. This is considered above. Communal gardens for the tower would be provided at second floor podium level.

198. Overall it is concluded that the proposed tall building on the site would be acceptable and that it would be of exemplary design. Policy P17 requirements relating to heritage assets, environmental impacts, energy efficiency and public realm are considered elsewhere in the report.

Impact upon the openness of Burgess Park Metropolitan Open Land (MOL)

199. Concerns have been raised by neighbouring residents, Friends of Burgess Park and the Council's Parks and Leisure Service regarding the impact of the proposed development upon the openness of Burgess Park.

200. MOL is a spatial designation, which applies only to land formally designated as MOL and not to any land outside of the designated area. The proposed

development has been properly assessed in terms of its impact and potential for harm to the land within Burgess Park, in terms of impact on views across the park, and impact on issues such as overshadowing, light pollution, and impact on the ecology. However, this assessment has not referenced or relied on policies relating to MOL. This issue was tested at the High Court in October 2020 in a challenge to the Canada Water Masterplan permission, which was granted under reference 18/AP/1604. The High Court decision confirmed that the protection of openness relates only to development on MOL itself, not to development outside its boundaries. In this instance there would be no development on the MOL.

Comments of the Design Review Panel (DRP)

201. The DRP reviewed the planning application in October 2021. The Panel recognised that the form and massing approach was consistent with the aspirations in the LDS, and also noted the findings of the Inspector in the appeal decision. Whilst the panel generally endorsed the design, they highlighted a number of questions and observations which the scheme should resolve before officers make a recommendation to the Planning Committee.
202. The Panel was generally satisfied with the proposed form and massing, and recognised that the site was part of an area undergoing a wider transformation. They welcomed the height and density reduction compared to the appeal scheme, and considered that the proposed layout balanced the mix of uses appropriately. The Panel requested cross sections across the public spaces and these have been provided in the application. It was considered that the detailed design could be improved in some areas, including around the tower and adjoining podium, and it was questioned whether the views and setting of listed buildings from Cottage Green would be acceptable. The Panel wanted more information as to why an existing warehouse on the site was not being retained, but concluded that its demolition was justified given that the proposal would deliver the wider aspirations of the LDS. The Panel commented on the landscaping proposals and the need to ensure that the retained brick chimney is adequately restored. The Panel was supportive of the workspace strategy, including concentrating it on the Mews, and commented that the Council must satisfy itself regarding quality of accommodation and sustainability. These matters are addressed within the report, and the DRP report is attached as Appendix 6.
203. To conclude in relation to design, it is considered that the proposed development would align with the aspirations for the area laid down in the Southwark Plan through site allocation NSP25, and the design principles set out in the LDS. It represents an exemplary standard of design and would be an acceptable form of development in this location. Whilst it would be markedly taller than the existing development in the area and would include a single element which would be defined as a 'tall building' under the local plan, for the reasons set out above the proposal is considered to be acceptable in this respect. Officers consider that that the design amendments including reducing most of the building heights and providing a Garden Square at the heart of the development address the design concerns raised in the appeal decision, and can be supported. The townscape and visual impacts are considered comprehensively within the ES, and officers have reviewed this material and are satisfied that the impacts would be

acceptable for the reasons outlined above.

Impact on heritage assets

204. The impact upon heritage assets is considered in detail in the appeal decision. Whilst the Inspector found that there would be a small degree of harm to the significance of the former Church of St George, it was considered to be at the low end of the scale of less than substantial harm, and outweighed by the public benefits arising from the proposal.
205. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to consider the impacts of a development on a listed building or its setting and to pay special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
206. Section 16 of the NPPF contains national policy on the conservation of the historic environment. It explains that great weight should be given to the conservation of heritage assets. The more important the asset, the greater the weight should be (paragraph 194). Any harm to, or loss of significance of a designated heritage asset should require clear and convincing justification. Paragraph 201 explains that where a development would give rise to less than substantial harm to a designated heritage asset, the harm should be weighed against the public benefits of the scheme. Paragraph 203 deals with non-designated heritage assets and explains that the effect of development on such assets should be taking into account, and a balanced judgment should be formed having regard to the scale of any harm or loss and the significance of the asset. Working through the relevant paragraphs of the NPPF will ensure that a decision-maker has complied with its statutory duty in relation to Conservation Areas and Listed Buildings.
207. The heritage policies of the London Plan are set out in Chapter 7 and assert that development affecting heritage assets and their settings should conserve their significance by being sympathetic in their form, scale, materials and architectural detail. The Council's policies echo the requirements of the NPPF in respect of heritage assets, and require all development to conserve or enhance the significance and the settings of all heritage assets and avoid causing harm. Where there is harm to a heritage asset the NPPF requires the Council to ascertain the scale and degree of the harm caused and to balance that against the public benefits arising as a consequence of the proposal. Policies P19, P20 and P21 of the Southwark Plan afford protection to listed buildings and conservation areas, including their setting, together with protected trees and undesignated heritage assets.
208. The site does not include any listed buildings and is not in a conservation area. However, there are a number of listed buildings nearby and the site has a direct relationship with Burgess Park to the north.
209. The application includes a TVIA which includes Accurate Visual Renderings (AVRs) overlaid onto current photographs to demonstrate, from defined viewpoints, how the proposed development would appear in the context. These views help to understand the development in the round and have been used to

assess the impact of the proposal on the affected heritage assets. In the TVIA the wider visual impact of the proposal is assessed and particular attention is paid to the impact upon the immediately surrounding heritage assets as well as those that are visible from Burgess Park. In this respect a series of dynamic views is presented along the axial route from the Old Kent Road where the development would form the immediate backdrop to the Grade II Listed former St Georges Church, as well as the views from Addington Square Conservation Area and the Grade II listed Lime Kiln. The ES concludes that in townscape and visual terms impacts would range from negligible neutral to moderate beneficial.

210. The nearest listed buildings include the grade II listed Collingwood House on Cottage Green, Nos 73,75 and 77 Southampton Way, and No 113 Wells Way. Slightly further away is the grade II listed former Church of St George, the spire of which is visible from a number of vantage points within Burgess Park – the impact upon the setting of these listed buildings are considered below. The nearest conservation area is the Addington Square Conservation Area which is approximately 330m to the west of the site. However, given the scale of the proposed development and the separation distance, it would have no impact upon its setting. At the centre of the site is a large brick chimney - a historic remnant of the industrial heritage of the site. This is considered to be an undesignated heritage asset which would be preserved by the proposed development. A condition has been included in the draft recommendation to ensure the retention of the chimney including protection during construction, and requiring the removal of telecommunications equipment which is currently attached to it.
211. The TVIA concludes that there would be some adverse effects during demolition and construction, arising from the visual impact of tower cranes although this would be temporary in nature and are considered to be negligible to minor adverse over short to medium distances. Following the completion and operation of the development it concludes that the special interest and setting of neighbouring listed buildings would be preserved and in some cases the settings enhanced through the removal of existing industrial buildings. Given the temporary nature of construction works, officers are satisfied that there would be no undue harm arising.
212. An important influencing factor for the height and massing of the proposal has been the townscape view from the main east-west path in Burgess Park which focuses on the spire of the grade II listed former Church of St George which is a recognisable local landmark. Objections received following public consultation on the application raise concerns regarding the impact upon this heritage asset.
213. The spire of the former church is the focus of the main pathway axis from the Old Kent Road where it forms a visual beacon helping to orientate visitors to the area and marking the main route across the park. Whilst this may not have been its historic purpose, its presence is recognised in the modern parkland setting and its location at the end of the park axis contributes positively to its significance.
214. The series of views submitted with the application (views 2, 3 and 4) demonstrate that the tallest element of the development would be located to the left of the

spire and, whilst it would remain in the view for the duration of the 500m plus walk, it would not cause harm to the setting of the former church and would generally remain subservient in the views. The views also include the cumulative impact of the three other proposed developments on Parkhouse Street (21-23, 25-33 and 35-39). These also demonstrate that the cumulative impact would not be harmful, with proposed buildings generally remaining subservient and stepping away from the spire, preserving its prominent silhouette when viewed from the park.

Cumulative view from Burgess Park (view 4) (proposal outlined in blue)



215. In the remaining views from the park the TVIA demonstrates that the proposed development conforms with the principles set out in the LDS, forming a generally consistent 'shoulder' height at the edge of the park, with taller elements set back and located towards the centre of the former industrial site. In these views the brick chimney would be prominent and would remain visible over the new 'shoulder' buildings proposed on Parkhouse Street and at the edge of the park. This is considered to address concerns raised in the appeal decision about the scale and proximity of the proposed buildings overwhelming the brick chimney.
216. The most sensitive heritage asset in the immediate area is the Grade II Listed Collingwood House. Whilst it is acknowledged that the current street frontage setting of Collingwood House on Cottage Green is affected by a neighbouring tyre shop and other industrial developments, it can be appreciated as a well preserved historic building dating from Georgian London and worthy of its listed status.
217. View 10 within the TVIA demonstrates that that lower scale blocks at the southern edge of the site (blocks I and J) would generally remain well below the eaves line of Collingwood House when viewed from Cottage Green, and the 13-storey tower forming block H would sit below the ridge-line, only becoming visible as one

moves further along the road away from the listed building, and always behind the buildings which would remain in the foreground. This was anticipated in the LDS, with lower blocks shown at the southern edges of the site in order to reduce the dominance of taller elements located at the centre of the site. There would be limited, if any, harm arising to the setting of Collingwood House as a result of the proposed development.

Image of Collingwood House (view 10)



218. Grade II listed buildings at 73, 75 and 77 Southampton Way have been considered within the TVIA. The views show that the proposed development would sit below the ridge line of these buildings when viewed from Southampton Way. From longer views north and south along this street the upper floors of the proposed development may be visible through gaps in the building line, and the 13-storey tower would be clearly visible. The proposal would remove some industrial buildings near to this site and overall it is considered that the special interest of these listed buildings and their settings would be preserved.
219. The more modest listed building at 113 Wells Way is directly opposite the site and where the proposals include a four-storey block of stacked maisonettes forming block L. This modestly scaled block would sit comfortably in the established Wells Way character, and would contribute positively to this residential setting. There would be no harm arising to the immediate setting of 113 Wells Way due to the modest scale of development immediately opposite it, and because the new development would not intrude on any views of the listed building when viewed from the street.
220. The TVIA also considers the impacts upon the former Camberwell Baths on Wells Way and the Almshouses at Chumleigh Gardens. It concludes that the proposed development would have a negligible, neutral effect upon these heritage assets and given their distance from the site, officers agree with this assessment.

221. In conclusion, where the impact of this proposal on the historic environment is concerned, officers are satisfied that there would be limited (if any) harm arising due to the visibility of the proposal from Burgess Park, Wells Way or Cottage Green; there would be no direct impact on any listed buildings or conservation areas. Any harm arising due to visibility in the wider setting of heritage assets would be extremely limited and of the lowest order of less than substantial as defined by the NPPF, and can be considered in the balance against the public benefits arising. In these instances, decision-makers are advised by paragraph 202 of the NPPF to weigh “any harm against the public benefits of the proposal including, where appropriate, securing its optimum viable use.” In this case the contribution of the new public realm, the quality of design, and the inclusion of affordable housing and affordable workspace have been considered in the balance and found to be acceptable justification for the very limited harm arising.

Trees and landscaping

222. The proposed development would require the removal of 12 existing trees, but 53 new semi-mature trees would be planted resulting in an overall increase in canopy cover. This would be supplemented by other new landscaping which would improve biodiversity at the site. Concerns have been raised during public consultation on the application regarding the felling of trees on Wells Way.
223. Policy G7 of the London Plan ‘Trees and woodlands’ states that development proposals should ensure that, wherever possible, existing trees of value are retained. If planning permission is granted that necessitates the removal of trees there should be adequate replacement based on the existing value of the benefits of the trees removed. Policy P61 of the Southwark Plan ‘Trees’ states that development must retain and protect significant existing trees and must retain and enhance the borough’s trees and canopy cover.
224. Trees - An arboricultural impact assessment report has been submitted with the application. The assessment was valid for a period of 12 months, therefore on the advice of the Council’s Urban Forester a condition for an updated assessment has been included in the draft recommendation.
225. There are currently 21 individual trees and one group of trees in and adjacent to the site comprising one category A tree (high quality), 8 category B trees and 1 category B group (moderate quality), 11 category C trees (low quality) and 1 category U tree (unsuitable for retention). These are predominantly located around the edges of the site and the species includes Lime, London Plane, Sycamore and Ginkgo. Some of the trees which have been surveyed sit outside of the site boundary, including group of trees G1 which sits within Burgess Park, four street trees along Wells Way, and a category A London Plane tree on Parkhouse Street (T9) which is protected by Tree Preservation Order number 86B.
226. Following amendments to the application to allow two existing street trees on Wells Way to be retained, 10 trees would need be removed in order to facilitate the development and that a further two trees (T7 and T13) are recommended for removal owing to their poor condition – T7 is a dead tree. The trees to be removed comprise 5 category B, 6 category C and one category U trees. It is

noted that two street trees on Wells Way would still need to be removed following the amendments, and these are T15 and T16 which are both category C Ginkgo trees. Officers have considered whether they could be retained, but this would not be possible owing to the need to provide adequate pavement widths around the trees, defensible space in front of proposed block L, and sufficient space for the trees to continue to thrive. They would be replaced with two new street trees on Wells Way, and the removal of the existing and position of the two new street trees have been discussed and agreed with the Council's Urban Forester and the Highways Development Management Team.

227. No works are proposed to the Burgess Park trees T1, G1 and G21, although the Council's Urban Forester has advised that they may need to be crown lifted and laterally reduced over the boundary, which would not cause any harm to the trees. An informative advising the applicant to consult the Council's Parks and Leisure Service if any work is required to trees within the park has been included in the draft recommendation. The Council's Parks and Leisure Service has advised that that the developer should consider any existing trees on the boundary and shade they may cast into the new residential units. Given the low rise nature of block A which would have dual aspect accommodation at ground floor level, it is not considered that any significant issues would arise.
228. 53 new trees would be planted throughout the site including two replacement street trees on Wells Way and trees at the entrances into the site off Parkhouse Street, and the revisions to the scheme include increasing pavement widths to allow sufficient space for the new trees to thrive. The proposal would result in a net increase in tree canopy cover, which is welcomed. Conditions are recommended to secure the new tree planting and to protect the retained trees during construction, including the off-site protected tree, the roots for which extend under the site. The planting of any new trees in the pavement would need to be agreed with the Council's Highways Development Management Team, and it is recommended that a clause be included in the s106 agreement requiring a bond of £3,500 per street tree which the Council could use towards tree planting in the wider area in the event that not all of the street trees can be planted, or that any of them fail / die within a specified time period.
229. Landscaping – Policy G1 of the London Plan 'Green infrastructure' states that development proposals should incorporate appropriate elements of green infrastructure that are integrated into London's wider green infrastructure network. Green infrastructure is defined in the plan as comprising the network of parks, rivers, water spaces and green spaces, plus the green elements of the built environment such as street trees, green roofs and sustainable drainage systems. Policy G4 of the London Plan 'open space' states that development proposals should, where possible, create areas of publicly accessible open space, particularly in areas of deficiency.
230. The Garden Square would be at the heart of the new development, at the confluence of new and existing routes and significantly enhancing permeability across the site and connections with the surrounding area. It would be predominantly hard landscaped reflecting the industrial character of the site, and would include areas of seating and raised planters. The existing brick chimney would be retained and would act as a focal point from within the development and the local surrounding area.

Proposed Garden Square



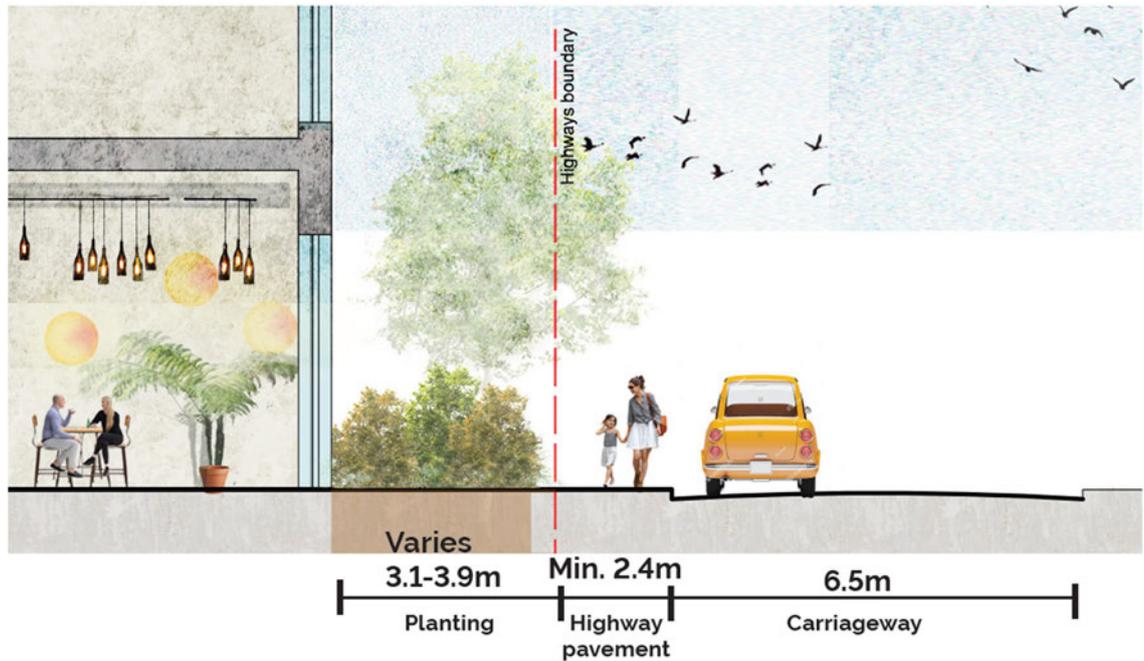
231. The Garden Street would measure 13-20m wide and would be laid out as a linear garden with 4m wide footpaths and a play trail. The Garden Square and Garden Street would form very attractive additions to the area which could be enjoyed by existing and new residents. Permeable paving would be provided throughout the site to provide consistency across the development, and large, feature trees would be planted in the Garden Square, with semi-mature trees on Parkhouse Street, focussed on the entrances to the site.

Proposed Garden Street



232. Around the edges of the site new planters containing shrubs are proposed outside blocks F and G fronting Parkhouse Street, and soft landscaping would be provided in the various communal gardens throughout the development. The Mews would be hard landscaped, reflective of this being the commercial hub of the development, and the alignment of this route would allow for views of the protected tree on Parkhouse Street. A mix of hard and soft landscaped areas would be provided around blocks A and B, with a new green wall proposed along the boundary with the park.

Proposed section across Parkhouse Street



233. Urban Greening Factor - Policy G5 of the London Plan 'Urban greening' requires boroughs to develop their own urban greening factor (UGF) policies, and sets an interim target score of 0.4 for developments which are predominantly residential.
234. The plans have been amended and the urban greening factor has been increased from 0.33 to 0.4 which would meet the London Plan target. This has partially been achieved by shortening the length of block L on Wells Way and allowing for an enlarged play area and landscaping to be provided instead. A condition to secure the urban greening factor has been included in the draft recommendation.
235. The Council's Urban Forrester has reviewed the landscaping proposals and arboricultural report and has recommended conditions and a planning obligation.
236. Overall, the existing site offers limited greening and the proposed development would provide new green infrastructure, landscaping and tree planting which would be a positive addition to the streetscene and positive in terms of canopy cover, biodiversity and habitat creation.

Ecology

237. The appeal scheme included a block of 5 x 2-storey houses in a similar position to proposed block A, close to the boundary with Burgess Park. It also included an extension to the existing building which would form block B. The Inspector concluded that the appeal scheme would not have resulted in any significant adverse effects in relation to ecology and biodiversity in the park.
238. Burgess Park which adjoins the rear of the north-western part of the site is a borough level site of importance for nature conservation (SINC). The area of the park which immediately adjoins the site is identified as the New Church Road Nature Area which forms part of the wider SINC designation and is one of the most important habitats in the park. The Council has recently completed a £3

million improvement project to remove the redundant New Church Road and undertake habitat improvements in this area. The nature area now contains semi-natural broadleaved woodland interspersed with areas of grassland, and includes features such as bird and bat boxes and bug hotels.

239. Neighbouring residents and local groups have raised ecological impacts upon Burgess Park as a concern, and the GLA has commented that the impacts of shading, noise and lighting must be taken into account. Some consultation responses, including from the Council's Parks and Leisure Service, have raised concerns that a new route would be provided from the site into Burgess Park, and the potential for ecological impacts arising from this. For clarity, no new route into the park is shown on the plans and none is proposed as part of this application. The Council's Parks and Leisure Service has advised that accesses into the park from any of the residential or commercial buildings would not be permitted in any event.
240. Policy G6 of the London Plan 'Biodiversity and access to nature' states that SINC's should be protected. Where harm to a SINC is unavoidable and where the benefits of the development proposal clearly outweigh the impacts on biodiversity, the policy sets out a mitigation hierarchy which must be followed. The policy states that development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain. This should be informed by the best available ecological information and addressed from the start of the development process.
241. Policy P60 of the Southwark Plan 'Biodiversity' states that development must contribute to net gains in biodiversity including through enhancing the nature conservation value of SINC's, protecting and avoiding damage to SINC's, protected species and habitats, and including features such as green and brown roofs, green walls and soft landscaping. As stated earlier in the report the LDS recommends the creation of a 5m buffer zone between new buildings and Burgess Park. The Council's Parks and Leisure Service has requested a 5-10m planted buffer, and has commented that the park is open 24/7 and that issues arising where residential buildings interface with public spaces can be difficult to resolve.
242. The part of the site adjoining the park currently comprises a yard and employment building. It was formerly used as a minibus depot, and the building is now occupied by Tannery Arts as a workshop; the yard is separated from the park by palisade fencing. Proposed block A would have rear gardens backing onto the park, and the existing building which would form block B physically adjoins the park, with its rear wall forming part of the boundary treatment.
243. Block A would comprise four x 2-storey houses. Three of the houses would be set 3.4m back from the park boundary, save for a 2m pinch point as shown on the image below. The fourth house would be set 8m back from the park boundary, but also with a pinch point to the side. In the appeal scheme block A would have been within closer to the park boundary, therefore the current proposal is an improvement in this respect.

Proposed block A with footprint of appeal scheme overlaid in blue



244. Proposed block A would not comply with the LDS owing to its proximity to the park boundary. This part of the site is limited in size and is constrained by the park to the north and 1-13 Parkhouse Street to the south. A careful balance therefore has to be struck between ensuring that there would be no harm to the park, and protecting the amenities of the residential properties to the south. The relationship with the park would be broadly as per the appeal scheme which the Inspector found to be acceptable with regard to ecology, and an independent ecology report commissioned by the Council has confirmed this, as explained below. It is therefore considered that the proximity of block A to the park would be acceptable. The Council's Parks and Leisure Service has requested that the boundary treatment be in the form of a 2.4m high brick wall, planted to form a green wall and a condition to secure the wall together with a method statement for its construction has been included in the draft recommendation. The s106 agreement would secure a contribution of £9,500 to enable the Council to plant it as a green wall on the park side. The GLA has requested details of a planted buffer along the park edge including means for ensuring that residents would not remove it. In response the applicant has advised that a planted green screen / wall would be provided at the end of the gardens, and it is recommended that the s106 agreement includes a requirement to ensure that these remain in place and are not removed by future occupiers.
245. Block B would be formed from an existing building which physically adjoins the park and its rear wall forms the boundary treatment. It would be retained in employment use with some modifications to the roof. It does not have any windows facing the park and none would be inserted under the proposed plans; a condition preventing any from being inserted in the future has been included in the draft recommendation.
246. A preliminary ecological appraisal has been submitted with the application and is appended to the ES, together with a biodiversity net gain assessment. It comprises a desk top study, a phase 1 habitat survey, a protected species survey and an evaluation of the site's importance for nature conservation.

247. The appraisal identifies the site as being predominantly hardstanding and buildings, with some scattered trees and areas of scrub and shrubs. 45 Southampton Way has been identified as having a low potential to support roosting bats, and an updated bat emergence survey has been submitted during the course of the application which confirms that no bats were seen emerging from the building during a dusk survey. Four bats were however, recorded commuting to the west of the site. The Council's Ecology Officer has reviewed the updated survey and has confirmed that it is acceptable.
248. The appraisal also identifies that there could be some impacts upon breeding birds, and Japanese knotweed was found at the site which is an invasive species under the Wildlife and Countryside Act (1981). Mitigation measures proposed include only removing habitats which are of value to breeding birds outside of the breeding season, use of an ecologist if bird nests are found on the site, and careful removal and disposal of Japanese knotweed. Ecological enhancements proposed include new tree planting, a green wall, green roofs, soft landscaping including native species, bird and bat boxes and a wildlife sensitive lighting strategy. The biodiversity net gain assessment undertaken demonstrates that the biodiversity value of the site would increase from 0.26 to 2.14 (a net percentage change of 708.54%) as a result of the proposal which is a significant positive aspect and is welcomed.
249. The ES which accompanies the application considers some potential impacts upon Burgess Park. It advises that the construction and operational phases of the development could potentially result in the disruption of commuting and foraging habitat within Burgess Park due to increased lighting. It predicts that after 11pm a very localised area of the park next to block B would experience light spillage of up to 2.5 lux which it concludes would have a negligible to moderate impact. The final lighting scheme for the development should therefore be designed to minimise any light spillage into Burgess Park, and glazing used which would minimise light spillage which could be secured by way of a condition.
250. The ES also considers transient overshadowing to Burgess Park. It predicts that the proposed development would have a minor adverse effect, with the test for 21st March showing that there would be a small strip of shadow from block A cast onto the park from 8am which would move in a clockwise direction until 1pm, with no more shadowing after this. A similar impact would occur on 21st June, although the shadow would occur from 6am. A further test has been carried out for 21st December, when owing to the low position of the sun, for two hours until 11am shadowing would extend significantly further into the park than those cast by the existing buildings, which would reduce incrementally across the remainder of the day. The affected area is heavily treed, and the Council's Ecology Officer has reviewed the application and has not raised any concerns regarding the proposal.

Cumulative impacts

251. A number of the objections to the application, including from Friends of Burgess Park, relate to cumulative ecological impacts, taking into account proposed developments at 21-23, 25-33 and 35-39 Parkhouse Street which would also adjoin the park. As set out earlier in the report, planning permission has recently been granted for the proposed developments at 21-23 and 25-33 Parkhouse Street and the application at 35-39 is still under consideration (reference

19/AP/2011).

252. The Council commissioned an independent ecology report prepared by an external ecologist to assess the cumulative ecological impacts of these four proposed developments, and the report considers cumulative construction impacts, overshadowing, increased recreational pressure and light spillage.
253. With regard to overshadowing, the report concludes that the area of woodland which would experience increased shadowing is broadly the area which supports the lowest understorey diversity. Whilst some disturbance upon the woodland is therefore possible, it is not considered likely that this would significantly impact the conservation status of the New Church Road Nature Area or Burgess Park as a whole, nor would it likely impact bird, bats or invertebrates. The greatest overshadowing impact is predicted for the winter months when trees and most flora are dormant. The woodland understory is not of sufficient diversity or structure for the additional shadowing to be considered significant in ecological terms i.e. any change to the woodland community would not affect its conservation status or ecological functionality given the site's urban location, existing level of disturbance, and the presence of common species. It is therefore concluded that any impact would not be significant. It is noted that block A would only be 2-storeys high and block B would be formed from an existing building; they would only cast any significant shadow onto the park during the winter months when the sun is low in the sky and the trees and most of the flora would be dormant.
254. As for potential impacts upon birds and bats, the report concludes that without mitigation there could be temporary impacts arising from construction, and permanent local impacts including from lighting and increased use of the park. Mitigation is recommended through a Construction Environmental Management Plan including measures to minimise any contamination issues and issues with surface-water run-off. Within the completed development lighting controls and landscaping are proposed, and a landscape and habitat management should be required. There would be enhanced opportunities for ecology and biodiversity on the sites through the provision of living roofs and appropriate planting, and all of these matters have been agreed with the applicant and would be secured by way of conditions and s106 obligations.
255. By way of mitigation the report suggests that the developments coming forward provide an opportunity for the creation of a small strategic habitat bank in the park, which the developments adjoining the park could fund. This could be in the form of new meadow planting, bird and bat boxes, insect hotels and stag beetle loggeries. To this end and in consultation with the Council's Ecology Officer, a contribution of £1,674 would be secured through the s106 agreement towards habitat creation in Burgess Park; this is based on the amount of floorspace proposed within block A and includes provision for monitoring and maintenance. Improvements in biodiversity delivered through this mechanism alongside enhanced green infrastructure and habitat within the red line boundaries of each of the developments presents an opportunity for notable improvements in local biodiversity. The report concludes that if all recommended mitigation is secured from all of the developments, there would be a permanent positive impact at a local scale.

256. Overall, following the independent ecological assessment commissioned by the Council, consultation with the Council’s Ecology Officer and subject to mitigation which could be secured by conditions and s106 obligations, the proposed development is considered to be acceptable with regard to ecology, and it would significantly enhance biodiversity on the application site through new tree planting and landscaping.

Affordable housing

257. The proposed development would provide 35.4% affordable housing, which would equate to 137 affordable homes. There would be a policy compliant tenure split of social rented and shared-ownership units.

258. Section 5 of the NPPF sets out the government’s approach to the delivery of significant new housing including a requirement for housing of different sizes, types and tenures to meet the needs of different groups. The supporting text to policy H4 of the London Plan ‘Delivering affordable housing’ sets out that there is a need for the provision of 43,500 affordable homes per year across London.

259. At borough level, strategic policy SP1 ‘Homes for all’ of the Southwark Plan requires 2,355 new homes to be delivered per annum. Policy P1 ‘Social rented and intermediate housing’ of the Southwark Plan requires developments of 10 or more residential units to provide a minimum of 35% affordable housing, comprising a minimum of 25% as social rented and the remainder as intermediate. This policy sets out that for affordable housing purposes a habitable room of up to 28sqm is counted as one habitable room, a room between 28.1-42sqm is counted as two habitable rooms and so on.

260. There would be 137 affordable units within the development which would be located in blocks C, F, I, J, K and L. There would be 1,266 habitable rooms within the development, 448 of which would be affordable which would equate to 35.4%. The tenure split would comprise 25.04% social rented habitable rooms and 10.35% shared ownership habitable rooms which would be policy compliant.

Mix of affordable housing by habitable room

Unit type	Private market habitable rooms	Social rented habitable rooms	Shared ownership habitable rooms	Total habitable rooms
Studios	30	0	0	30
1-bed	163	47	56	266
2-bed	363	116	75	554
3-bed	262	154	0	416
Total	818 (64.61%)	317 (25.04%)	131 (10.35%)	1,266

Mix of affordable housing by unit

Unit type	Social rented	Shared ownership	Total
1-bed	23	28	51
2-bed	32	25	57
3-bed	29	0	29
Total	84	53	137

261. The quality of accommodation is considered in detail later in the report. Of note is that all of the affordable units would exceed the minimum space standards, with 1-bed units ranging in size from 52sqm to 71.1sqm, 2-bed units ranging in size from 64sqm to 100sqm, and 3-bed units ranging in size from 91.5 to 113.7sqm.
262. The Residential Design Standards SPD recommends that rooms are separated within a unit where possible, particularly for social housing where frequently more people live in the dwelling. Whilst the living spaces would generally be open plan, the layout of the 2 and 3-bed social rented units would allow for some separation between the kitchen and living spaces, and a condition for details of how this would be achieved has been included in the draft recommendation.
263. The residential units throughout the development have been designed to be tenure blind. Block C would be an affordable block comprising town houses. All of the residential units in block F would be social rented units, all but three of which would have views out onto the communal podium garden which would sit at the rear of this block. Blocks I and J would contain a mix of private and affordable units which would be accessed via a communal entrance shared by both tenures. Block K would be fully social rented units, and block L would contain a mix of private and affordable units in the form of maisonettes. The maisonettes spanning the ground and first floor levels would be social rented and would have their own front doors and private gardens to the rear. The private units would be located on the upper floors of this block.
264. **Viability** - The application is supported by a Financial Viability Appraisal (FVA) which has been independently reviewed by Avison Young (AY) on behalf of the Council. Following negotiations with the applicant's viability consultant, the agreed position is that the proposed development would have a deficit of £3,669,126. Notwithstanding this the applicant has committed to providing 35.4% affordable housing which would be secured in the s106 agreement. As the strategic target for affordable housing in both the London Plan and the Southwark Plan is 50% and 35% is a minimum, early and late stage viability reviews are required and would be secured through the s106 agreement.
265. The GLA's viability team has also reviewed the FVA and raised concerns regarding insufficient analysis of land transactions to inform the value of the development, and justification for the current value of the site given the poor conditions of the buildings. This latter concern has also been raised by a

neighbouring resident. These matters have been considered in detail by AY which has considered a range of comparable land transactions in its own analysis of the scheme viability, and has also concluded that the benchmark land value of the site (£19.15m) is appropriate. The GLA has reviewed AY's report and is supportive of its findings.

Affordable housing monitoring

266. It is recommended that the s106 agreement includes clauses to monitor the provision of affordable housing, together with a monitoring fee of £132.35 per unit. This would ensure that the provision of the affordable homes can be monitored and they remain in perpetuity, unless the proposed tenure allows for staircasing/purchase of the property. The clauses would require the developer to provide plans showing the location of the social rented and intermediate homes, to ensure the exact location of these homes are identified and can be monitored by the Council.
267. The developer would be required to notify the Council at several stages throughout the development, including at practical completion, to ensure that the Council can check that the provision of the affordable homes is as approved. The developer would be required to provide the Council with as-built plans of the development identifying the address (as approved by the street naming and numbering service) and tenure of each unit. The developer would also be required to allow the Council access to the development with reasonable notice in order to verify the submitted plans.

Mix of dwellings

268. Policy P2 of the Southwark Plan 'New family homes' requires a minimum of 60% of the residential units to contain two or more bedrooms with a mix of 2-bed 3 person and 2-bed 4 person homes, and a minimum of 25% of the units to contain three or more bedrooms in the Urban Zone. A maximum of 5% studio units is permitted and these can only be private units.

Proposed unit mix

Unit type	Number of units	Percentage of units %
Studio	15	4%
1-bed	132	35.2%
2-bed	151	40.2%
3-bed	77	20.5%
Total	375	100%

269. The proposed development would deliver 60.7% 2+ bed units with a mix of 2-bed three person and 2-bed four person units, and the 4% studio units would all be private units. The proposal would not meet the 25% requirement for 3+ bed units, because the scheme was designed in accordance with the Core Strategy and Saved Southwark Plan which have now been rescinded following the recent adoption of the Southwark Plan 2022 on 23rd February this year. Information on the Council's website made it clear that applications which were submitted after 8th December 2021 would be determined in accordance with the Southwark Plan

2022, and the application was submitted well before then, in April 2021. Whilst it is normally expected that an application would be determined based on the policies in place at the time of determination, given when the application was submitted it is not considered that it would be reasonable to expect the plans to be amended at this stage, particularly when the scheme is considered to be in overall compliance with the Southwark Plan as a whole.

Wheelchair accessible housing

270. In the appeal decision the Inspector raised a number of concerns regarding the quality of accommodation, including the size of the proposed wheelchair accessible units which did not comply with the larger unit sizes set out in the Council's adopted Residential Design Standards SPD. This issue has now been addressed, as set out below.
271. Policy D7 of the London Plan 'Accessible housing' requires residential development to provide at least 10% of dwellings to meet Building Regulation requirement M4(3) 'wheelchair user dwellings' and for the remaining dwellings to meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings'. Policy P7 of the Southwark Plan requires the 10% to be based on habitable rooms rather than unit numbers. It also states that where those homes are affordable wheelchair user homes, 10% of the social rented homes must meet Building Regulations M4(3)(2)(b) standard (wheelchair accessible dwellings). It sets out larger minimum floor areas which wheelchair accessible dwellings must meet, and requires a mix of dwelling sizes and tenures that meet the above standards, including family homes. Two bedroom three person affordable wheelchair homes will not be acceptable.
272. There would be 40 wheelchair user dwellings M4(3) which would equate to 10.6% in terms of units which would exceed the London Plan requirement which is welcomed. This would equate to 15.3% in terms of habitable rooms which is the Southwark Plan measure and would exceed the 10% requirement. 17% of the social rented wheelchair accessible habitable rooms would meet Building Regulations standard M4(3)(2)(b) which would comply with the Southwark Plan. The following mix of wheelchair accessible units is proposed:

Private units

2b3p = 11 units

3b4p = 15 units

Social rented units

1b2p = 5 units

2b4p = 4 units

3p4p = 5 units

273. The wheelchair units would all exceed the larger unit sizes set out in the Residential Design Standards SPD and Southwark Plan and following an amendment to the plans, where they would be above ground floor level they would be served by two lifts. The remaining units within the development would meet M4 (2) standard and a condition to secure the units to these standards has

been included in the draft recommendation. Planning obligations to ensure appropriate marketing and retention of the units are recommended.

Quality of accommodation

274. In the appeal decision the Inspector concluded that too many compromises had been made with regard to the quality of accommodation, and that it could not be described as exemplary in order to justify the high density of the proposal. Particular concerns were raised regarding the size of some of the units including wheelchair accessible units, and lack of private and communal amenity space. Not all of the residential units would have had private amenity space in the appeal scheme, and insufficient communal space would have been provided to make up for the shortfall. In the current proposal all of the units would meet or exceed the minimum sizes, including the larger sizes for wheelchair units, all of the units would have private amenity space, and any shortfalls in private space would be made up for in the communal provision. The amount of playspace within the development has been significantly increased since the appeal scheme, including the provision of a Garden Street with integrated play.
275. Policy D6 of the London Plan 'Housing quality and standards' requires housing developments to be of high quality design and to provide adequately-sized rooms with comfortable and functional layouts which are fit for purpose and meet the needs of Londoners without differentiating between tenures.
276. Policy P15 of the Southwark Plan requires developments to achieve an exemplary standard of residential design, and sets out a number of criteria which must be met. The Council's Residential Design Standards SPD establishes minimum room and overall flat sizes dependant on occupancy levels, and units should be dual aspect to allow for good levels of light, outlook and cross-ventilation. Concerns have been raised during public consultation on the application that the proposal would not be of exemplary design, including concerns regarding aspect and internal light levels.
277. Suitability of the site for residential use - Policy D14 of the London Plan 'Noise' seeks to reduce, manage and mitigate noise in order to improve health and quality of life, and provides details of how this can be achieved including through design elements such as adequate separation distances, screening, layout, and adopting good acoustic principles.
278. Chapter 8 of the ES 'Noise and vibration' considers whether noise levels at the site are such that it would be suitable for residential use. There are a number of industrial uses adjoining and close to the site and the proposal would introduce a significant number of new residential occupiers in close proximity to these industrial uses. It is noted that there are already residential uses around the site and numbers 45, 47 and 73 Southampton Way adjoin industrial premises.
279. The ES advises that short and long-term noise monitoring was undertaken at eight locations on the site, and that with mitigation in place, noise levels within the proposed residential units with the windows partially open would be acceptable. The only exception to this would be those units with facades facing the scaffold yard which could be affected by high levels of noise when the yard is operational. The scaffold yard office is open 8am to 5pm Monday to Friday,

and the yard itself is used from 7am until around 6pm during the week and sometimes opens on Saturday mornings until lunchtime / early afternoon. Additional mitigation is therefore recommended for these facades, including enhanced double glazing and a condition to secure this is recommended. With this mitigation in place, the ES predicts that the proposed development would not compromise the surrounding employment uses. It is noted that the scaffold yard is subject to a planning application for redevelopment for employment space and residential units, therefore the use of this neighbouring site may change by the time the residential units in this development are occupied in any event.

280. With regard to external spaces, the proposed roof terraces and play areas would achieve acceptable noise levels, but not all of the balconies would, particularly those facing the scaffold yard. The ES therefore recommends mitigation in the form of solid balconies. These have not been shown on the plans however, on the basis that the requirement for this would be assessed at detailed design stage and a condition to secure this has also been included in the draft recommendation. The Council's Environmental Protection Team (EPT) has recommended a number of conditions to ensure that noise levels within the dwellings would fall within acceptable limits, and these have also been included in the draft recommendation. Of note is that at paragraph 377 of the appeal decision the Inspector concludes that adequate safeguards through planning conditions would be provided to ensure that the noise environments inside and outside the new residential units would be sufficient to avoid justifiable complaints being made in relation to noise.

Unit sizes

Flats	SPD minimum sqm	Proposed unit sizes sqm	SPD amenity space minimum sqm	Amenity space proposed sqm
Studio	37 or 39	40.1	10	8
1-bed	50	52-71.1	10	5-25.3
2-bed	61-79	64-96.6	10	6.2-119.8
3-bed	74-102	78-193.9	10	10- 68.9
Houses				
2-bed houses	79	100	50	26.2-53.9
3-bed houses	84	89.3	50	50.1-92

281. All of the residential units would meet or exceed the minimum overall floorspace requirements set out in the Nationally Described Space Standards, and they would all comply with the minimum room sizes set out in the SPD including storage requirements. They would also comply with new requirements set out in policy D6 of the London Plan 'Housing quality and standards'. This policy requires bedroom widths to be at least 2.15m for single bedrooms, 2.75m for a first double bedroom and 2.55m for a second double bedroom, and for single bedrooms to be at least 7.5sqm
282. Internal daylight and sunlight - A daylight and sunlight assessment for the proposed dwellings has been submitted, based on the Building Research Establishment (BRE) Guidance. The modelling for the daylight / sunlight testing takes account of the proposed developments at 21-23, 25-33 and 35-39

Parkhouse Street. The tests undertaken are Average Daylight Factor, No Sky Line, Room Depth Criterion and Annual Probable sunlight hours. However, it is predominantly Average Daylight Factor and Annual Probably Sunlight Hours which are used for planning purposes, therefore only these tests have been reviewed.

283. Average Daylight Factor (ADF) determines the natural internal light or day lit appearance of a room and the BRE guidance recommends an ADF of 1% for bedrooms, 1.5% for living rooms and 2% for kitchens. No value is given for studios and given the shared living and sleeping spaces officers consider that 2% would be appropriate.
284. Annual Probable Sunlight Hours (APSH) should be considered for all windows facing within 90 degrees of due south (windows outside of this orientation do not receive direct sunlight in the UK). The guidance advises that windows should receive at least 25% APSH, with 5% of this total being enjoyed during the winter months.
285. An objector has raised concerns that the assessment does not consider the impact which the proposed development on the scaffold yard site would have on this proposed development. Two new buildings of 4-6 storeys are proposed on this neighbouring site and the ES which accompanies the Burgess Business Park application was completed before the scaffold yard site application was submitted. The applicant's daylight and sunlight consultant has advised that the proposed development on the scaffold yard site would result in some minor reductions of 30% in VSC to some windows in proposed block I on the application site. This would only marginally transgress the BRE guidance and is considered to be acceptable.
286. Daylight - For AFD, of the 1,068 habitable rooms assessed, 78.5% would comply with the BRE guidance. This represents a good level of compliance for an urban area. Most of the rooms which would not comply with the guidance (120) would be bedrooms with ADFs ranging from 0.1% to 0.9%. For the other rooms which would not comply, the livingrooms would have ADFs ranging from 0.4% to 1.4%, the open plan living spaces would have ADFs ranging from 0.4% to 1.8%, the kitchens would have ADFs ranging from 0.5% to 1.8% and the studios would have ADFs ranging from 0.4% to 1.5%.
287. Sunlight - A total of 58% of the living spaces tested would meet or exceed the BRE guidance for annual sun, including the units within block C; 70.5% would meet or exceed the guidance for winter sun. The sunlight results for the top floor of block L were missing however. These have subsequently been provided separately and all but one of the rooms tested would comply in relation to APSH, with a non-compliant kitchen still receiving 23% APSH which is close to the 25% recommended in the BRE guidance. All of the top floor block L rooms would comply in relation to winter sun.
288. For the living spaces which would not comply with the guidance, they would receive annual sun ranging from 0% to 24% and winter sun ranging from 0% to 4%. This includes seven open plan living spaces and 10 livingrooms which would not receive any sunlight, and these would be located in blocks D, E, F, G, J and K.

289. 665 bedrooms within the proposed development were tested for sunlight. Of these, 218 would comply with the BRE guidance in relation to APSH test (32.7%) and 251 would comply in relation to winter sun (37.7%). Those which would not comply with the BRE guidance would receive APSH ranging from 0% to 24% and winter sun ranging from 0% to 4%.
290. A number of factors affect the amount of daylight and sunlight reaching the units, including the provision of balconies which can obstruct light to the windows below, proximity to other structures, and window sizes. In this instance some units facing into the site would be affected by the proposed buildings opposite, some would be close to the Big Yellow building to the west of the site, and some would be in close proximity to the retained chimney.
291. For the units next to the Big Yellow, on the advice of officers the layouts have been amended so that the livingspaces would face out onto the Garden Square rather than towards the Big Yellow building. Whilst this means that they would have lower levels of sunlight, they would have a more attractive outlook. The window sizes have been enlarged since the appeal scheme, and the site layout improved by pulling away from the boundary with the Big Yellow building and the provision of a generous Garden Square. A direct comparison with the appeal scheme is not possible owing to different approaches to the testing, and it is also noted that the current proposal includes more ground floor residential units than the appeal scheme (along the Garden Street) owing to concentrating most of the commercial floorspace along the Mews which is considered to be a positive change. Whilst the shortfalls are noted and would generally occur at ground to third floor levels, the overall compliance rate would be good for ADF, particularly given the size of the proposed development, and the majority of the units would comply with the BRE guidance in relation to sunlight. Overall the quality of accommodation is therefore considered to be acceptable in this respect.
292. Privacy - The Council's Residential Design Standards SPD recommends a minimum of 21m between the rear elevation of properties, and a 12m separation distance between properties which face one another across a highway.
293. No windows are shown in the eastern elevation of proposed block A, therefore there would be no direct overlooking between blocks A and B. There would be a very close relationship between block C and a building at the rear of 47 Southampton Way, and this is considered in detail below in relation to neighbour amenity.
294. There would be 13-20m across the Garden Street and 26-33m across the Garden Square which would exceed the 12m minimum recommended in the Residential Design Standards SPD where properties face each other across a street. Some of the flats around the podium gardens would have windows overlooking the communal gardens which would provide an attractive outlook, and planting would be provided around the edges of the gardens to maintain privacy and this should be secured by way of a condition.
295. There would be some instances of closer relationships however, including 8-9m between opposing residential windows at the corners of blocks F and G facing each other across the Mews. Whilst noted, this would affect a small number of

units and the windows would be slightly off-set from each to restrict direct views. There would also be some instances of close relationships at the inward facing corners of blocks K and L. A condition is therefore recommended requiring obscure glazing or other privacy devices to prevent direct views between the affected units, and this should not significantly affect the quality or usability of the accommodation.

296. All of the residential units which would front onto a street would have defensible space, including modest paved areas at the front of blocks C and L enclosed by railings and planters.

Aspect and outlook

297. Policy P15 of the Southwark Plan 'Residential design' requires residential units to be predominantly dual aspect and allow for natural cross ventilation. In circumstances where due to site constraints it is impossible or impractical to provide dual aspect dwellings, it must be demonstrated how overheating and ventilation will be mitigated (this is considered later in the report). Single aspect dwellings will not be acceptable if they have three or more bedrooms, or are north-facing, or where the façade is exposed to high noise levels.
298. A high proportion of the units (76%) would be dual aspect, with 80% dual aspect in the private tenure and 67% dual aspect in the affordable tenure. The overall figure of 76% dual aspect homes is a significant improvement upon the 67% proposed under the appeal scheme.
299. There would be some single aspect units in block D which would face north-west rather than directly due north. One such unit at first floor level would have an open plan living space with an ADF of 1.5%, one bedroom with an ADF of 1.8% and another with an ADF of 0.7%. The equivalent flats on the levels above would see their daylight levels improve, and none of these units would have 3 or more bedrooms. Overall the quality of these units are considered to be acceptable. All of these units would be in the private tenure.
300. There would also be some single aspect units in blocks I, J and K and whilst none of them would have three or more bedrooms, some would be north-west facing and some would face onto the scaffold yard. The north-west-facing units in block I would receive good daylight levels, with just one bedroom with an ADF of 0.9% against the recommended 1%. The open plan living spaces would have ADFs ranging from 1.1% to 2.4% against a recommended 2% and the daylight levels would improve higher up the building. In blocks J and K there would be some duplex units spanning ground and first floor levels which would have open plan living spaces with ADFs of 0.5% and 0.6% and bedrooms ranging from 0.5% to 2.1%. Again, daylight levels would improve higher up the building and the units would have an attractive outlook onto the Garden Street. The units facing the scaffold yard would face south-east and would receive good levels of daylight and sunlight. They would be provided with enhanced double glazing and all of the units would be mechanically ventilated. As noted earlier in the report, the scaffold yard site is subject to a planning application for redevelopment including residential units, therefore the use of this site could change in the future. Furthermore, these single aspect units would be similar to the equivalent blocks in the appeal scheme, and the Inspector did not raise this as a particular concern.

Overall it is considered that the proposal has optimised the development of the site, following guidance within the LDS, and would provide a very high standard of residential design.

301. A number of the proposed buildings would be in close proximity to existing buildings as set out below, although the relationships would be broadly similar to those of the appeal scheme and the Inspector did not raise any significant concerns regarding the impact this would have on the quality of accommodation.

Block B

302. The existing building which would become block B adjoins a 2-storey vacant commercial building at 21-23 Parkhouse Street which is owned by the Council. Block B would be retained in employment use, with new rooflights added next to number 21-23. Given that this would result in two commercial buildings alongside each other, no adverse impacts are anticipated. This neighbouring site has a resolution for permission for mixed use redevelopment, in two separate blocks. The blocks would be set back from the boundary and as such the proposed rooflights in block B would not compromise any planned residential development on the neighbouring site.

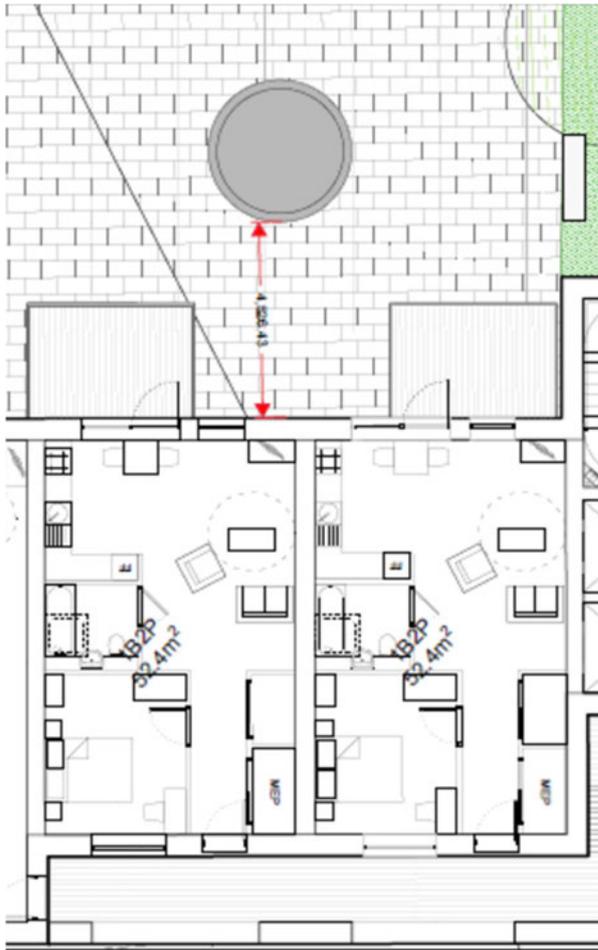
Block C

303. This block would have windows to the rear which would be close to existing residential accommodation at the rear of 47 Southampton Way. The plans have been amended to improve the relationship, but it would still be close given the narrowness of this part of the site; this is considered further below in relation to impact upon the amenity of neighbouring properties.

Blocks D and E

304. These blocks which would contain residential accommodation from first floor level upwards would include residential windows located between 7.5-14m from the rear of the Big Yellow storage facility on Southampton Way. This would be an improvement over the appeal scheme which proposed a separation distance of 6-10m, and as outlined earlier in the report the plans have been amended to orientate the living spaces towards Garden Square.
305. There would be 10 units in block E which would be in close proximity to the retained chimney, with a separation distance of 4.5m as shown on the image below. The balconies to these units have been repositioned so that they would be off-set from the chimney rather than directly facing it. At the first floor the affected rooms would comprise two bedrooms with ADFs of 0.4% and 0.8% and an open plan living space with an ADF of 0.4%. The values would generally increase higher up the building, partially due the shape of the chimney which tapers at the top. Whilst these aspects of some of the units in this block are noted, the site layout would align with the LDS in providing a block in this location, and the retention of the chimney is an important and positive aspect of the design. As such this is considered to be acceptable.

Image showing relationship of a unit in block E with the retained chimney



Blocks I, J and K

Balconies to proposed block I would be located a minimum of 7m off the boundary with the church at 9-11 Cottage Green. The church forms part of a mixed use development including office space, training facilities and recording studios which was granted consent in 2009 (reference: 08-AP-1476). It is permitted to open from 8am to 8pm Monday to Friday, 9am to 10pm on Saturday and 10am to 5pm on Sunday. The main part of the building is 2-storeys fronting Cottage Green, and it drops down in height at the rear where it extends right up to the site boundary, as does the existing building immediately adjoining part of the application site.

306. Some of the balconies to proposed block I would face a small hospitality suite at the rear of the church which has no windows facing the application site. As such this relationship is considered to be acceptable. As stated, conditions have been included in the draft recommendation to ensure that the noise levels within the flats would fall within acceptable levels. If the church site ever came forward for redevelopment in the future, any residential building on it could be set a similar distance from the boundary. It is therefore not considered that the proposal would

unduly hinder redevelopment potential of the church site, and the Inspector did not raise any particular concerns about this relationship in the appeal decision.

307. Block I would also be located approximately 4.7m off the boundary with the scaffold yard which is currently subject to a planning application for redevelopment including commercial space and 50 residential units. The relationship between the two proposals is shown on the image below, with the proposed buildings on the scaffold yard site shown in red. This is considered in more detail later in the report in relation to privacy and light levels but overall, the relationship is considered to be acceptable.

Proposed plans for the scaffold yard site shown in red



Block L

308. The plans have been amended to reduce the length of this block, the southern portion of which would have been in very close proximity to the site at the rear. It would now be between 3m and 10.5m off the boundary with the adjoining site and if a new building on this site were set back a similar distance and windows sensitively positioned, there should be no harm to its redevelopment potential. The site at the rear contains an area of open yard and a large shed structure which was previously on this neighbouring site as recently been removed.

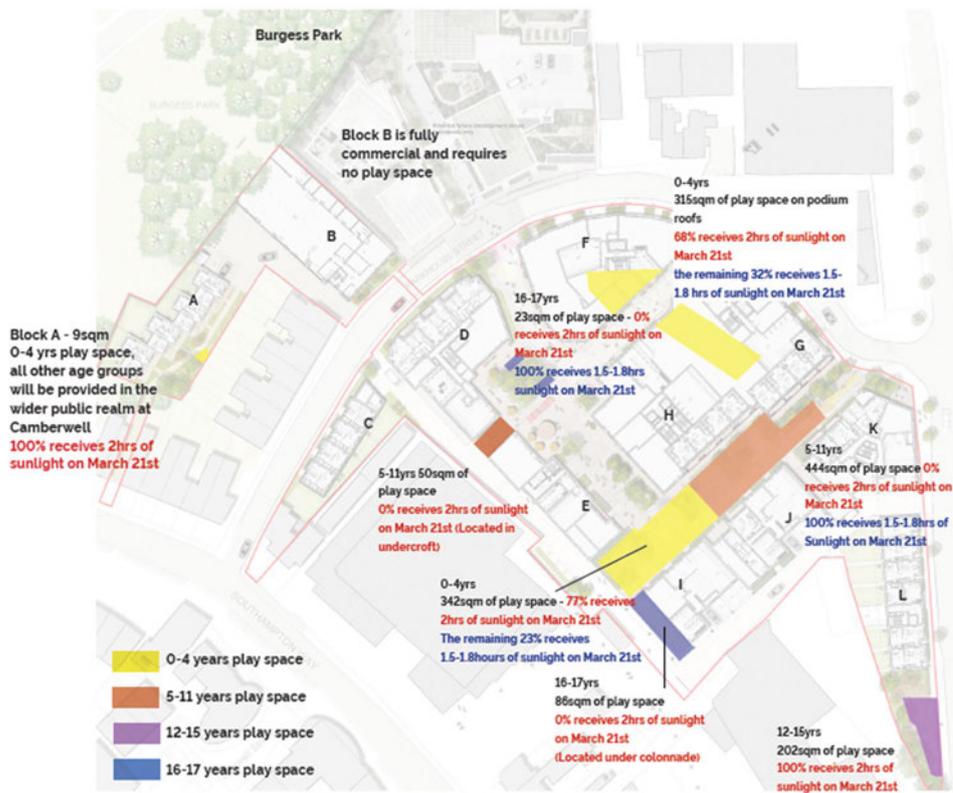
Amenity space and childrens' playspace

309. Section 3 of the Residential Design Standards SPD sets out the Council's amenity space requirements for residential developments. Flats should have a minimum of 10sqm of private amenity space, and any shortfall must be added to the communal provision. Houses, such as those proposed in blocks A and C are required to have a minimum of 50sqm of private garden space, and gardens should be at least 10m in length. Policy D6 of the London Plan requires private outdoor amenity space to have a minimum depth and width of 1.5m, and this

requirement would be met. Policy P2 of the Southwark Plan requires family homes in apartment blocks to have direct access to outdoor amenity space and allow for oversight of children outside.

310. The GLA's playspace calculator takes account of the site PTAL. Sites which have a low PTAL are required to provide more playspace than those with a higher PTAL and better public transport links. The site has a PTAL ranging from 2-4; most is PTAL 2, but a proportion of the western part of the site is PTAL 4. As a result of this the applicant considers that the playspace requirements should be based on a PTAL of 3-4 rather than 1-2. This would require 1,468sqm of playspace whereas PTAL 1-2 would require 1,718sqm (a difference of 238sqm).
311. The site is within walking distance of Burgess Park, with one entrance off Southampton Way which would be approximately 200m from proposed block C, and another on Wells Way which would be approximately 115m from proposed block L. The proposal would also significantly improve permeability across the site and in light of this, and the PTAL range across the site, officers consider that basing the playspace requirement on a PTAL of 3-4 would be an acceptable approach in this instance.
312. The proposal would deliver 1,471sqm sqm of playspace as set out below, which would exceed the requirements based on a PTAL of 3-4 and would cater for all age groups. The Southwark Plan requires playspace to be at ground or low podium level which the development would achieve. Most of the playspace would be in the public realm as shown on the image below, and includes two areas where the play space would be in a covered area, comprising a climbing wall beneath blocks D and E, and table tennis at the base of block I. The play provision within the proposed development is considered to be a very positive aspect of the proposal, and would be a significant improvement on the appeal scheme. The appeal scheme only proposed to cater for the 0-5 age group on-site, and the Inspector raised concerns about the quantum of space and also its location. Some of the playspace would have been provided in a segregated area in the equivalent of the Garden Street, but under the appeal scheme that street would have been used by servicing vehicles whereas now, it would be for pedestrians only.

Proposed play provision



Type of space	Policy requirement (sqm)	Proposed (sqm)	Difference (sqm)
Child play space	1,461 comprising: 0-4 = 664 5-11 = 491 12-15 = 200 16-17 = 106	1,471 comprising 0-4 = 666 5-11 = 494 12-15 = 202 16-17 = 109	0 – policy compliant (+10sqm)
Private amenity Space	10 sqm per flat and 50sqm per house – any shortfall in 1 and 2 bed units to be added to the communal provision	<u>Block A</u> 314.6sqm	<u>Block A</u> 0 – policy compliant (+114.6sqm)
		<u>Block C</u> 208sqm	<u>Block C</u> 19sqm shortfall

		<u>Block D</u> 423.4sqm	<u>Block D</u> 13.8sqm shortfall
		<u>Block E</u> 307.2sqm	<u>Block E</u> 30sqm shortfall
		<u>Blocks F, G and H</u> 1,581sqm	<u>Blocks F, G and H</u> 253.1sqm shortfall
		<u>Block I</u> 423.7sqm	<u>Block I</u> 127.2sqm shortfall
		<u>Blocks J and K</u> 633sqm	<u>Blocks J and K</u> 163.3sqm shortfall
		<u>Block L</u> 378sqm	<u>Block L</u> 0 – policy compliant
Communal amenity space	50 per development + any shortfall of private amenity space (50sqm communal provision is generally applied per block rather than per development)		
	<u>Block A</u> No communal amenity space requirement for houses. All units within block A would have at least 50sqm of private amenity space.	<u>Block A</u> 65sqm	<u>Block A</u> Policy compliant +65sqm.

<u>Block C</u>	<u>Block C</u>	<u>Block C</u>
19sqm required to make up for private amenity space shortfall.	36sqm	Policy compliant +17sqm
<u>Block D</u>	<u>Block D</u>	<u>Block D</u>
63.8sqm (50sqm+13.8 shortfall in private amenity space)	80sqm	Policy compliant +16.2sqm
<u>Block E</u>	<u>Block E</u>	<u>Block E</u>
80sqm (50sqm + 30sqm shortfall in private amenity space)	80sqm	Policy compliant
<u>Blocks F, G and H (shared podium)</u>	<u>Blocks F,G and H</u>	<u>Blocks F, G and H</u>
403.1 (150sqm + 253.1sqm shortfall in private amenity space)	618sqm	Policy compliant +214.9sqm
<u>Block I</u>	<u>Block I</u>	<u>Block I</u>
177.2sqm (50sqm + 127.2sqm shortfall in private amenity space)	423.7sqm	Policy compliant +246.5sqm
<u>Blocks J and K</u>	<u>Blocks J and K</u>	<u>Blocks J and K</u>
263.3sqm (100sqm + 163.3sqm shortfall in private amenity space)	392sqm	Policy compliant +128.7sqm

	<u>Block L</u>	<u>Block L</u>	<u>Block L</u>
	50sqm (there would be no private amenity space shortfall for this block)	50sqm	Policy compliant

313. All of the flats would have private amenity space, with all balconies complying with the minimum dimensions set out in the London Plan. Each block would also have communal amenity space which was not the case for the appeal scheme. In the appeal scheme 8% of the units would not have had any private amenity space, therefore the current proposal is a significant improvement in this respect. In addition, all of the 3-bed units would have at least 10sqm of amenity space and this was not the case for the appeal scheme. As set out in the table above, the shortfalls in private amenity space would be made up for in the communal provision.
314. The Residential Design Standards SPD requires houses to have a minimum of 50sqm of garden space, and for gardens to measure at least 10m deep and extend the full width of the dwelling.
315. The proposed houses in block A would meet the 50sqm requirement, although this is made up of front and rear gardens and a terrace at first floor level, totalling between 50.1sqm to 80sqm. The rear gardens would range from 3.4m to 8m in depth which would not meet the SPD requirement. Whilst this is noted, given the overall quantum of amenity space for each dwelling, this is considered to be acceptable. This block was shown as five houses in the appeal scheme and has subsequently been reduced to four, creating a more spacious environment for each of the dwellings. The Inspector noted that three of the units would not have met the private amenity space standard, but did not comment on the garden depths. All of the units would now comply in terms of quantum of amenity space and officers consider that this can be supported.
316. The proposed houses in block C would all have modest front gardens and gardens to the rear. Two of the houses would have a garden of at least 50sqm and the other two would have gardens of 36sqm and 45sqm. In order to mitigate these two shortfalls the plans have been amended to create a communal garden at the side of the block. The rear gardens to this block would not meet the depth requirements set out in the SPD, which is a consequence of the narrowness of this part of the site and its proximity to a building at the rear which contains residential and live/work units. In the appeal scheme block C was a 3-storey block of flats and it would now be a 2-storey block containing houses, which would be a less intensive use of the space. It is also noted that the LDS indicates a building on this part of the site, and overall this arrangement is considered to be acceptable.
317. Overshadowing of amenity space – The BRE guidance advises that for an amenity area to be adequately lit it should receive at least 2 hours sunlight over half of its area on the 21st March. The testing undertaken takes into account the

proposed developments at 21-23, 25-33 and 35-39 Parkhouse Street.

318. The communal gardens for blocks A, D, E, I, J, K and L would comply with the BRE guidance. On the podium garden for blocks F, G and H, 42% of the space would receive two hours of sun on the ground and in the Garden Square, 21% of the space would receive two hours of sun on the ground although this would be located between blocks D and F close to Parkhouse Street rather than on the square itself. On the Garden Street 35% of the space would receive two hours of sun on the ground. When considered in June when the weather would be better and people tend to spend more time outdoors, approximately 80% of the communal gardens for blocks F, G and H, 76% of the Garden Square and 93% of the Garden Street would receive at least 2 hours of sun on the ground.
319. For the private gardens, two out of the four gardens in block A would comply with the BRE guidance, with the remaining two having 0% and 26% of the area receiving at least two hours of sun on the ground. In block C, three of the gardens would have no space which would receive at least two hours of sun on the ground. All of the gardens in block L would comply with the BRE guidance. On 21 June the gardens for the block A houses would have areas with at least 2 hours of sun on the ground ranging from 82% to 95%. For block C the figures would range from 81% to 92% so the gardens would experience good levels of sunlight during the summer months. Whilst it is noted that not all of the amenity space would comply with the BRE guidance, the site layout broadly follows the guidance set out in the LDS and the building heights are considered to be appropriate.
320. The proposed playspaces have been analysed for sun on the ground as shown on the diagram above. Excluding the two playspaces which would be undercover, four out of the six remaining play areas would comply with the BRE guidance. For the two spaces which would not comply, all of the space would receive between 1.5 and 1.8 hours of sun on the ground (i.e. an hour and a half and an hour and 48 minutes) against a target of two hours which would not be significantly short of the BRE guidance. The variety of different play areas across the site, with most of them in the public realm including in an attractive Garden Street is considered to be a very positive aspect of the proposal which is welcomed, and is a significant improvement on the appeal scheme.
321. Secured by Design – Security measures which would be incorporated into the development include controlled access to the residential blocks, secure windows and doors and external lighting. The application has been reviewed by the Metropolitan Police and comments have been provided regarding the need to incorporate certain measures such as segregated residential and commercial cycle parking, appropriate levels of lighting and secure entry points. The conclusion of the comments is that the development should be able to achieve the requirements of secured by design, and a condition to this effect has been included in the draft recommendation.
322. To conclude, overall it is considered that the quality of accommodation can be described as exemplary as set out in the summary table below. The applicant has sought to address the Inspector's concerns relating to the appeal scheme, and a schedule provided by the applicant setting out how each of the concerns have been addressed is included as appendix 7. Whilst not every unit would

comply with all of the exemplary criteria, the Inspector noted at paragraph 350 of the appeal decision that it would be unreasonable to expect a development of this scale and complexity to be perfect in every respect. The Inspector refers to the Mayor's Housing SPG where it advises that a failure to meet one standard would not necessarily lead to a failure to comply with the London Plan, but that a combination of failures would cause concern. All of the units would meet the minimum floorspace requirements and 45% would exceed them by more than 10%; all of the wheelchair accessible units would meet the larger unit sizes and a significant majority of the units would be dual aspect and would comply with the BRE guidance for average daylight factor. All of the units would have private amenity space, each block would have communal amenity space, and any private space shortfalls would be made up for in the communal provision. All of the playspace requirements for the development would be met on site, and most of it would be in the public realm. In light of this it is considered that the Inspector's concerns regarding quality of accommodation have been addressed.

Exemplary residential design criteria from Southwark Residential Design Standards SPD	Commentary
Significantly exceed minimum floorspace standards	45% of the units would exceed the standards in the Residential Design Standards SPD by more than 10%.
Provide for bulk storage	All the units would have bulk storage which would meet or exceed the minimum requirements set out in the SPD.
Include a predominance of dual aspects units	76% of the proposed units would be dual or triple aspect.
Exceed minimum ceiling heights of 2.5m	All rooms within the proposed dwellings would have at least 2.5 metre floor-to-ceiling heights.
Have natural light and ventilation in all kitchens and bathrooms	50 of the units (13.3%) would have bathrooms which would be naturally lit and ventilated and all of the kitchens would have natural light and ventilation. The bathrooms would be provided with extractor fans for ventilation.
Exceed amenity space standards set out in the SPD	The proposed amenity space is set out later in the report. Where the recommended 10 sqm private amenity space has not been met, the shortfall has been included as communal amenity space in line with the Residential Design Standards SPD.
Meet good sunlight and daylight standards	The majority of the units would comply with the BRE guidance for daylight and sunlight.

Have excellent accessibility within dwellings including meeting M4(2) standard for all non-wheelchair user homes	The proposal would comply with the London Plan and Southwark Plan and would provide in excess of 10% wheelchair accessible dwellings. The remainder would meet M4(2) standard.
Minimise corridor lengths by having an increased number of cores	A maximum of 8 units per core is proposed, complying with the Mayor's Housing Design SPG which advises no more than 8 flats per core. There would be no long corridors within the residential blocks.
Minimise noise nuisance in flatted developments by staking floors so that bedrooms are above bedrooms, lounges above lounges etc.	The plans demonstrate that a good level of stacking would be achieved.
Obtain Secure by Design certification	The development would be cable of achieving Secured by Design Accreditation and a condition to require this is recommended.
Have exceptional environmental performance that exceeds the standards set out in the Sustainable Design and Construction SPD	The development can achieve BREEAM "excellent" for the employment space and community space. The development would need to make a carbon off set contribution to bring the development to carbon zero in accordance with the London Plan and this would be secured through the s106 agreement.
Maximise the potential of the site as demonstrated in the applicant's Design and Access Statement	The potential of the site would be maximised, delivering good quality commercial floor space, new dwellings, attractive public realm including a new public square, outdoor space, and play space without unduly compromising local visual, residential amenity or the biodiversity value of Burgess Park.
Make a positive contribution to local context, character and communities including contributing to the	The proposed development would make a positive contribution to local context and character in terms of its quality of design and other benefits including affordable housing, employment space and affordable

streetscape	workspace.
Be tenure blind	The scheme has been designed as tenure blind.
Provide no material differences in appearance between affordable and market homes in apartment blocks including shared entrances	There are no material differences in the appearance or design of affordable and market accommodation.
Provide the opportunity for residents of all tenures to access on site facilities	The scheme facilitates uniform access for all residents to the common amenity and play spaces and this would be secured by condition.
Provide communal facilities including gardens and community rooms	The scheme provides a new public communal facility located on the Garden Square providing 112m ² of Class F accommodation for the local community, and residents would be able to use some of the class E floorspace which may be used for shops and cafes.
Provide green communal amenity space for all residents and additional communal play areas for children (aged up to 16) for apartments. Communal amenity space should be designed to provide multiple benefits (e.g. Recreation, food growing, habitat creation, SUDS)	Each block of flats would have communal amenity space and all of the playspace requirements for the development would be met on the site. The Garden Square and Garden Street would provide significant new areas of public realm which would include playspace and which the local community could use.
Maximise the use of sustainable technologies and materials	The development would comprise high quality buildings designed to minimise energy use through the use of high performance insulation, air source heat pumps, photovoltaic panels and green roofs.

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

323. When considering the appeal scheme, the Inspector raised concerns regarding daylight impacts to properties on Parkhouse Street and Wells Way; sunlight impacts to properties on Wells Way were also noted. Impacts regarding overshadowing and outlook were found to be acceptable, and privacy impacts could be mitigated by conditions. At paragraph 503 of the appeal decision when weighing all of the planning issues in the balance, the Inspector states that 'the harm I have identified in terms of daylight and sunlight to some nearby residential properties may not be sufficient in itself to turn away the scheme, but it is a further indication that the development would be out of harmony with its receiving environment'.
324. Policy P56 of the Southwark Plan states that development should not be permitted when it causes an unacceptable loss of amenity to present or future occupiers or users. Amenity considerations which will be taken into account include privacy and outlook, overlooking, smell, noise, vibration, daylight, sunlight and wind microclimate impacts. The adopted Residential Design Standards SPD expands on policy and sets out guidance for protecting amenity in relation to privacy, daylight and sunlight.
325. A development of the size and scale proposed would have impacts upon the amenities of the occupiers of properties both adjoining and in the vicinity of the site. The application is accompanied by an Environmental Statement (ES) in order to ascertain the likely associated environmental impacts and how these impacts can be mitigated. The ES deals with the substantive environmental issues. An assessment then needs to be made as to whether the residual impacts would amount to such significant harm as to justify the refusal of planning permission. Amenity concerns have been raised by neighbouring residents, including loss of light, loss of privacy, noise and disturbance.
326. Impact of the proposed uses – The proposed development would contain class E and F floorspace and residential uses. Given the broad range of uses which classes E and F contain, a condition is recommended requiring the uses described in the application to be provided, i.e. light industrial, food, drink, retail and community use floorspace.
327. Light industrial uses generally sit comfortably alongside residential uses and no adverse amenity impacts are anticipated, particularly compared to the existing uses on the site. Agent of change principles have been taken into account to ensure that there would be no adverse impacts upon neighbouring industrial uses, and this would be reinforced through conditions. Conditions are also recommended limiting the opening hours of any food and drink uses and the community use unit to 7am to 11pm daily, limiting servicing hours and plant noise, and requiring details of extraction and ventilation equipment to be provided.
328. Policy P18 of the Southwark Plan 'Efficient use of land' states that development will be permitted which optimises land use, does not unreasonably compromise the development potential or legitimate activities on neighbouring sites, and provides adequate servicing facilities, circulation space and access to, from and through the site.

329. The proposed development would introduce a significant quantum of residential properties in close proximity to existing industrial uses and this has been considered in detail in the quality of accommodation section of the report, as it would have implications for both existing neighbouring uses and future occupiers of the development. Conditions have been included in the draft recommendation to ensure that the proposed dwellings would be adequately sound-proofed which would reduce the likelihood of noise complaints against existing businesses. It is noted that the site is allocated for redevelopment including residential uses in the Southwark Plan, and the proposed development would be consistent with this.
330. There would be a roof terrace of approximately 80sqm at 5th floor level on block D opposite 1-13 Parkhouse Street. It would be approximately 16.5m from the properties opposite and would sit well above their roof level. It would also sit well above the roof levels of proposed block C and the live/work units at the rear of 47 Southampton Way. However, it would still be quite a close relationship with block C therefore a condition preventing the terrace from being used before 8am and after 10pm has been included in the draft recommendation. The other terraces within the proposed development would not be in particularly close proximity to any residential uses.

Impact of the proposed buildings

Daylight and sunlight

331. Chapter 10 of the ES considers daylight, sunlight, overshadowing and light pollution and is informed by a daylight and sunlight report which is appended to the ES and is based on the BRE guidance on daylight and sunlight. Detailed testing has not been undertaken to assess the daylight and sunlight impacts during demolition and construction, on the basis that the greatest impacts would occur upon completion of the proposed development.
332. An objector has raised concerns that the daylight and sunlight information has not been updated to reflect the amended plans. As set out earlier in the report, a Statement of Conformity confirming that the amendments to the plans do not materially alter the conclusions of the original ES has been submitted and LUC has confirmed that it is acceptable. This is a common approach where amended plans are submitted for EIA development. Rather than amending the entire ES, its findings are reviewed and consideration is given as to whether its conclusions would be materially affected by the proposed amendments. As such the daylight and sunlight results outlined below represent a worst case scenario. The massing of proposed blocks B and I have been amended which would only have localised impacts upon 13 Parkhouse Street and potentially a small number of properties on Southampton Way and Cottage Green, where the impacts could be less than those stated. The amendments to the footprint of block C would reduce impacts upon accommodation at the rear of 47 Southampton Way.

Completed development

333. With regard to daylight, the following tests have been undertaken:

334. Vertical Sky Component (VSC) is the amount of skylight reaching a window expressed as a percentage. The guidance recommends that the windows of neighbouring properties achieve a VSC of at least 27%, and notes that if the VSC is reduced to no less than 0.8 times its former value (i.e. 20% reduction) following the construction of a development, then the reduction will not be noticeable.
335. No-Sky Line (NSL) is the area of a room at desk height that can see the sky. The guidance suggests that the NSL should not be reduced to less than 0.8 times its former value (i.e. no more than a 20% reduction). This is also known as daylight distribution.
336. Sunlight - Annual Probable Sunlight Hours (APSH). This should be considered for all windows facing within 90 degrees of due south (windows outside of this orientation do not receive direct sunlight in the UK). The guidance advises that windows should receive at least 25% APSH, with 5% of this total being enjoyed during the winter months. If a window receives less than 25% of the APSH or less than 5% of the APSH during winter, and is reduced to less than 0.8 times its former value during either period and has a reduction in sunlight received over the whole year of greater than 4%, then sunlight to the building may be adversely affected.
337. Of note is that paragraph 445 of the appeal decision states that ‘a VSC of 27% may be hard to achieve and I consider that 20%, as discussed at the Inquiry, would be a more appropriate yardstick to follow in this case’. As such in designing the proposed development, a retained VSC of 20% has been targeted for the neighbouring buildings. The appeal decision is a material consideration in the determination of this application and should be taken into account. However, officers note the reference to ‘in this case’ means that this is specific to this site; it does not mean that 20% would necessarily be appropriate on other sites, which must be considered on their own merits and with regard to their unique circumstances.
338. For daylight, the ES considers the impacts upon the following neighbouring buildings:

Southampton Way – numbers 1-6 Claremont Villas, 23-47 (odds), 56, 60-64 (evens) 73, 75, 77, 79 and 33-47 (odds), Newman House
 Parkhouse Street - numbers 1-13 (odds), 37 and 39
 Wells Way - numbers 77-121 (odds)
 Cottage Green - numbers 1, 8-14 (evens) and Collingwood House
 Coleman Road – number 1

The ES also considers the impacts upon residential accommodation within the proposed developments at 21-23, 25-33 and 35-39 Parkhouse Street and this is considered further below.

339. The ES describes the impacts upon VSC, NSL and APSH as follows:

Scale of effect	Daylight criteria
Negligible	0 – 19.9% alteration (BRE compliant)
Minor	20-29.9% alteration
Moderate	30-39.9% alteration

Major	40% or greater alteration
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340. Owing to differences in the number of windows tested for the appeal scheme and the current application and differences in the way in which the results are expressed, it is difficult to make a direct comparison of BRE compliance between the two schemes. The figures given below therefore, give a broad indication but are not an exact comparison. It is noted however, that in general, heights across the proposed development have been reduced compared to the appeal scheme.
341. In summary, for the current proposal for VSC, of the 590 windows tested 529 (89.6%) would comply with the BRE guidance and as such would experience negligible effects. Under the appeal scheme 72% of the windows would have complied with the BRE guidance for VSC. If 20% is considered an appropriate VSC as per the appeal decision, the compliance rate for the proposed development would increase to 97.4% For NSL, 324 (89%) of the rooms tested would comply with the BRE guidance and for the appeal scheme the figure was 73%. For APSH of 134 of the rooms tested (94%) would comply with the BRE guidance, and for the appeal scheme the figure was also 94 although this related to windows rather than rooms.

Daylight

Southampton Way

342. The properties on Southampton Way are located to the north-west and south-west of the application site. Only two properties would experience impacts which would not comply with the BRE guidance, these being numbers 47 and 62 which are considered below. The impacts upon all of the other properties tested on Southampton Way would comply with the BRE guidance in relation to VSC and NSL.
343. 47 Southampton Way is one half of an attractive semi-detached pair which has been converted into four flats. It also has a 2-storey building at the rear, and the planning history suggests that it contains two live/work units on the ground floor and two residential units above, all granted under Lawful Development Certificates. The ground floor live/work units are likely to have a very poor quality outlook because they are single aspect facing onto the existing single-storey car wash building which extends right up to the boundary with number 47. The first floor residential accommodation looks out over the roof of the car wash and as such has a good level of outlook across Parkhouse Street.
344. Proposed block C would be 2-storeys high and would be located directly in front of these live/work and residential windows. The plans have been amended to increase the separation distance between block C and this neighbouring building from a range of 2.5m-5.5m to 3.1m-7m which would lessen the impact upon it. The amendments would bring block C within 7.7m of the rear of 45 Southampton Way as opposed to 9.5m on the plans which were originally submitted with this application but views and outlook from the three windows in the rear of this building would be towards the rear gardens of block C, with the building off to the left in the view.
345. Of the 25 windows tested, 18 would comply with the BRE guidance in relation to

VSC, with 15 experiencing improvements in their VSCs. Of the seven which would not comply, one would experience a minor adverse effect, two would experience a moderate adverse effect and four would experience a major adverse effect. The moderate and major effects would range from 35.6% to 57.8% VSC reductions. The affected windows would have retained VSCs ranging from 5.7% to 21.3% and it is noted that three windows would have retained VSCs above 20%. Also of note is that this would be an improvement on the appeal scheme which would have resulted in 11 windows experiencing major adverse effects.

346. For NSL at 47 Southampton Way, of the 14 rooms tested, two would not comply with the BRE guidance. One room would experience a minor adverse effect and the other a moderate adverse effect, with their NSLs being reduced by 22.1% and 35.2%. Of note is that 5 rooms would see improvements to their NSL as a result of the proposal.
347. The major adverse effects upon the residential and live/work units at the rear of 47 Southampton Way are noted. This harm must be weighed in the balance with all of the benefits and disbenefits of the proposal, including improvements to a number of windows within this building, When weighed in the balance, officers consider that the benefits would outweigh the harm cause to these four existing units in this instance.
348. One window at 62 Southampton Way would not comply with the BRE guidance in relation to VSC, as it would experience a 23.5% reduction which would be a minor adverse effect (the VSC would reduce from 11.5% to 8.8%). There would be no change to the NSL however, therefore overall the impact would be acceptable.

Parkhouse Street

349. The terrace formed by 1-13 Parkhouse Street contains flats on the ground floor and flats and maisonettes above. Proposed block A would be located at the rear of this terrace and would be approximately 0.5m taller than the equivalent block in the appeal scheme. The ES identifies that with the exception of number 13, all of the impacts would comply with the BRE guidance in relation to VSC and NSL. The ES identifies three windows in the side elevation of number 13 which would have been affected by an extension to block B. However, it is no longer proposed to extend block B therefore there would be no impact upon these windows. As such the impact upon this property would comply with the BRE guidance.
350. The impacts upon 37 and 39 Parkhouse Street would not comply with the BRE guidance. This is a pair of 1950s semi-detached properties which have been subdivided to form four self-contained flats and they would sit opposite proposed block F.
351. At number 37 two windows would experience major adverse effects for both VSC and NSL. A ground floor livingroom window would experience a 51.8% VSC reduction (with a retained VSC of 17.2%) and a NSL reduction of 60.9%. A second living room window would experience a 48.8% VSC reduction (with a retained VSC of 19%), and a NSL reduction of 56.1%.

352. At number 39 none of the windows tested would comply with the BRE guidance in relation to VSC and two rooms would not comply in relation to NSL, and these effects would be minor adverse and major adverse. The VSC reductions would range from 21.1% to 47.1%, with retained VSCs ranging from 18% to 21.8%. Two rooms would experience NSL reductions of 59.3% and 63.5%.
353. These significant adverse effects are noted, although these buildings currently look out onto an open car park and as such most of the windows at the front have high VSCs. The retained VSCs would not be significantly below the 20% which the Inspector considered would be acceptable, and the application site is allocated for redevelopment in the Southwark Plan. Block F would have a 6-storey shoulder height which would be consistent with guidance contained in the LDS, and it is also noted that planning application 19/AP/2011 which seeks to redevelop 35-39 Parkhouse Street proposes to demolish these dwellings, although this application is yet to be determined. In light of these factors, it is considered that the impacts upon these dwellings would not justify withholding planning permission.

Wells Way

354. These properties are located to the east of the application site, on the eastern side of Wells Way. They would sit directly opposite proposed block L. Of the 79 windows tested for VSC, 35 (44%) would comply with the BRE guidance and 44 (56%) would not, with 9 windows experiencing a minor effect, 23 experiencing a moderate effect, and 12 experiencing a major effect. For the windows experiencing moderate and major effects the VSC reductions would range from 31% to 45.8%, with resultant VSCs ranging from 19.2% to 26.1%. This is an improvement on the appeal scheme which saw 17 windows experiencing a major adverse effect, as opposed to 12 as a result of the current proposal. Moreover, the length of block L has been reduced during the course of the application, which would reduce the impacts upon the properties opposite.
355. For NSL, of the 59 rooms tested, 29 (49%) would comply with the BRE guidance and 30 (51%) would not, with 11 windows experiencing a minor effect, 8 experiencing a moderate effect, and 11 experiencing a major effect. The moderate and major effects would be reductions ranging from 30.3% to 63.4%.
356. Whilst the major effects to these properties are noted, this is partly because some of them sit opposite part of the application site which contains a low-rise building of less than 2-storeys in height and an open area of parking, therefore some of the existing properties have very high existing VSCs of up to 37.9%. The site is allocated for redevelopment in the Southwark Plan and block L which would sit opposite the Wells Way properties would be 4-storeys high which would be appropriate for this part of the site and would respect the 2-storey buildings opposite. Moreover, the vast majority of the windows would retain a VSC of at least 20% in line with the appeal decision.

Cottage Green

357. The only property on Cottage Green which would experience an effect which would not comply with the BRE guidance would be number 12 where one room

would experience a minor adverse effect in relation to NSL, which would be reduced by 28.7%. However, the windows to this room would comply in relation to VSC, therefore the impact would be acceptable.

Coleman Road

358. Number 1 Coleman Road has been tested and the impacts upon VSC and NSL would comply with the BRE guidance.

Sunlight

359. All of the properties tested on Southampton Way, Cottage Green (Collingwood House) and Coleman Road would comply with the BRE guidance relating to APSH.
360. On Parkhouse Street of the 38 rooms tested, 36 (94.7%) would comply with the BRE guidance. The two properties which would experience impacts which would not comply with the guidance are numbers 13 and 37 Parkhouse Street. At number 13 there is an open plan living space which is served by a number of windows, three of which have been tested for sunlight. For annual sun, one window would comply with the BRE guidance and the other two would experience APSH reductions of 22.7% and 36.4% (with retained APSH of 17% and 7%). Two of the windows would lose all of their winter sun, although they only receive 2% and 1% of winter sun at present, and the other window does not currently receive any winter sun.
361. At 37 Parkhouse Street one livingroom would experience a major adverse effect on its winter sun, with a reduction of 85.2%. It would however, retain 4% of the winter sunlight hours which would be just below the 5% recommended in the BRE guidance and it would retain 49% of the APSH, well in excess of the recommended 25%.
362. On Wells Way, of the 59 rooms tested, 51 (86.4%) would comply with the BRE guidance. Of the eight rooms which would not comply with the BRE guidance, one room within 77 Wells Way would not meet the guidance for winter sun, with a 55.6% reduction, but it would receive 4% winter sun against a target of 5% which would not be a significant shortfall. At numbers 81, 91 and 113 Wells Way, one room in each property would not meet the guidance in relation to annual sun, with reductions of 25%, 51.1% and 22.6% and retained APSH ranging from 21% to 24% which would not be significantly below the 25% target. Three rooms at 85, 89 and 93 Wells Way would not comply with the BRE guidance for winter or annual sun, with winter sun being reduced by between 55.6% to 80% (retained winter sun ranging from 2% to 4%) and annual sun being reduced by between 46.7% to 74.2% (retained annual sun ranging from 8% to 16%). These impacts range from minor to major in the ES.
363. The sunlight impacts to the properties outlined above are noted, particularly those to properties on Wells Way, some of which currently look out onto low rise buildings and an open area of car parking. The impacts upon these properties must be weighed in the balance with the other benefits and dis-benefits arising from the proposal. Officers consider that the harm arising would be outweighed by benefits including the regeneration of an ageing industrial estate, the provision

of high quality employment floorspace including affordable workspace, and the provision of new housing.

Overshadowing

364. The BRE guidance advises that for an amenity area to be adequately lit it should receive at least 2 hours sunlight over half of its area on the 21st March. If the area receiving 2 hours sunlight is reduced by more than 20% it is considered that the change may be noticeable.

365. The ES categorises the impacts upon sun hours on the ground as follows:

Scale and nature of effect	Numerical criteria on 21st March
Negligible	Over 50% of the area will receive 2 hours of sunlight or less than 20% alteration in area which receives 2 hours of direct sunlight
Minor adverse / beneficial	20-20.9% reduction or increase in area which receives 2 hours of direct sunlight (and below 50% retained area)
Moderate adverse / beneficial	30-39% reduction or increase in area which receives 2 hours of direct sunlight (and below 50% retained area)
Major adverse / beneficial	40% or more reduction or increase in area which receives 2 hours of direct sunlight (and below 50% retained area)

366. The following amenity areas have been tested within the ES:

Rear gardens of 1-13 Parkhouse Street
 Rear gardens of 77-113 Wells Way
 Playground to St George's Primary School
 45 and 47 Southampton Way
 Burgess Park (transient overshadowing - this is considered in the ecology section of this report)

367. The impacts upon the rear gardens of 1-11 Parkhouse Street and St George's Primary School would comply with the BRE guidance, with no changes to the area of garden / playground which would receive more than 2 hours of sun on the ground. At 13 Parkhouse Street the area of the garden which would receive at least 2 hours of sun on the ground would reduce from 26% to 19%. This would equate to a 26.9% reduction which would be a minor adverse impact.

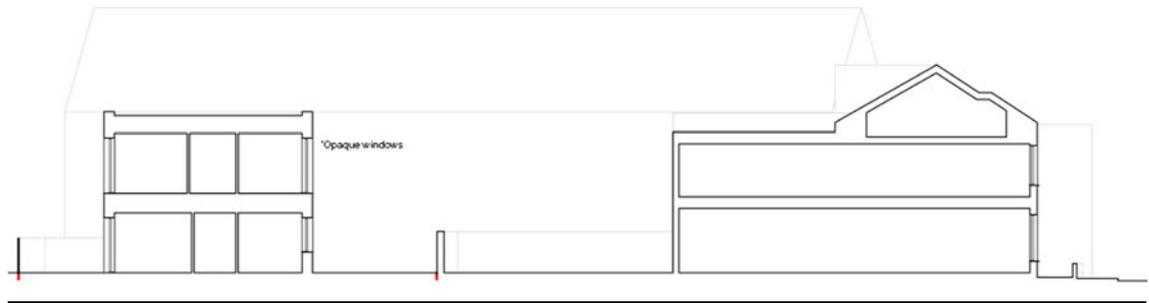
368. There are two front gardens to 37 and 39 Parkhouse Street and the overshadowing impacts upon them would comply with the BRE guidance. There do not appear to be any gardens at the rear of these properties, only a small courtyard area which is shaded by the buildings themselves owing to its location between the two projecting wings of the buildings.

369. Transient overshadowing studies shows a small improvement to outdoor space at rears of 45 and 47 Southampton Way, given that proposed block C would sit further away from these neighbouring buildings than the existing structures on this part of the site. The properties on Cottage Green sit to the south of the site and as such would not be affected by overshadowing from the development.

Privacy and overlooking

370. Southampton Way – There would be a window-to-window separation distance of 15- 17m between first floor windows in the side elevation of proposed block A and windows at the rear of 29 and 31 Southampton Way. A condition for obscure glazing is therefore recommended.
371. Block C would replace a series of existing one and two storey structures and would sit at the rear of 45 Southampton Way and in front of the 2-storey live/work building at the rear of 47 Southampton Way.
372. No windows are shown in the side elevation of block C facing number 45. There would be a minimum separation distance of approximately 3.8m between windows at the rear of block C and existing windows in the live/work building. At ground floor level boundary treatment would screen any views, but it would be more problematic at first floor level. A condition is therefore recommended requiring a detailed study showing the first floor window positions in the building at the rear so that the relationship can be properly considered, together with details of any required privacy devices such as directional screens to prevent direct overlooking.
373. Whilst block C would have a close relationship with its immediate neighbours, the existing buildings on the site are a series of rather ramshackle structures, predominantly with corrugated metal roofs and of an untidy and unsightly appearance. The proposal would result in a much more tidy, uniform appearance with an attractive new building on the site. When considered in the round, the relationship between the two buildings is considered to be acceptable.
374. There would be a separation distance of approximately 32m between windows in the side elevation of block I and windows in the rears of 73-79 Southampton Way, therefore no loss of privacy would occur.
375. 1-13 Parkhouse Street - There would be a minimum separation distance of 15.5m between the rear of these properties and the houses in proposed block A, slightly less than the 16.1m separation distance for the appeal scheme. The ground floor windows would not cause any direct overlooking due to existing boundary treatment at the rear of the Parkhouse Street terrace, and any upwards views would be oblique. There could be overlooking between the first floor windows therefore a condition requiring details of privacy devices to be employed on block A is recommended. This would only need to apply to three of the dwellings, because the dwelling at the rear of number 1 Parkhouse Street would achieve a separation distance of approximately 22m which would comply with the Residential Design Standards SPD.

Proposed section showing relationship between block A and 11 Parkhouse Street



376. Following amendments to the plans, the existing commercial building on the northern part of the site would be retained in class E use and would become block B. The building would largely remain as is, save for internal modifications and new rooflights along the eastern elevation. The rooflights would provide upwards only views and do not raise any privacy concerns. There would be a separation distance of approximately 13m between block C and 1-13 Parkhouse Street which would exceed the 12m recommended in the Residential Design Standards SPD where properties face each other across a street.
377. At 37 and 39 Parkhouse Street there would be a minimum of approximately 16m to block G, which would comply with the Residential Design Standards SPD.
378. Wells Way - There would be a minimum of 15m between windows within the proposed development and the properties on Wells Way. This would exceed the 12m recommended in the Residential Design Standards SPD where properties face each other across a street.
379. Cottage Green - The closest property on Cottage Green would be approximately 57m from windows at the rear of proposed block I and as such no loss of privacy would occur.

Impact upon neighbouring development proposals

380. As set out earlier in the report there are three proposed developments on Parkhouse Street which would contain residential accommodation. The ES has considered the potential daylight, sunlight and overshadowing impacts upon these developments and officers have assessed any likely privacy impacts. For daylight, the ES used vertical sky component. However, as these only assess light to a single point in the very centre of a window, officers requested that average daylight factor testing be carried out. The room layouts and uses of the proposed developments are available in the public domain, and this approach is in accordance with the BRE guidance. There is also a fourth proposed development at the scaffold yard site. This is not considered in the ES because the ES had already been prepared by the time the scaffold yard application was submitted, but officers have considered the impact upon this proposed development later in the report. The image below shows the layout of these four neighbouring proposed developments in relation to the development proposed

on the application site.

Plan showing location of neighbouring proposed developments



21-23 Parkhouse Street

381. This site contains a vacant warehouse building and is subject to a redevelopment proposal under planning permission reference 19/AP/0469 (granted on 14.4.2022) for employment space and residential units. It would be in the form of two blocks, with commercial space in the block fronting Parkhouse Street (block A) and ground floor commercial and upper floor residential units in the block at the rear (block B) as shown on the image above.
382. There would be a minimum separation distance of approximately 17m between residential windows in proposed block D and the commercial block in the proposed development at 21-23 Parkhouse Street which would comply with the Residential design standards SPD. As such the relationship of the two proposed buildings facing each other across Parkhouse Street is considered to be acceptable.
383. With regard to daylight, the residential block within this proposed neighbouring development would be next to the park, and therefore set back from Parkhouse Street meaning that it would be less impacted by the proposed development on the application site.
384. Two windows serving dual aspect, open plan living spaces within this neighbouring proposed development would experience VSC reductions.

However, they would still have ADFs of 2.6% and 3.6% and as such would receive good levels of daylight. Two further open plan living spaces which would be at first floor level within this neighbouring proposed development would experience ADF reductions of 0.1%, resulting in a 1.3% ADF for one of the rooms and 1.5% for the other. Whilst short of the 2% recommendation, these daylight levels are considered to be acceptable given that this area is allocated for redevelopment with an expectation of higher densities. One single-aspect kitchen within this neighbouring proposed development would experience a NSL reduction of 22.8% which would not be significant compared to the BRE recommendation of no more than 20%.

385. With regard to sunlight, one window serving an open plan living space would see its annual sunlight reduced from 13% to 5%. However, the room would be served by two other windows which would receive 43% and 44% APSH and overall the room would be well sunlit. The affected window would comply with the BRE guidance in relation to winter sun.
386. With regard to overshadowing, the communal amenity space for this neighbouring proposed development would be located at 7th floor level on the western side of block B. The majority of this space would continue to receive more than 2 hours of sun on the ground following the completion of the proposed development.

25-33 Parkhouse Street

387. This site contains a warehouse building which is in storage and distribution use and is subject to a redevelopment proposal under planning permission reference 20/AP/0858 (granted 27.5.2022). This is for employment space and residential units.
388. With regard to privacy, there would be a 16.4m separation distance between residential units in the two proposed developments facing each other across Parkhouse Street; this would exceed the 12m recommended in the Residential Design Standards SPD where properties face each other across a street.
389. With regard to daylight, 39 windows within this development would have VSC reductions; 18 of these would serve livingrooms and open plan living spaces and they would have ADF levels which would exceed the BRE guidance. The remaining 21 windows would serve bedrooms, 17 of which would have ADF levels in excess of the BRE guidance and the remaining bedrooms would have ADFs ranging from 0.7% to 0.8% which would not be significantly below the BRE recommendation of 1%. For NSL, 22 rooms would experience reductions ranging from 21% to 91.7%. Of note is that 16 of these would serve bedrooms which can be considered less sensitive in relation to daylight. The remaining rooms would be livingrooms which would all comply with the BRE guidance for ADF.
390. For sunlight, 7 single-aspect bedrooms would not meet the BRE recommendations for APSH, with the retained APSH ranging from 14% to 18% against a target of 25%. Six of these windows would also see reductions in winter sun. The reductions would range from 46.7% to 100% and the resultant winter sun which they would receive would range from 0% to 4% against a target of 5%.

391. The proposed development on this neighbouring site includes an area of public realm and playspace along its boundary with number 21-23. Overshadowing studies show that the proposed development on the application site would result in a reduction in the area receiving two hours of sun on the ground in the green link from 65% to 50% in line with the BRE guidance. Two roof terraces proposed within this neighbouring development would not experience any overshadowing as a result of the proposal.

35-39 Parkhouse Street

392. As stated this site currently contains a warehouse building and 37 and 39 Parkhouse Street which contain 4 flats in total. The impact upon these flats has been considered earlier in the report. The site is subject to a redevelopment proposal for employment space and residential units, and this application is still under consideration (reference: 19/AP/2011).
393. With regard to privacy, there would be a minimum separation distance of approximately 13m between residential windows which would face each other across the street and this would comply with the Residential Design Standards SPD.
394. With regard to daylight, 61 windows would experience VSC reductions. Of these, 39 would serve bedrooms which would meet the BRE recommendation for ADF. The remaining 22 windows would serve open plan living spaces and without the proposed development in place they would have ADFs ranging from 1.1% to 1.9% due to their recessed position within the proposed building. With the proposed development in place, the ADFs would range from 0.2% to 1.4%. For NSL, 26 rooms would experience reductions, 9 of which would be bedrooms which are considered to be less sensitive to daylight, although they would meet the BRE criteria for ADF. The remaining open plan living spaces would experience NSL reductions ranging from 21.7% to 90.7%.
395. With regard to sunlight, 12 open plan living spaces would not comply with the BRE guidance for APSH or winter sun, although 11 of them would not comply for APSH even without the proposed development in place. The remaining one would comply with the BRE guidance for winter sun, and would have annual sun of 12%. A further three bedrooms would comply with the BRE guidance in relation to APSH, but would not comply in relation to winter sun, with winter sun ranging from 2% to 3%. There would be no overshadowing to two roof terraces within this development as a result of the proposal.
396. Whilst the daylight and sunlight impacts to the proposed developments at 25-33 and 35-39 Parkhouse Street are noted, the consented flats on these sites would be due south-facing and would currently look out onto an open area of parking on the application site. As such they would receive very high levels of daylight and sunlight for a dense urban location. This open area of parking would be replaced by new buildings and the orientation of the sites is such that it is inevitable that development on the application site would cause some loss of light and shadowing to the neighbouring sites to the north. However, the proposed heights along Parkhouse Street would align with the LDS guidance, and the blocks would be set back from the site boundary to allow the pavement widths to

be increased. Overall it is considered that this relationship would be acceptable.

5-7 Cottage Green and 69 Southampton Way

397. This is the scaffold yard site and applications for planning permission and listed building consent to redevelop it have been submitted (references: 21/AP/1254 and 21/AP/1255). The proposal is for class E and F floorspace and residential units in two separate blocks, block A fronting Southampton Way and block B fronting Cottage Green. There would be a separation distance of approximately 16m to the block A fronting Southampton Way and secondary windows in the side of block I, and 18m to windows to block B fronting Cottage Green and windows in the rear of block I, although the windows would be off-set from each other, with no direct views. Whilst this would be below the 21m recommended in the Residential Design Standards SPD, the distances are considered to be sufficient to provide a good level of privacy between the dwellings, and it is noted that there would be a new route through to Southampton Way connecting these new developments, so the rear of proposed block A on the scaffold yard site would not be particularly enclosed in any event.
398. The ES does not consider impacts upon daylight and sunlight to this neighbouring proposed development because the ES was completed before the neighbouring application was submitted. However, some testing has been carried out as part of the application for the scaffold yard site, and some additional testing has been undertaken following a request from officers. The proposed development on the scaffold yard site would result in some minor reductions of 30% in VSC to some windows in block I on the application site. This would only marginally transgress the BRE guidance and is considered to be acceptable. With the development on the Burgess Business Park site in place, the proposed flats on the scaffold yard site would still receive good levels of daylight and sunlight as set out below.
399. For block A of the scaffold yard site which would front Southampton Way, 26 of the 36 rooms (72.2%) tested for ADF would meet BRE's criteria. Three of the rooms which would not meet the criteria would be bedrooms, which would only be 0.1-0.2% below BRE's recommended ADF target. A further six rooms falling short of BRE's criteria would be LKDs; three of these would not meet the BRE criteria in the existing condition with ADFs ranging from 0.8% to 1.8%, which would reduce to 0.7% to 1.3% with the proposed development in place. The remaining three which would meet the BRE criteria in the existing condition would be located in a constrained location on the north eastern elevation, retaining ADFs of 1.3%, 1.4% and 1.9%. The final room seeing below the BRE's recommended ADF target is a fifth storey kitchen which would be situated beneath a balcony and would retain an ADF of 1.5% ADF. Overall these daylight levels are considered to be acceptable.
400. For block B within the scaffold yard site 16 of the 19 rooms (84.2%) tested for ADF would meet BRE's criteria. The three rooms which fall short would serve LKDs which would see a loss of 0.1% ADF, retaining ADFs of 1-1.2%. These reductions are not considered to be significant and it is noted that in the existing condition these three LKDs would not meet the BRE target.
401. Light pollution – Chapter 10 of the ES sets out how light pollution effects would only be experienced upon the completion and operation of the class E and F

floorspace. It does note however, the potential for temporary effects during demolition and construction, but predicts that these are unlikely to be noticeable.

402. The ES assesses the potential for light pollution to existing properties at 1-13 Parkhouse Street (odds), 35-43 and 45-47 Southampton Way (odds), 13-69 Wells Way (odds), the three proposed developments on Parkhouse Street, and Burgess Park; the impact upon Burgess Park is considered earlier in the report in relation to ecology.
403. The ES predicts that the proposed development would not result in any significant light pollution effects to the properties outlined above.

Conclusion on amenity impacts

404. To conclude, it is recognised that there would be some adverse impacts upon some of the neighbouring residential properties in terms of daylight and sunlight. However, these would be much reduced compared to the appeal scheme owing to the reduction in most of the building heights across the development. Along Wells Way the impacts would be greater because these buildings currently look out onto low rise buildings and open areas of parking. However, for the most part the retained VSCs would be reasonably high and the site is allocated for redevelopment, at higher densities, in the Southwark Plan.
405. Daylight and sunlight is only one element of amenity, and the existing neighbouring buildings would benefit from improved outlook over well-designed new buildings rather than the existing, rather run down industrial estate. They would also benefit from the proposed retail and community space, new routes through the site and new play provision including the Garden Street. The daylight and sunlight impacts must be weighed in the balance with all of the other positive and negative impacts of the proposal and given the significant positive impacts which would arise, officers consider that the benefits would outweigh the harm in this instance, and that impact upon amenity would not be sufficient to withhold planning permission.
406. Overall, for the reasons set out above it is considered that the proposed development would not result in any unacceptable loss of amenity to neighbouring properties or compromise the continued use of the neighbouring industrial units. It is also concluded that there would be no significant adverse impacts upon the quality of residential accommodation which is proposed on some of the neighbouring sites. The applicants have collaborated, facilitated by the LDS, to ensure that each development site should be capable of providing a high standard of residential accommodation, and no objections have been received from the developers for the neighbouring sites.

Noise and vibration

407. Noise and vibration is considered in chapter 8 of the ES which takes into account impacts from demolition and construction activities, and from the completed and operational development.

Demolition and construction

408. With mitigation measures in place, the ES predicts that demolition and construction work would result in adverse, direct, temporary and irreversible effects of a moderate scale. No significant effects are anticipated in relation to vibration. The ES recommends that a construction management plan and construction logistics plan be required, and a condition to secure this (construction management and logistics combined) has been included in the draft recommendation.
409. Concerns have been raised by neighbouring residents regarding noise and disturbance during construction, including the potential for working on Saturday mornings. An outline construction logistics plan submitted with the application gives the construction hours as 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays. The weekday hours would align with the Council's standard construction hours, but on Saturdays work hours should be from 9am to 2pm and this would be secured by way of a condition. No work is permitted on Sundays or Bank Holidays.

Completed development

410. The suitability of the site for residential use and necessary mitigation has been considered in the 'Quality of accommodation' section of this report. Noise from the completed development would emanate from plant, the proposed class E and F uses and servicing activities, and conditions to help to mitigate this has been included in the draft recommendation. With mitigation measures in place the ES predicts that there would be no likely significant noise and vibration effects.

Transport

411. The appeal scheme comprised 499 residential units and 3,981sqm of class E and F floorspace. The Inspector concluded that, subject to mitigation, the transport impacts of that development would have been acceptable. The proposal now before Members would provide 375 residential units and 5,230sqm of class E and F floorspace. For the reasons set out below, it is concluded that the transport impacts of the proposed development would be acceptable.
412. The development would provide 14 accessible parking spaces at various locations across the site, and all servicing would take place from within the site. The proposal would result in additional vehicle trips, details of which are set out below, but these would not have an adverse impact on the highway network. Neighbouring residents have raised a number of transport related concerns including lack of car and cycle parking, impact upon public transport, and increased traffic on the surrounding roads.
413. The transport policies of the 2021 London Plan are set out in chapter 10 and seek to ensure sustainable modes of travel, with more journeys made by walking and cycling and the delivery of healthy streets. Policy T4 requires the transport impacts of proposals to be assessed and mitigated, and cycle and car parking requirements are set out in policies T5, T6, T6.1 and T6.5. Policy T7 relates to deliveries, servicing and construction and requires development proposals to

facilitate safe, clean, and efficient deliveries and servicing. Policy P50 of the Southwark Plan relates to highways impacts.

414. The site has a public transport accessibility level (PTAL) ranging from 2 (low) to 4 (medium). Most of the site has a low PTAL, but the western part of the site where blocks A, B, C and 45 Southampton Way are situated has a PTAL of 4. The site is within the East Camberwell Controlled Parking Zone (CPZ) and there are a number of on-street parking spaces for permit holders or for pay and display. It is approximately 480 metres to the numerous bus routes on the A215 Camberwell Road and there are bus stops outside the site on Wells Way serving routes 343 and 136. It is approximately 2.4km to Elephant and Castle train/tube station. There are currently around 50 car parking spaces on the site.

Demolition and construction

415. The ES predicts that during the peak construction period in 2023 there would be 20 construction vehicles per hour, 10 going into the site and 10 coming out, and a maximum of 114 HGV movements per day (57 vehicles in and 57 vehicles out); there would be a general policy of not providing any parking for construction workers on the site. The highest increase in vehicle movements would be along Parkhouse Street, Southampton Way and Wells Way which could experience 10 x 2-way HGV movements per hour, but the ES predicts that this would have a negligible impact upon pedestrians. The outline construction logistics plan submitted with the application sets out ways in which the construction process would be managed, including construction vehicle routes to be agreed with the Council, the pre-booking of deliveries to the site, and consolidating vehicle trips. With mitigation in place the ES predicts that there would be no significant transport impacts during demolition and construction. The outline construction logistics plan has been reviewed by the Council's Transport Policy Team and a more detailed plan is required, which would be secured by way of a condition.

Completed development

416. Healthy streets assessment – Policy T2 of the London Plan requires development proposals to demonstrate how they would deliver improvements that support the ten Healthy Streets Indicators in line with Transport for London guidance, how they would reduce the dominance of vehicles on London's streets whether stationary or moving, and how they would be permeable by foot and cycle and connect to local walking and cycling networks as well as public transport. The table below is based on a similar table within the applicant's TA.

Healthy streets criteria

Indicator	Response to indicator
Pedestrians from all walks of life	Restricted vehicular access for refuse collection and some deliveries only; Pedestrian only Garden Street;
Easy to cross	A scheme of highway works would be secured, including the provision of a raised

	pedestrian table. The proposed development would provide new connections across the site.
People choose to walk, cycle and use public transport	The proposal would improve the pedestrian environment along Parkhouse Street and would provide attractive landscaping and a pedestrian only Garden Street. Cycle parking would be provided in accordance with the London Plan and Southwark Plan standards.
Places to stop and rest	Seating areas would be incorporated into the landscaping and play areas within the site would be publically accessible
Clean air	The only parking which would be provided would be 14 accessible parking spaces. Future occupiers would be prevented from obtaining parking permits which would encourage alternative modes of travel.
Shade and shelter	The Garden Street and Garden Square would provide landscaping to create shade and shelter.
People feel safe	Active frontages and sensitively-lit routes would ensure that natural surveillance occurs.
People feel relaxed	The proposal would deliver wider pavements with street trees on Parkhouse Streets and active uses along the Mews and Garden Square. The Garden Square and Garden Street would be pleasant environments for walking.
Not too noisy	Servicing vehicles would only be able to access certain parts of the site. The commercial units would be designed to ensure that no unacceptable noise outbreak would occur.
Things to see and do	Burgess Park is located to the north of the site which provides a lake, sports facilities, tennis courts and BMX track.

418. Transport for London (TfL) has requested that the applicant identifies and assesses routes to other local facilities that are within walking distance of the site, including the nearest place of worship. The nearest place of worship is understood to be the church on Cottage Green. There are local shops to the south-east of the site, a minimum of approximately 310m away. It is recommended that the s106 agreement secures repaving around the perimeter of the site on Parkhouse Street and Wells Way. This would improve the environment for pedestrians and would be proportionate to the scale of the development.
419. Access and servicing – Pedestrian and cyclist access to blocks A and B would be from Parkhouse Street and via an existing haulingway between 33 and 35 Southampton Way. On the larger, southern part of the site the Garden Street would be for pedestrians only, except for emergency vehicles. Cyclists would be expected to dismount when using this street. From the Garden Street the proposed layout would allow for a pedestrian connection to Southampton Way next to the Big Yellow storage facility, and the Garden Square at the heart of the development would provide pedestrian access onto Parkhouse Street. TfL has requested a contribution of £20k for Legible London signage to assist with wayfinding, and this would be secured through the s106 agreement. TfL has also requested a condition for a management plan setting out details of how the routes within the site would be designed in accordance with the Mayor’s Healthy Streets approach to ensure a safe walking and cycling environment, and this has been included in the draft recommendation.
420. Pavement widths around the edges of the site would be at least 2.4m and whilst Transport for London (TfL) has requested 2.5m, 2.4m would comply with the Council’s Streetscape Design Manual. The only area which would not achieve this width would be outside block C where the existing pavement is currently 1.2m wide. In order to allow for some defensible space outside this block the pavement width would gradually increase from the existing 1.2m to 2.4m moving west to east along Parkhouse Street, and the Council’s Highways Development Management Team has confirmed that this would be acceptable. On Wells Way it would be necessary to adjust the position of the bus stop to ensure a clear 2.4m wide pavement behind it, and TfL has advised that the bus stop should be replaced in any event; a clause to secure this has been included in the draft recommendation, including the potential provision of a contribution towards providing countdown facilities at the bus stop.
421. Concerns have been raised in response to public consultation on the application that the proposal would build upon the existing pavement along Wells Way making it narrower, and that the wide pavement in this location is also used by cyclists. Officers have liaised with the Council’s Development Management Team and it has been confirmed that the cycle route along Wells Way (LN23) is an on-road cycle route. The pavement is wide in this location but the western part of the pavement is within the applicant’s ownership. As such there are no objections to the position of proposed block L, because an adequate footway width along Wells Way would remain.
422. An outline Delivery and Servicing Plan has been submitted with the application. It originally showed two new loading bays on Parkhouse Street, outside proposed blocks F and G and these have subsequently been omitted at the request of the

Council's Highways Development Management Team. All of the servicing would now take place from within the site.

423. Blocks A and B would be serviced from a courtyard area between the two buildings and vehicles could enter and exit the site in a forward gear. On the larger part of the site there would be a new vehicular route along the south-eastern and south-western boundaries of the site. Servicing vehicles and refuse trucks would enter from Parkhouse Street, travel south and east through the site and exit onto Wells Way via a double height haulingway between blocks K and L. A condition is recommended requiring details to demonstrate the method of ensuring that this would operate as a one-way route. This route would also provide access to 9 accessible car parking spaces. The route would be at least 4.5m wide which would be sufficient for a vehicle to stop and load / unload, and a car to pass. There would be dedicated loading areas for refuse collection along this route, and whilst it would be a shared surface, a small upstand would be provided along a footway area to identify where pedestrians would be expected. Planting next to vehicular entrances off Parkhouse Street would need to be kept below 600mm in height in order to maintain adequate visibility, and this would be secured by way of a condition.
424. There would also be a loading area in the Mews, and the only vehicles which would be permitted to use this route would be servicing and delivery vehicles. This street would operate as a one-way route, with vehicles entering from Parkhouse Street, travelling along the Mews, then turning right to travel a short distance across the northern part of the Garden Square, and exiting left further along Parkhouse Street. An accessible parking space shown next to block D would need to be relocated because tracking diagrams show this space being accessed from the north near to block B. This means drivers would be travelling in the opposite direction to the servicing vehicles coming from the Mews. A condition to relocate this space has therefore been included in the draft recommendation.

Proposed servicing routes



425. The vehicular accesses onto and off the site would be controlled by automatic bollards connected to a concierge. The bollards would be set at least 6m back to allow vehicles to wait within the site, and a condition to determine their final position has been included in the draft recommendation. The provision of a servicing route around the edges of the site is considered to be a significant improvement on the appeal scheme, which would allow the Garden Street to be fully pedestrianised, save for emergency vehicle access. The appeal scheme proposed a number of servicing vehicles travelling along the equivalent of the Garden Street and Garden Square.
426. Refuse and recycling stores would be provided at various locations across the site, and would comply with the Council's guidance in respect of the amount of refuse / recycling storage required for the residential units. There would be an on-site management team and for block A and they would transfer the individual bins to a shared store for blocks A and B on collection day. The refuse stores have been amended to address comments from the Council's Waste Management Team and overall the arrangements are considered to be acceptable. A planning obligation requiring all of the new vehicle routes within the development to be constructed to adoptable standards is recommended.
427. Vehicle swept paths for refuse vehicles and 10m rigid vehicles have been provided which demonstrate that they could enter and exit the site in a forward gear, including on the northern part of the site where blocks A and B would be located. Following an amendment to one of the plans, the Council's Highways Development Management Plan is now satisfied that the vehicle swept paths and access arrangements would be acceptable.
428. The outline Delivery and Servicing Plan (DSP) states that an on-site facilities management team would manage and monitor the use of the servicing areas and vehicles wishing to access these areas would need to notify the management team via intercom. There would be an on-site concierge available 24/7 who could take receipt of deliveries on behalf of residents and store them in a delivery storage area, and potentially a booking system for deliveries to the class E and F floorspace. A condition requiring a full DSP has been included in the draft recommendation, which includes limiting servicing hours to 8am to 8pm Monday to Saturday. This would provide a broad timeframe for deliveries to take place, but would also protect the amenities of future residential occupiers.
429. Trip generation - The ES predicts that the completed development would result in a small reduction in vehicle trips compared to the existing situation. However, the Council's transport officers consider that vehicle trips would increase. Officers' own assessment suggests that there would be 20 and 27 net additional two-way vehicle movements in the morning and evening peak hours respectively. However, officers consider that 83 x 2-way servicing trips would occur, which is significantly less than the 225 predicted by the applicant. Servicing would be via a mix of heavy and light goods vehicles, but predominantly cars and vans of up to 3.5 tonnes. Even taking into account likely vehicle movements from other committed developments in the locality, it is considered that these would not have any noticeable adverse impact on existing vehicular traffic on the surrounding roads. TfL has commented that the proportion of vehicle trips from the residential uses would be expected to be lower than predicted owing to no parking being provided on site, except for accessible parking. Of note is that a number of travel

plan measures are proposed to reduce vehicle trips, and these are considered later in the report.

430. Public transport trips –The TA predicts that during the morning peak the proposal could generate 101 underground / rail trips and 166 in the evening peak which would not have a significant impact upon the existing capacity. Network Rail has no objection to the application, but notes the wish to work with local authorities to increase capacity in the future. On the buses there could be 164 additional trips during the morning peak and 249 during the evening peak and concerns have been raised by neighbouring residents that this would make the buses overcrowded.
431. The impact upon buses falls within the remit of TfL which has reviewed the application and advised that the bus routes operating along Wells Way were running at capacity during peak times before the Covid 19 pandemic. TfL has therefore sought a contribution of £475,000 towards additional bus capacity which would be secured through the s106 agreement.
432. Cycle parking – There would be a total of 833 cycle parking spaces with the development which would meet the London Plan and Southwark Plan requirements. This would comprise 759 long-stay spaces and 74 short-stay spaces.
433. Commercial and residential cycle parking would be segregated and provided in a number of stores across the site, and 20% of all long-stay cycle parking would be in the form of Sheffield stands. TfL has raised some specific concerns including regarding the spacing of some of the stands and that there is no provision for accessible and cargo bike parking; a condition to address this has therefore been included in the draft recommendation. The cycle stores would be sheltered and secure, and conveniently located. A condition requiring details of changing and showering facilities for the class E floorspace space to be submitted for approval has also been included in the draft recommendation.
434. The TfL cycle hire scheme does not currently extend into the area, although TfL are seeking to expand it and a contribution of £220,000 towards this would be secured through the s106 agreement. This would be in accordance with policy P53 of the Southwark Plan. If the scheme is extended into the area prior to the occupation of the development, the s106 agreement would also secure 2 years free cycle hire business accounts for commercial occupiers and 2 years free cycle hire membership per household for the residential units.
435. Parking – With the exception of 14 wheelchair accessible car parking spaces which are considered below, the development would be car-free. Concerns have been raised in response to public consultation on the application that the lack of any parking for the employment space would exclude businesses which have a vehicle. Whilst this is noted, parking standards within the Southwark Plan operate as maximums in order to encourage sustainable modes of travel. Space would be provided within the development for servicing of the development to take place from within the site.
436. As the site is located in a CPZ, a planning obligation preventing future occupiers of the development from being able to obtain parking permits is recommended.

As stated above, a number of measures to encourage sustainable modes of travel are proposed, and these are set out later in the report. There would be six motorcycle parking spaces, two near block A and four within the main part of the site. TfL has commented that with these spaces included the development would not be genuinely car free, as these spaces would encourage non-sustainable modes of travel to the site. A condition requiring the removal of these spaces has therefore been included in the draft recommendation.

437. Policy P54 of the Southwark Plan 'Car parking' requires developments to provide a minimum of three years free membership, per eligible adult who is the primary occupier of the development, to a car club if a car club bay is located within 850m of the development, and / or contribute towards the provision of new car club bays proportionate to the size and scale of the development if it creates 80 units or more. The submission advises that the proposed development would deliver two car club spaces and although they are not shown on the plans, the site is large enough to accommodate them. This would be in addition to the provision of three years membership for every eligible adult living within the development and for each of the businesses, which could include van hire and this would be secured in the s106 agreement. As set out below, a contribution to increase bus capacity would also be provided.
438. Accessible car parking – Policy T6.1 'Residential parking' of the 2021 London Plan requires 10% accessible car parking spaces, with 3% to be provided from the outset and details of how the remaining 7% could be provided to be set out in a Parking Design and Management Plan. Policy P55 of the Southwark Plan requires accessible car parking spaces up to a maximum of one car parking space per wheelchair accessible unit.
439. There would be 13 accessible parking spaces to serve the residential units and one for the commercial space. For the residential units this would equate to 3.4% provision (based on the total number of units); this would meet the London Plan requirement for the provision of accessible spaces from the outset. It would equate to 3.8% provision for the wheelchair accessible dwellings and this would not exceed the Southwark Plan maximum of one space per wheelchair accessible unit. The spaces would be located next to blocks A and B and at the rears of blocks E, I and J. A condition requiring a Parking Design and Management Plan has been included in the draft recommendation which would need to provide details of the remaining 6.6%, some of which could be provided on-street which would be permissible under the London Plan. The parking spaces would be fitted with electric vehicle charging points which would also be secured by way of condition, including a requirement for the charging points to be active and ready for use from the outset.
440. Travel plan – A Residential Travel Plan and a Site-Wide Framework Travel Plan for the non-residential uses have been submitted which set out measures which would be implemented to encourage sustainable modes of travel by residents living at the site and people working at and visiting the site. This includes the appointment of a travel plan coordinator, travel packs and cycling/public transport promotional materials. The draft travel plan sets targets for increasing sustainable modes of travel which would be monitored for progress, and the travel plan would be secured by way of a condition. Measures including car club membership and cycle parking would also be secured through conditions and

planning obligations.

441. The ES concludes that subject to mitigation through construction management and logistics plans, there would be no significant traffic or transport effects arising from the construction or operation of the development and officers concur with this assessment. The proposal would not result in any significant adverse impacts by way of traffic generation, and all servicing would take place from within the site. The cycle parking arrangements would be acceptable subject to a condition for cargo bike and accessible cycle parking, and planning obligations would secure contributions towards various transport measures including improvements to bus facilities, the cycle hire scheme, the provision of car club membership and preventing future occupiers from being able to obtain parking permits in the surrounding CPZ. Overall the transport impacts of the proposed development are considered to be acceptable.

Air quality

442. The site sits within an air quality management area. Policy SI1 of the London Plan 'Improving Air Quality' seeks to minimise the impact of development on air quality and sets a number of requirements including minimising exposure to existing poor air quality, reducing emissions from the demolition and construction of buildings, being at least 'air quality neutral', and not leading to a deterioration in air quality. Policy P65 of the Southwark Plan 'Air quality' requires development to achieve or exceed air quality neutral standards. It states that any shortfall in air quality standards on site must be secured of site through planning obligations or as a financial contribution.
443. The impact upon air quality is considered in chapter 9 of the ES. It considers impacts upon surrounding receptors, together with impacts upon future occupiers of the site. Concerns have been raised by neighbouring residents regarding increased pollution as a result of the proposed development.

Demolition and construction

444. Demolition and construction activities would result in emissions from construction vehicles and plant, and dust which would impact upon air quality. Measures to reduce this would be secured in a construction management plan including dust suppression measures, damping down of materials and the use of wheel washing facilities and a condition for a construction management plan has been included in the draft recommendation. The ES concludes that following mitigation measures, the demolition and construction impacts upon air quality would result in an adverse local impact of medium term duration which would not be significant.

Completed development

445. The ES advises that air quality impacts upon existing occupiers and future occupiers of the proposed development could arise from road traffic and an emergency generator in block H which would be powered by diesel; further details of the back-up generator including its specification and details of its extract flue should be secured by way of a condition. The ES concludes that the

completed development would not result in any significant air quality effects to existing receptors and that air quality for future residents within the development would be acceptable. The residential and non-residential units would incorporate a mechanically ventilated heat recovery (MVHR) system and the residential units would have openable windows.

446. An assessment has been submitted which demonstrates that the development would be air quality neutral. This has been verified by officers in the Transport Policy Team given that officers consider that there would be a different number of vehicle trips than those predicted by the applicant.

Ground conditions and contamination

447. Policy E7 of the London Plan requires consideration to be given to mitigating the potential for contamination on sites where residential uses are proposed alongside industrial uses.
448. A Phase 1 Land Contamination Assessment has been submitted which advises that contamination is likely to be present on the site owing to its existing industrial nature and historical uses. The report has been reviewed by EPT and Environment Agency and a condition for further contamination investigations and remediation has been included in the draft recommendation, together with a condition requiring an asbestos survey to be undertaken.
449. The area was extensively bombed during WWII therefore the potential exists for unexploded ordnance (UXO) to be found during construction works. The submission advises that a preliminary UXO assessment would be necessary prior to any intrusive investigation, and an informative to this effect is recommended.

Flood risk and drainage

450. Policy SI 12 of the London Plan 'Flood risk management' states that development proposals should ensure that flood risk is minimised and mitigated, and that residual risk is addressed. Policy P68 of the Southwark Plan 'Reducing flood risk' states that development must not increase flood risk on or off site and sets out the requirements for achieving this. This includes that finished floor levels are set no lower than 300mm above the predicted maximum water level where they are located within an area at risk of flooding. Concerns have been raised that the application material assesses the site as having a low risk of surface water flooding due to its topography, whilst the Council's maps show that part of the site is affected by both groundwater and surface water flooding.
451. The site is located in Flood Zone 3 as identified by the Environment Agency flood map, which indicates a high probability of flooding. Paragraph 159 of the NPPF advises that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. In line with the NPPF, the Council has a Strategic Flood Risk Assessment which acknowledges that development within flood zone 3 is

required, and is allowed with the application of the Exception Test set out the NPPF.

452. Paragraph 163 of the NPPF states that the need for the exception test will depend on the potential vulnerability of the site and of the proposed development, in line with the Flood Risk Vulnerability Classification set out in national planning guidance. The development would contain some ground floor residential units which are classified as more vulnerable uses under the NPPF.
453. For the Exception Test to be passed it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, and that a site-specific flood risk assessment must demonstrate that no adverse impacts would occur. Where planning applications come forward on sites allocated in the development plan through the sequential test, applicants need not apply the sequential test again. However, the exception test may need to be reapplied if relevant aspects of the proposal had not been considered when the test was applied at the plan-making stage, or if more recent information about existing or potential flood risk should be taken into account.
454. The site is located on previously developed land and there are strong sustainability reasons why it should be redeveloped. The development of brownfield sites such as this will be necessary if accommodation is to be provided to meet the current shortfall in housing in the area. The site is allocated for mixed-use development including housing in the Southwark Plan, and the proposed design is capable of providing good quality housing.
455. A Flood Risk Assessment (FRA) is appended to the ES. With regard to fluvial (river) flooding, it advises that the site is protected by the Thames Barrier and does not fall within the Environment Agency's modelled breach inundation zone. The Environment Agency has been consulted on the application and has not raised any objections.
456. With regarding to drainage, policy SI 13 of the London Plan 'Sustainable drainage' states that development proposals should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible. The FRA notes that the majority of the site has a very low risk of surface water flooding, although Parkhouse Street, Wells Way and Cottage Green have areas of medium and high risk of surface water flooding, and part of the site has a risk of ground water flooding. No new basements are proposed to the development, and it is not anticipated that the proposal would increase the risk of ground or surface water flooding at the site or elsewhere.
457. Finished floor levels would be set 300mm above the existing ground levels on the parts of the site which are at risk of surface water flooding, and surface water would be managed through a range of measures. This includes blue roofs, permeable paving, below ground tanks, green roofs and rainwater harvesting. Any residual run-off following these measures would be discharged into the public sewers. The details have been reviewed by the Council's Flood Risk and Drainage Team, the GLA and Thames Water. Additional information was requested, including details of the attenuation tank volumes, and the consultees are now broadly satisfied with the proposals. Further information has been requested in the event that planning permission is granted, which would be

secured by way of conditions. This includes a condition for a post-completion verification report evidencing that the drainage measures have been installed and details of who would be responsible for maintaining them. The proposed development would achieve greenfield run-off rates and would therefore be policy compliant in this respect.

Sustainable development implications

458. Policy SI 2 'Minimising greenhouse gas emissions' of the 2021 London Plan sets out that development proposals should be net zero carbon. This means reducing greenhouse gas emissions in operation and minimising both annual and peak energy demand in accordance with the Mayor's energy hierarchy. The energy hierarchy is as follows:
- Be lean – use less energy
 - Be clean – supply energy efficiently;
 - Be green – use renewable energy;
 - Be seen – monitor, verify and report on energy performance
459. This policy requires major development to be zero carbon and to achieve an on-site reduction in carbon dioxide emissions of 35% beyond Building Regulations Part L 2013, including a 10% reduction through energy efficiency measures under the 'be lean' stage for residential uses and 15% for non-residential uses. Where it is clearly demonstrated that the zero-carbon target cannot be fully achieved on-site, any shortfall should be provided either through a payment in lieu contribution to the borough's carbon offset fund, or off-site provided an alternative proposal is identified and delivery is certain. The zero carbon requirement is repeated through policy P70 of the Southwark Plan 'Energy', although with the requirement for 100% on-site savings for residential units and a minimum of 40% on-site savings for non-residential uses. The Southwark Plan policy also includes the option for the zero carbon shortfall to be offset with a financial contribution or offsite provision to be secured where it has been demonstrated that achieving zero carbon on-site is not possible. The applicant has submitted an Energy Strategy Report in support of the application.
460. Be lean (use less energy) - Measures under this category would include high levels of insulation and air tightness, mechanical heat recovery for the residential units and low energy lighting. Measures under this category would result in a 13% reduction in carbon emissions for the residential units and 15% for the class E and F floorspace space which would meet the respective 10% and 15% requirements set out in the London Plan.
461. Be clean – supply energy efficiently - There are no planned district heating networks in this area, therefore no carbon dioxide emissions savings would be achieved under this category. However, the s106 agreement would require the development to be future-proofed for connection in the event that a network were to come online.
462. Be green – use renewable energy - The proposed development would use air source heat pumps to provide space heating and hot water. There would be individual heat pumps for the dwellings in block A and block B, with pumps for

the remainder of the blocks set within three centralised systems. The heat pumps would require electricity, some of which would be generated through the provision of 150sqm of photovoltaic panels (PVs) on the roofs of some of the blocks. It is not clear whether this is the maximum amount of PVs which could be provided, therefore a condition requiring this to be investigated further with a view to increasing the PV provision has been included in the draft recommendation. Measures under this category would result in a 64% reduction in carbon emissions for the residential units and a 52.2% reduction for the non-residential units.

463. Conclusion on energy strategy - The proposed energy strategy would achieve an overall on-site reduction in carbon emissions of 61.8% beyond the Building Regulations, significantly exceeding the 35% on-site requirement under the London Plan. Whilst it would not meet the Southwark Plan policy of 100% on-site savings for the residential units, there may be scope to provide further PV on the buildings and a condition to secure this is recommended. There are a number of detailed technical queries raised by the GLA which the applicant is responding to, including information on energy costs to occupiers and clarification regarding some of the inputs into the energy strategy. In consultation with GLA officers it is recommended that these matters be secured by way of a condition.
464. In order to meet the carbon zero requirements a contribution of £437,760 towards the Council's Carbon off-set Green fund would be required as follows:
- Residential = 129.7 carbon tonnes shortfall x £95 x 30 (years) = £369,645
Non-residential – 23.9 carbon tonnes shortfall x £95 x 30 (years) = £68,115
Total = £437,760
465. Be seen – Policy SI 2 of the London Plan introduces new 'be seen' requirements to monitor, verify and report on energy performance. Clauses would be included in the s106 agreement to verify the actual carbon savings delivered by the development, with an adjustment to the carbon off-set green fund contribution if required.

Unregulated carbon emissions

466. Policy SI-2 of the London Plan now requires major development proposals to calculate and minimise carbon emissions from other parts of the development which are not covered by the Building Regulations (unregulated emissions) such as from plant and equipment. The applicant has advised that with unregulated savings taken into account the overall on-site reduction in carbon emissions would increase from 61.8% to 63% through the provision of more energy efficient lighting. The applicant has also advised that energy efficient domestic appliances would be installed.

Overheating

467. Policy SI 4 of the London Plan 'Managing heat risk' requires major development proposals to demonstrate through an energy strategy how they will reduce the potential for internal overheating and reliance on air conditioning systems.

468. A thermal comfort overheating analysis report has been submitted with the application. Measures proposed to ensure that there would be no overheating within the development include solar control glass, low energy lighting, energy efficient fittings and recessed windows. All of the residential units would have fully openable windows for natural ventilation and they would also be mechanically ventilated, as would the class E and F floorspace. Additional measures may be required for the residential units facing south near to the scaffold yard site and church / recording studios, such as solar shading and internal blinds. The GLA has commented that any mitigation measures should be secured as part of the base build and not to interfere with the opening of the windows, and requiring guidance for occupants on minimising overheating risks; it is recommended that these measures and guidance be secured by way of a condition.

Whole life-cycle carbon emissions and circular economy

469. Part F of policy SI 2 of the London Plan states that development proposals referable to the Mayor should calculate whole life-cycle carbon (WLC) emissions through a nationally recognised Whole Life-Cycle Carbon Assessment and demonstrate actions taken to reduce life-cycle carbon emissions. Whole life-cycle carbon emissions are the carbon emissions resulting from the construction and the use of a building over its entire life, including producing construction materials right through to its demolition and disposal.
470. Circular economy – Policy SI7 of the London Plan ‘Reducing waste and supporting the circular economy’ seeks to achieve resource conservation, waste reduction, increases in material re-use and recycling, and reductions in waste going for disposal. Applications which are referable to the GLA should promote circular economy outcomes and aim to be net zero-waste, and should be accompanied by a Circular Economy Statement. A combined whole life carbon and circular economy statement has been submitted with the application which has been updated during the course of the application to address comments made by the GLA.
471. With regard to whole life carbon, it is estimated that the majority of the emissions would arise during the production of construction materials. The applicant proposes to reduce carbon emissions by 29.59% by replacing cement with a minimum of 50% GGBS (Ground Granulated Blast-furnace Slag) which is a by-product from blast-furnaces used to make iron. Other measures include the use of reclaimed brick where possible, or bricks with a high recycled materials content. The construction of the development including transporting construction materials to the site would account for 13% of the whole life cycle carbon emissions and measures such as sourcing materials locally where possible to minimise transportation impacts are proposed. The operational phase of the development including any replacement products and energy consumption from day-to-day use would account for 34% of the whole life carbon emissions, with measures proposed including air source heat pumps and PVs. The end of life of the development demolition and disposal would account for 2%. The GLA requires some additional information to address new WLC guidance which it has recently published. A condition to this effect has been included in the draft recommendation.
472. With regard to circular economy which seeks to reduce waste, the ES predicts

that 2,200 tonnes of construction waste would be generated. The GLA has requested that a pre-demolition audit be undertaken which would be secured by way of condition. Measures proposed to reduce waste include setting aside all of the concrete from demolition of the existing buildings to be used as a piling mat for the development, and reusing or recycling demolition materials where possible; during construction materials with a high recycled material content would be used where possible. An operational waste strategy has been submitted which sets out the refuse and recycling strategy for the completed development. Refuse and recycling stores would be provided throughout the development and sufficient space for storage of the required number of bins would be provided.

473. The GLA has raised concerns that a pre-demolition audit should have been provided, in order to further minimise waste arising from the construction process. The applicant has advised that this would be carried out once a contractor has been appointed. It has therefore been agreed that an audit should be secured by way of a condition and fed into a revised circular economy statement which should be submitted for approval.

BREEAM

474. Policy P69 'Sustainability standards' of the Southwark Plan requires the class E and F floorspace within the development to achieve at least BREEAM 'excellent'. A BREEM pre-assessment has been submitted with the application which advises that the commercial space would be on course to achieve 'excellent'. A condition to secure this has been included in the draft recommendation, including an 'excellent' score under the 'Wat 01' category which is a requirement of policy SI 5 of the London Plan.

Water resources

475. Policy SI 5 also requires developments to incorporate measures such as smart metering and water saving measures to help to achieve lower water consumption rates. The development would incorporate measures such as water meters and water efficient fittings. The GLA has requested that a condition limiting mains water consumption to 105 litres or less per person per day and this has been included in the draft recommendation. Thames Water has requested a condition and a number of informatives, and these have also been included in the draft recommendation.

Sustainability statement

476. A Sustainability Statement has been submitted with the application which reviews the proposed development to identify whether it has been developed in accordance with the sustainability objectives of the various planning policies. The three overarching objectives for sustainable development set out in the NPPF relate to economy, society, and the environment.
477. With regard to economic and social objectives, the proposed development would provide high quality employment floorspace, would generate construction jobs, jobs within the completed development, and spending in the local economy. It also would deliver new, high quality public realm and playspace, and a significant

quantum of new housing including affordable housing. With regard to the environment, the statement draws on the various sustainability documents outlined earlier in the report including the energy strategy, whole life carbon and circular economy statement and the BREEAM report. Measures would be incorporated to reduce carbon emissions from the proposed development and to use resources efficiently. Overall it is concluded that sustainability objectives have been appropriately and adequately considered.

Wind microclimate

478. Policy D8 of the London Plan 'Public realm' requires climatic conditions including wind microclimate to be taken into account in the design of new public realm. Both policies D9 of the London Plan and P17 of the Southwark Plan seek to ensure that tall buildings do not result in adverse wind conditions.
479. This issue is covered in chapter 11 of the ES which considers the likely wind conditions as a result of the proposed development, and the suitability of those conditions for pedestrian comfort. It considers the completed development only, and not the demolition and construction phase. It is noted that there would be hoarding around the site during construction works in any event.
480. Wind conditions following the completion of the development would be suitable for sitting to strolling, with no instances of strong winds likely to occur. The assessment includes routes through and around the site, the bus stop on Wells Way, and private balconies and communal amenity areas within the development. One seating area proposed on a podium garden should be relocated to a more sheltered area within the podium, and this could be secured by way of a condition.

Fire safety

481. Policy D12 of the London Plan (Fire Safety) requires all development proposals to achieve the highest standards of fire safety. All development proposals must be accompanied by a fire statement, i.e. an independent fire strategy produced by a third party, suitably qualified assessor.
482. A Fire Safety Statement has been submitted which has been prepared by fire engineers at Sweco. Following concerns raised by the GLA, the report has been amended to reflect the London Plan policy.
483. The Fire Safety Statement demonstrates that fire appliances would be able to enter and exit the site in order to access each of the buildings. All buildings would be provided with an automatic fire detection and alarm system and smoke ventilation system, and sprinklers would be provided to all residential blocks with a floor greater than 11m above ground. Materials would be used which would comply with the Building Regulations in relation to fire safety to prevent fires from spreading, and protected fire fighter stairs, lifts and evacuation lifts would be provided; the 13-storey tower would have two stair cores. The statement advises that any future modifications to the development would need to be undertaken in accordance with fire safety regulations including the Building Regulations. It is considered that the Fire Safety Statement addresses the requirements set out in the London Plan policy and that it should be secured by way of a condition.

Detailed fire safety matters would be considered under the Building Regulations at the next stage of the design. The GLA has confirmed that they are satisfied with the updated Fire Safety Statement.

484. Although the Health and Safety Executive (HSE) is not a statutory consultee for this application because it was submitted before 1st August 2021, they requested that an additional form be provided. This has been submitted and sent to the HSE, and Members will be provided with an update through an Addendum report.

Digital connectivity

485. London Plan Policy SI6 introduces the need for new developments to address London's requirements for enhanced digital connectivity. The policy requires development proposals to ensure that sufficient ducting space for full fibre connectivity infrastructure is provided to all end users, to meet expected demand for mobile connectivity generated by the development, to take appropriate measures to avoid reducing mobile connectivity in surrounding areas, and to support the effective use of rooftops and the public realm (such as street furniture and bins) to accommodate well-designed and suitably located mobile digital infrastructure. This is repeated through policy P44 of the Southwark Plan 'Broadband and digital infrastructure'.
486. In order to address this requirement a condition is recommended to ensure that the appropriate ducting for future connection to the full fibre infrastructure would be installed within the proposed development.
487. It is noted that the existing telecoms equipment on the brick chimney would be removed. The telecoms providers rent this space from the applicant and they have been served with the relevant notices. The onus is on the telecoms providers to find alternative locations for this equipment to ensure that they would continue to provide adequate coverage to the area.

Archaeology

488. The site is not in an Archaeological Priority Zone (APZ). The Council's Archaeologist has confirmed that no archaeological response is necessary for this application.

Socio-economic impacts and health

489. This is considered in chapter 6 of the ES. Concerns have been raised regarding pressure on local services as a result of the proposal.

Demolition and construction

490. The ES predicts that there would be 370 construction workers on the site over the course of the 3 year construction period. It predicts that these construction workers would spend approximately £1.8m in the local area during the construction period. The ES advises that the construction phase of the development could increase trips to hospital A&E departments by 0.003%, which

it concludes would be a negligible impact on capacity.

Completed development

491. The ES predicts that the completed development would support between 70 and 155 jobs at the site. It is noted that the ES figures are predicated on a range of class E uses including food and drink uses, and a condition is recommended requiring 88% of it to be light industrial floorspace which could support a lower number of jobs. The new resident population is estimated at 819 people is predicted to result in £3.9m of expenditure in the borough per year, and the proposal would contribute 16% towards the borough's annual housing target of 2,355 new homes, albeit delivered over a 3 year build period.
492. Regarding impacts upon services, the ES advises that the completed development could increase A&E trips by 0.1%. With regard to GP provision, there are currently 11 surgeries within a 1.6km (1 mile) radius of the site supported by 50 doctors, and all are accepting new patients. The Department for Health recommends a target patient list size of 1,800 patients per GP, and the average across the 11 surgeries is 1,879 so falling just above the recommended list size. The ES advises that the provision is constrained at present, and operating at 104% capacity. The ES therefore predicts that the additional resident population from the proposed development would have a minor adverse effect, but that the effect would not be significant. It is noted that CIL contributions can be put towards health facilities.
493. The applicant has provided a supplementary report regarding the impact upon dental care. It advises that there are 13 dentist practices within one-mile of the site, 10 of which are accepting new patients. The proposed development would increase the number of visits to dental surgeries by 0.3% and given the number of surgeries close to the site which are accepting patients, the report concludes that this would not have a significant adverse impact upon dental care provision.
494. Education has been considered in the ES, which advises that early years provision is currently operating under capacity and that surplus places would remain when children from the proposed development are factored in. It advises that there would be sufficient capacity to accommodate children within the proposed development requiring primary, secondary and further education. The need for additional primary school places has been considered through the preparation of the Southwark Plan and informed by regular monitoring of the demand for school places. A Cabinet report entitled 'Pupil Place Planning' dated 19 October 2021 advises that Southwark currently has considerable overcapacity in primary schools, both at reception and across the school year groups. There is sufficient capacity for secondary school places in the borough, and demand is expected to plateau and then decrease steadily from 2023-24.
495. The ES considers open space and play space and owing to the proximity to Burgess Park, it concludes that the proposed development would have a negligible effect on open space provision and playspace at a local level and that the effect would not be significant. Of note is an expectation within the ES that the proposed development would contribute towards off-site play provision in the local area. The site is in Camberwell which is identified as an open space deficiency area in the Council's Open Space Strategy. Although it is at the edge

of Burgess Park, the park is mainly allocated to the Aylesbury sub-area. However, the site allocation does not require open space to be delivered as part of the development. It instead requires green links and public realm, both of which would be delivered as part of the proposal.

496. With regard to socio-economics, the ES concludes that the only significant effect would be a major, beneficial, long term effect on housing provision at a district level.
497. The ES includes a Health Impact Assessment (HIA) which assesses the potential impact of the scheme on the health and wellbeing of the population. The HIA concludes that the proposed development would have an overall positive impact upon health, including through the provision of high quality housing and playspace. One potentially negative impact identified is noise arising from construction activities, although this would be temporary in nature and the ES predicts that it would be unlikely to have a material impact upon health outcomes. Officers concur with this, and note that a construction management plan would help to reduce noise arising from construction activities.

Planning obligations (S.106 agreement)

498. Policy DF1 of the London Plan advises that Local Planning Authorities should seek to enter into planning obligations to avoid or mitigate the adverse impacts of developments which cannot otherwise be adequately addressed through conditions, to secure or contribute towards the infrastructure, environment or site management necessary to support the development, or to secure an appropriate mix of uses within the development. Policy IP3 of the Southwark Plan sets out similar requirements, and further information is contained within the Council's adopted Planning Obligations and Community Infrastructure Levy SPD.

Planning obligation	Mitigation	Applicant's position
Affordable housing	35.4% by habitable room, to be completed and made available before more than 50% of the private units can be occupied	Agreed
Affordable housing monitoring fee	£18,131.95	Agreed
Affordable housing monitoring clauses	As set out earlier in this report	Agreed
Affordable housing review mechanism	Early and late stage review mechanisms up to 50% affordable housing	Agreed
Employment during	83 sustained jobs for unemployed borough	Agreed

construction	residents, 83 short courses and 20 construction industry apprenticeships, or a payment of £399,350 for shortfall, and the associated employment, skills and business support plan	
Employment within the completed development	14 sustained jobs or a payment of £60,200 for shortfall	Agreed
Local procurement	During construction	Agreed
Delivery of the employment space	Employment space in each phase to be delivered before any of the residential units in that phase can be occupied.	Agreed
Loss of employment floorspace contribution	£139,074.90. Towards employment and training schemes in the borough.	Agreed
Delivery of 20% affordable workspace	In accordance with the terms provided earlier in the report, including £15 per square foot, index linked.	Agreed
Provision of a workspace marketing and management plan / strategy	To ensure that the workspace would be properly marketed and managed	Agreed
Post-completion monitoring of the affordable workspace	Terms to require monitoring of the space to be submitted to the Council.	Agreed
Community use agreement for class F unit	Details of the fit out, hours of use and charging strategy to be submitted for approval.	Agreed
Public access to be maintained through the site	Public access across the site, to all of the ground level play areas within the development and to the route next to the Big Yellow building connecting with Southampton Way.	Agreed

Relocation assistance	The provision of relocation assistance to the Continental Car Wash if required.	Agreed
Scheme of works to ensure consistent landscaping work and boundary treatment with scaffold yard site and the Big Yellow site	To ensure that the developments integrate successfully with each other to create a cohesive public realm.	Agreed
Ecology contribution	£1,674 towards the creation of new habitat in Burgess Park	Agreed
Burgess Park contribution for green wall along site boundary	£9,500 to enable the Council to plant the new boundary wall as a green wall on the park side.	Agreed
Retention of green walls at rear of block A	Terms to ensure that these could not be removed by future occupiers.	Agreed
Street tree bond	£14k (£3,500 x 4 trees) in the event that the proposed street trees cannot be planted or die and new trees need to be planted.	Agreed
Highway works	S278 agreement to secure the following: -Pre-commencement highways condition survey - All internal vehicular routes to be constructed to adoptable standards. - Resurfacing the carriageway of Parkhouse Street from its junction with Wells Way to its junction with Southampton Way. - Upgrading the existing speed cushions outside 5 Parkhouse Street to a raised pedestrian crossing using	Agreed

	<p>materials required in the SSDM;</p> <ul style="list-style-type: none"> - Upgrading of speed cushions outside 21-23 and 35 -39 Parkhouse Street to raised tables; - Repave the footway including new kerbing fronting the development using materials in accordance with the SSDM (precast concrete slabs and 150mm wide granite kerbs) including: <ul style="list-style-type: none"> - Along Parkhouse Street, including outside block B - Wells Way from the existing vehicle crossover southwards to the corner point of the site on Cottage Green (including the corner); - Refresh road markings following kerb installation on Wells Way and reinstate on Parkhouse Street after resurfacing. - Reconstruct existing vehicle crossovers on Parkhouse Street, near the junction with Wells Way and on the north side of Parkhouse Street between 13 Parkhouse Street and block B in accordance with the SSDM; - Construct three new crossovers on Parkhouse Street and one on Wells Way; - Rebuild any redundant vehicular crossovers fronting the development as footway, potentially including between 33 and 35 Southampton Way in accordance with SSDM standards; - Provide access arrangements such as a 	
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	<p>dropped kerb construction to accommodate refuse collection from residential blocks (two on Parkhouse Street and one on Wells Way).</p> <ul style="list-style-type: none"> - Promote all necessary Traffic Regulation Orders (TMOs) to amend waiting and loading restrictions. - Tree pits for any new, replacement or existing trees fronting the development to be constructed in accordance with the SSDM standards. - Rectify any damaged footways, kerbs, inspection covers and street furniture due to the construction of the development. 	
Provision of new LED streetlights along Wells Way and potential relocation of two streetlights on Parkhouse Street	£6,750 for new LED lighting (15 lanterns) along Wells Way	Agreed
Upgrading and potential re-positioning of bus stop on Wells Way to include count down facilities	Subject to further discussion and costings with TfL.	Agreed
Delivery service plan bond	£42,730 (plus £1,600 monitoring fee)	Agreed
TfL bus contribution	£475,000	Agreed
TfL cycle hire contribution	£220,000 towards a cycle hire docking station in the vicinity of the site in the event that the cycle hire zone is agreed to be extended into Camberwell within 2 years of the occupation of the	Agreed

	development	
TfL Legible London contribution	£20,000 to assist with wayfinding in the area	Agreed
Safeguard land for provision of a future cycle hire docking station on the site.	To ensure that a docking station could be provided on the site in future, if required.	Agreed
TfL cycle hire membership	Two years free cycle hire business accounts for commercial occupiers and 2 years free cycle hire membership per household for the residential units.	Agreed
Provision of two car club spaces	Location to be agreed.	Agreed
Car club membership	3 years membership for each eligible resident within the development including the commercial occupiers.	Agreed
Parking permit exemption	Future residents and businesses would be prevented from obtaining parking permits for the surrounding streets	Agreed
Carbon offset fund	£437,760	Agreed
Future-proofing for district heating network	To enable the development to connect to future district heating networks if deemed feasible	Agreed
Post-installation review of energy measures installed	Review to verify the carbon savings delivered with an adjustment to the carbon offset green fund contribution if required.	Agreed
Total financial contributions	£1,384,620.86 (excludes servicing monitoring fee)	Agreed
Administration and monitoring	£27,692.41	Agreed

fee (excluding affordable housing monitoring fee and servicing bond)		
Grand total	£1,412,313.26	Agreed

499. In the event that an agreement has not been completed by 30 September 2022, the committee is asked to authorise the Director of Planning and Growth to refuse permission, if appropriate, for the following reason:

In the absence of a signed S106 legal agreement there is no mechanism in place to mitigate against the adverse impacts of the development including through contributions, and it would therefore be contrary to policy DF1 'Delivery of the Plan and Planning Obligations' of the London Plan 2021, Policy IP3 'Community Infrastructure Levy (CIL) and Section 106 planning obligations' of the Southwark Plan 2022, and the Southwark Section 106 Planning Obligations and Community Infrastructure Levy SPD (2015).

Mayoral and borough community infrastructure levy (CIL)

500. 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 invests in London as a whole, primarily Crossrail. Southwark's CIL will provide for infrastructure that supports growth in Southwark.
501. The site is located within Southwark CIL Zone 3 and MCIL zone 2 £60/sqm. Based on the floor areas provided in the applicant's CIL Form 1 dated 28 Feb 2022 and Accommodation Schedule, the gross amount of CIL is approximately £3,544,593.32, including £1,909,023.45 of Borough CIL and £1,635,569.87 of Mayoral CIL. Assuming the affordable housing tenures qualify for CIL Mandatory Social Housing Relief, potentially around £797,380.62 could be claimed. It should be noted that this is an estimate, and the floor areas on approved drawings and relief eligibility would be checked when the related CIL Assumption of Liability Form and CIL relief forms are submitted, after planning permission has been obtained.
502. The Council's Parks and Leisure Service has requested CIL or s106 contributions to mitigate the impact of the proposed development on local facilities, and it is noted that CIL can be spent on improvements to district parks such as Burgess Park, although this excludes playspace. Following the amendments to the plans, all of the playspace requirements for the development would be met on the site. 25% of local or neighbourhood CIL is made available to local community areas. The 25% of funds raised each year will be allocated through Community Investment Plans which set out the selected projects considered to have the most strategic benefit for the whole ward, or alternatively which meet specific ward

issues which councillors for that ward have identified as a priority.

Other matters

Utilities

503. The application is accompanied by a Utilities Report which identifies the various utilities within or adjacent to the site, including electricity cables, substations sewers, gas pipes and BT cables. An objector has commented that the proposed development could overload the UK Power Network (UKPN) system. In the event that planning permission is granted, the developer would need to secure all necessary consents from the relevant utilities providers before carrying out any work which could impact upon them.

Community involvement and engagement

504. A Statement of Community Involvement (SCI) and engagement summary template have been submitted with the application, detailing the pre-application consultation undertaken with key stakeholders and the local community prior to the submission of the planning application.
505. The SCI advises that two rounds of public consultation were undertaken, with information brochures and freepost questionnaire packs sent to the local community, an online consultation hub and public webinar events. A dedicated website was set up for the project which was advertised on Facebook. Webinar events were hosted owing to Covid 19 restrictions in place at the time. Meetings were held with the local ward Councillors and two cabinet members, the Wells Way Triangle Residents Association and four local businesses.
506. The first round of consultation ran from 19th November until 15th December 2020, with information distributed to 4,335 addresses in the local area, and public online events held on 26th and 28th November 2020 which were attended by a total of 28 people. 405 people responded to the questionnaire and in terms of feedback received, 79% of the respondents supported the provision of active ground floors, 80% supported using the industrial land to bring more jobs and homes to this part of Camberwell, 72% wanted to see creative industries at the site, and a small number of comments were made about height and massing.
507. The second round of consultation ran from 28th January until 17th February 2021. Information was sent to 4,335 addresses in the local area and public online events were held on 4th and 6th February 2021 which were attended by a total of 12 people, including from Friends of Burgess Park. The information provided showed more detailed design and visualisations for the proposals. Overall support for the scheme was at 48% based on 488 respondents to this particular question, with most of the concerns relating to the 14-storey tower, and concerns regarding impact upon transport capacity and local services. 72% supported the proposed public realm provision and 67% supported the focus on pedestrian and cyclist accessibility.
508. Following the public consultations the height of the tower was reduced from 14 to 13 storeys, the number of residential units was reduced, a community unit was included in the proposal within the Garden Square, the height of block C was

reduced, and the length of block L was reduced.

Consultation responses from external and statutory consultees

Greater London Authority

509. Land use principles: The significant loss of industrial capacity on this Locally Significant Industrial Site (LSIS) is of strategic concern. The provision of employment floorspace, including space suitable for light industrial uses, should be maximised and appropriately secured as Use Class E(g) (offices, research and development, light industrial).
510. Affordable housing: 35% affordable housing (habitable room). The provision falls below the 50% threshold for LSIS, set out in London Plan Policy H6. The viability is currently being scrutinised by GLA officers to ensure the offer is the maximum amount. Further details required regarding rental levels and income thresholds. Early and late stage reviews must be secured.
511. Urban design: The provision of new public realm and improved pedestrian routes is strongly supported. Whilst the site is not currently identified within an area identified for tall buildings, the emerging site allocation proposes that the site be designated as appropriate for tall buildings, subject to consideration of existing character, townscape and heritage. Further information should be provided in terms of the visual and functional impacts of the tall buildings to address London Plan Policy D9C.
512. Heritage: GLA officers consider the harm to the significance of Grade II listed Church of St George to be less than substantial and outweighed by the wider public benefits arising from the proposals. Notwithstanding this, high-quality detailing and materials must be appropriately secured, to reduce any harm to heritage assets.
513. Transport: Cycle parking must be provided for the commercial use. Financial contributions towards Legible London signage, footway improvements, bus capacity and cycle hire docking stations are required. A Travel Plan, Parking Management Plan, Delivery and Servicing Plan, Construction Logistics Plan to be secured by condition.
514. Further information on energy, whole-life carbon, circular economy, water, urban greening, biodiversity and trees.
515. Recommendation That Southwark Council be advised that the application does not yet comply with the London Plan for the reasons set out in paragraph 124. Possible remedies set out in the stage 1 report could address these deficiencies.
516. Green infrastructure comments - The applicant should avoid impacts to the SINC, and set out in the application how they will avoid direct or indirect impacts on the SINC. No consideration appears to have been given to the potential impact of

shading, noise or lighting during construction or operation. This should be provided prior to Stage 2.

517. The applicant should seek to implement the guidance with relation to the SINC boundary, including the creation of a soft transition between the site and the SINC. Currently the transition is formed by a hedgerow and private gardens, which would therefore be subject to change by residents.
518. The application material includes reference to a new green link to Burgess Park. It is not clear if the green link would require a new pedestrian access into the Park. This should be clarified prior to Stage 2, with an assessment of the potential impact of increasing footfall across the site boundary, if appropriate.
519. London Plan Policy G6 states that proposals that create new or improved habitats that result in positive gains for biodiversity should be considered positively. Policy G6 further states that development proposals should aim to secure net biodiversity gain. The proposed development has been reported to deliver a net gain of 708%. No further information is required regarding net gain.
520. The applicant has calculated the UGF of the proposed development as 0.33 which is below the target of 0.4 for predominantly residential development set by Policy G5 of the London Plan.
521. Details of existing trees across the site as well as proposed tree retention and removal should be provided with the application. Wherever possible, trees of value should be retained.
522. The applicant should consider including a more diverse range of proposed tree species, with large-canopied trees preferred.
523. Officer response – Overshadowing, light pollution and construction impacts upon Burgess Park have been considered and are set out in the officer report. A green wall would be provided between the park and block A. No new route is proposed into the park, and the plans have been amended and would meet the London Plan Urban Greening Factor target. An arboricultural impact assessment has been provided and details are set out in the officer report in relation to trees and landscaping. Details of tree species would be secured as part of a landscaping condition.

Transport for London (TfL)

524. Site Description - The site is approximately 400 metres east of Camberwell Road which forms part of the Strategic Road Network (SRN). While the Local Planning Authority is also the Highway Authority for those roads, TfL is the Traffic Authority and has a duty to ensure that any development does not have an adverse impact on the SRN.
525. The bus stop on the Wells Way serves the 136 and 343 bus routes. These provide connections with the Bakerloo line, Northern line, Jubilee line, London Overground, DLR and National Rail. The bus stop approximately 450m away on Camberwell Road has 10 bus routes providing connections to the Piccadilly,

Victoria, Circle and District and Hammersmith and City lines.

526. Quietway 7 is located to the east and proposed Quietway 8 and 9 are also in close proximity to the north of the site.
527. Healthy Streets – The TfL has launched the Healthy Streets approach aims to improve air quality, reduce congestion and make attractive places to live, work and do business. TfL expects all developments to deliver improvements that support the ten Healthy Street indicators in line with the London Plan policy T2.
528. The submitted Active Travel Zone (ATZ) assessment highlighted eight routes from the site. The applicant should also identify and assess routes to other local facilities that are within walking distance, including the nearest place of worship. The submitted healthy street assessment highlights key routes and the potential for improvement, and mitigatory measures should be secured.
529. Given the number of recent residential-led planning applications in the vicinity of the site and the current industrial nature of the area with relatively poor quality footways and crossing facilities, the Council would be supported in seeking contributions to a pool of s106 funding for local off-site pedestrian and cycle improvements. This could be achieved by widening the footway and the provision of raised crossings.
530. Walking and Cycling - The proposed development provides a network walking and cycling routes within the site, improving the site permeability which is welcomed, although there is a risk of vehicle conflict, covered further below.
531. The proposed development should widen the footway to at least 2.5 metres as part of the s278 works. An additional measure to encourage pedestrian movement is for the provision of a continuous-height footway along the site frontage, with raised tables at the junctions of internal roads.
532. Wayfinding will be important for the commercial element therefore a contribution of £20k towards Legible London signage should be secured.
533. Internal site layout - The proposed development is to provide two internal one-way roads through the site, with the proposed perimeter road accommodating vehicular access to provide a direct connection to the residential units. The second road is exclusive to delivery and servicing vehicles for the commercial units with bollards preventing access to other traffic.
534. The applicant should also provide information which details how these roads have been designed in accordance with the Mayor's Healthy Streets approach. This includes demonstrating how walking and cycling will be safe, comfortable and convenient e.g. ensuring a low-speed environment and sufficiently wide, clearly delineated footways on both sides of the carriageway through a condition for a management plan.
535. Cycle Parking – The London Plan minimum cycle parking requirements would be met for the residential units. It is unclear whether any cycle parking is proposed for the commercial uses and this is required. The location of short stay parking within the public realm in an easily accessible location is welcomed.

536. All cycle parking should be designed in line with London Cycle Design Standards (LCDS). Some areas of concern are the need for 5% larger cycle stands for cargo bikes etc. 20% Sheffield stands required, better spacing between cycle racks, and the provision of shower and changing facilities. Inadequate cycle parking raises equalities issues and should be addressed prior to determination.
537. Car and Motor Cycle Parking – The 6 proposed motorcycle spaces should be removed as they have not been justified.
538. 13 disabled persons' car parking spaces for residents and one disabled persons' parking space for commercial use are to be provided which meets the requirements of the London Plan for provision at the outset. A parking design and management plan (PDMP) should be secured by condition.
539. TfL would support the Council in seeking a contribution towards a CPZ in this area. Future occupiers should be exempt from obtaining permits. Active electric vehicle charging points should be provided from the outset.
540. Trip Generation - The bus routes operating along Wells Way were, pre-pandemic, were running at capacity at peak times, and the number of residential developments in planning in the Burgess Business Park area will add to this in the future. TfL would support the Council in securing a s106 contribution pooled towards future additional capacity on this corridor; a contribution of £475,000 is sought.
541. TfL expects the applicant to provide a s106 contribution of £220,000 towards the installation of a Santander Cycles docking station serving the site.
542. TfL is concerned with the level of vehicular trips for residential use. Noting the development is car free except for the provision disabled person parking, it is unclear why the trip generation anticipates 10 percent of trips will be via vehicles. This figure should not exceed three percent.
543. Freight - A full delivery and servicing plan (DSP) and a construction logistics plan (CLP) should be secured by condition and prepared in line with TfL guidance. The applicant is encouraged to identify opportunities to consolidate servicing trips and deliveries for construction where possible to minimise the impact on the surrounding road network. The use of cargo bikes for both servicing and construction should be maximised.
544. Travel Plan - A Travel Plan should also be secured by condition. It should contain targets and measures to promote active travel. Free membership of Santander Cycles should be offered to initial residents and office occupiers.
545. Historic England (HE) (first and second consultations)

On the basis of this information, HE do not wish to offer any comments. We suggest that you seek the views of your specialist conservation advisers, as relevant.

Environment Agency

546. No objection to the application; advice provided regarding flood risk and controlled waters. This includes links to best practice guidance and has been forwarded to the applicant for information.

Thames Water

547. Waste Comments - with regard to FOUL WATER sewerage network infrastructure capacity, Thames Water would not have any objection to the application, based on the information provided.
548. With regard to SURFACE WATER network infrastructure capacity, Thames Water would not have any objection to the application, based on the information provided.
549. There are public sewers crossing or close to the proposed development. If significant work is planned near the sewers, the risk of damage must be minimised. Thames Water need to check that the development does not limit repair or maintenance activities, or inhibit the services we provide in any other way (link to Thames Water guidance to be provided in an informative).
550. A Trade Effluent Consent will be required for any Effluent discharge other than a 'Domestic Discharge' The developer must demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer (details to and link to Thames Water guidance to be provided in an informative).
551. Water Comments - Following initial investigations, Thames Water has identified an inability of the existing water network infrastructure to accommodate the needs of this development proposal. Thames Water request that a condition be added to any planning permission to address this.
552. There are water mains crossing or close to the development. Thames Water do not permit the building over or construction within 3m of water mains. Thames Water need to check works within 3m of a water mains. Link to guidance to be provided in an informative.
553. The proposed development is located within 15m of underground water assets, informative recommended.
554. Waste water - Thames Water confirm that there will be sufficient capacity in our sewerage network to accept the surface water discharge rate provided as part of the enquiry. This does not preclude the requirement in the London Plan to achieve greenfield run-off rates.

Network Rail

555. Network Rail have no objections to the proposed development. However, whilst the proposal in isolation is not expected to drive an increase in demand which requires specific rail network capacity improvements, the strong development growth within the area in totality is likely to drive increased capacity requirements

in the future. Network Rail would look to work with local authorities to explore options which ensure sufficient capacity is provided in the medium and long term to mitigate the cumulative impact of new developments.

556. Would also encourage the developers and promoters of the scheme to consider the impact, not only on the railway itself, but also on the first and last mile element of passengers' journeys. This factors in access to and from the railway, as well as how other transport modes are integrated and how well communities are connected. Developing access to the railway using first and last mile principles has a number of benefits including:
- Aligning with local and national policy to reduce carbon emissions and meet net-zero targets, by encouraging more active modes of transport such as walking and cycling
 - Providing a seamless journey experience where various modes of transport are integrated, including bus and rail services
 - Providing an accessible and inclusive offering of transport modes to both local residents and visitors
 - Improving connections between communities which may not be as well-served by public transport
 - Reduces the reliance on the car to travel to and from rail stations.

557. Officer response – The applicant has responded that: regarding the first and last mile principles, this work has been covered in our Transport Assessment in the Active Travel Zone work undertaken (Chapter 4). This included reviewing opportunities to improve safety, connectivity and encourage active and sustainable travel modes to key destinations, which included bus stops and train stations. These comments were forwarded to Network Rail which responded that the comments are noted, and that Network Rail has nothing further to add.

London Underground/DLR Infrastructure Protection

558. No comment to make on this planning application as submitted.

Metropolitan Police

559. Initial comments - The development will need to be discussed in detail with regards to security. To summarise, it will be essential that all commercial and residential areas are kept separate from one another with separate cycle and bin stores, as well as entrances and corridors. There should be no crossover of users. The majority of residential blocks will need to be compartmentalised for security, meaning that people who live there should only be accessing the floor they live on and any communal areas. Each block must have secure lobbies, secure cycle stores, secure bins stores. The landscaping strategy including play areas, lighting, and vehicle parking will need to be discussed. The use of tested and accredited products in the name of the fabricator namely doorsets, windows, gates and glazing will be essential throughout this development, as is access control, CCTV, secure perimeter treatments, secure bin stores and cycle stores.
560. Overall it is considered that the development could achieve the security

requirements of Secured By Design if engagement is sought with the Designing Out Crime Unit. Achieving Secured By Design should be welcomed, especially as Southwark is a high crime borough.

561. Follow-up comments - The project architects have contacted the Designing out Crime unit but a meeting has not been agreed yet. The development is suitable to achieve Secured By Design accreditation and a condition to secure this is recommended.

London Fire and Emergency Planning Authority

562. No response at the time of writing.

Health and Safety Executive (HSE)

563. Initial response that cannot comment on applications submitted before 1st August 2021. Follow-up response requesting that an additional fire safety form be completed and submitted for review.

EDF

564. No response at the time of writing.

Natural England

565. No objection - Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.
566. The proposed development is within an area that Natural England considers could benefit from enhanced green infrastructure (GI) provision. Multi-functional green infrastructure can perform a range of functions including improved flood risk management, provision of accessible green space, climate change adaptation and biodiversity enhancement. Natural England would encourage the incorporation of GI into this development.

Arqiva

567. Arqiva is responsible for providing the BBC, ITV and the majority of the UK's radio transmission network and is responsible for ensuring the integrity of Re-Broadcast Links. Tall infrastructure such as wind turbines and other tall structures have the potential to block radio transmission links and rebroadcasting links (through direct blocking of radio signal or deflecting signal). Our radio transmission networks normally operate with a 100m buffer either side of a radio link, free from interference by tall development.
568. Have considered whether this development is likely to have an adverse effect on our operations and have concluded that we have no objections to this development.

569. Please note, Aqiva do not comment upon domestic reception, and the developer may need to commission their own studies to understand if the development is likely to impact upon domestic reception.

570. Officer response – a condition to require a study regarding domestic reception has been included in the draft recommendation.

City of London

571. No response received at the time of writing.

London Borough of Islington

572. No response received at the time of writing.

London Borough of Haringey

573. No response received at the time of writing.

Fields in Trust

574. No response received at the time of writing.

UK Power Networks

575. No response received at the time of writing.

Veolia

576. No response received at the time of writing.

Community impact assessment

577. The Council must not act in a way which is incompatible with rights contained within the European Convention of Human Rights. The Council has given due regard to the above needs and rights where relevant or engaged throughout the course of determining this application. Details of the equality implications of the application have been set out earlier in the report.

Human rights implications

578. 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.

579. This application has the legitimate aim of providing a comprehensive mixed-use development including class E and F floorspace and residential units. 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

580. The council has published its development plan 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.
581. 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 submissions that are in accordance with the application requirements.

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 agreed Planning Performance Agreement date?	YES

CONCLUSION

582. This application is for a comprehensive redevelopment of an ageing industrial estate which would deliver new employment and retail floorspace, new homes and new community floorspace, and this would comply with the site allocation in the Southwark Plan.
583. A significant proportion of the industrial estate is currently vacant, and some of the space has been vacant for over a decade. The proposal would deliver new, high quality employment floorspace including 20% affordable workspace, and would have the ability to accommodate a broad range of employment uses and support permanent jobs at the site. The development would also allow for an element of retail, food and drink uses and a community space which would serve new and existing local residents and would help to attract people to the site.
584. Whilst the proposal would result in a reduction in employment floorspace compared to that which currently exists at the site and no marketing exercise has been submitted, it has been demonstrated that a higher amount of commercial floorspace would affect the viability of the scheme. Planning policies in both the

London Plan and Southwark Plan make it clear that where a proposal cannot viably deliver all of the required planning obligations or land use requirements set out in site allocations, the priority should be for affordable housing. If additional employment floorspace were to be provided, this would reduce the amount of housing and affordable housing which could be delivered.

585. The proposed development would make a significant contribution to housing delivery in the Southwark. There is a pressing need for housing in the borough and the scheme would deliver 375 new homes, including 137 affordable housing units. This would equate to 35.4% affordable housing by habitable room, with a policy compliant tenure split of social rented and shared-ownership accommodation and a policy compliant amount of wheelchair accessible housing. Whilst the proposal would not fully comply with policy P2 of the Southwark Plan by providing 20% 3+ bed units instead of 25%, the application was submitted in April 2021 when the Core Strategy (2011) was still in use and which required 20% 3+ bed units. On balance, this is considered acceptable.
586. It is considered that the proposed development has successfully addressed the concerns raised in the appeal decision. Regarding the quality of accommodation, for the reasons set out earlier in the report officers are of the view that the residential accommodation can now be described as exemplary. With the exception of the 13-storey tower, the heights of the proposed development have been reduced, and as such would have less of an impact upon the neighbouring residential occupiers and a more successful relationship with the existing townscape. It is recognised that the inclusion of a tall building does not accord with some of the locational tests within policy. However, it is concluded that the inclusion of a tall building would not be harmful, and that the identified benefits of the scheme are material considerations which can outweigh the failure to fully comply with development plan.
587. Following the refusal of the appeal scheme the Council commissioned the Parkhouse Street LDS to guide developments coming forward in this area. The applicant engaged with the LDS process and the proposed design responds to the LDS requirements successfully. The design would be of a very high quality, reflecting the industrial heritage of the area and retaining an existing brick chimney stack. The chimney would sit within the Garden Square which would be at the heart of the new development and would provide an attractive setting to the tall building. The Garden Square would be connected to a new pedestrian-only Garden Street which would incorporate a significant amount of playspace. The provision of playspace within the public realm which could be used by existing and future residents alike is considered to be a very positive aspect of the proposal and is welcomed. The provision of new routes through the site would introduce permeability across the site including connecting Wells Way with Southampton Way.
588. The impact upon heritage assets in the vicinity of the site has been carefully considered. Officers are satisfied that there would be limited (if any) harm arising to the nearby heritage assets as there would be no direct impact on any listed buildings or conservation areas. Any harm arising due to visibility in the wider setting of heritage assets would be extremely limited and of the lowest order of less than substantial as defined by the NPPF, and can be considered in the balance against the public benefits arising. In this instance the contribution of the

new public realm, the high quality of design, and the inclusion of affordable housing and affordable workspace have been considered in the balance and are found to be acceptable justification for the harm (if any) arising.

589. The benefits of the scheme need to be weighed against some localised, adverse impacts including an equality issue relating to the loss of the car wash, impacts during construction, and impacts upon daylight and sunlight to neighbouring properties. The impact upon four residential and live/work units at the rear of 47 Southampton Way are noted, although some windows to this neighbouring block would experience improvements and there would be some benefit to their outlook due to the removal of the poor quality existing structures. Impacts upon daylight and sunlight to properties on Wells Way are also noted, although these properties currently look out onto a low rise building and areas of open parking and as such currently receive high levels of daylight and sunlight. In light of the wider public benefits of the scheme it is considered that on balance, these benefits would outweigh the limited harm to local amenity.
590. New landscaping and tree planting would be delivered which would provide greening and increase biodiversity on what is currently a largely hard-surfaced site. Ecological impacts upon the adjoining SINC have been carefully considered through an independent ecological assessment, and following mitigation through conditions and planning obligations it is concluded that the proposal could deliver some biodiversity enhancements to Burgess Park. On-site carbon reductions of over 61% would be achieved, and matters relating to circular economy and whole life carbon have been taken into account. Impacts relating to transport, air quality, ground conditions, flood risk, wind microclimate, fire safety, digital connectivity, archaeology and socioeconomics and health have all been considered and are found to be acceptable, subject to a number of conditions and planning obligations.
591. Officers have assessed the conclusions of the submitted Environmental Statement, and conditions and planning obligations are recommended in order to secure appropriate mitigation. Overall whilst there are some minor areas of non-compliance as set out earlier in the report, the proposed development is considered to be in overall conformity with the development plan when read as a whole. Subject to the completion of a s106 agreement and conditions, it is recommended that planning permission be granted following referral to the Mayor of London and the Secretary of State.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Southwark Local Development Framework and Development Plan Documents	Chief Executive's 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	Recommendation (draft decision notice)
Appendix 2	NPPF and planning policies
Appendix 3	Planning history of the site and nearby sites
Appendix 4	Consultation undertaken
Appendix 5	Consultation responses received
Appendix 6	Design Review Panel report
Appendix 7	Appeal decision

AUDIT TRAIL

Lead Officer	Stephen Platts, Director of Planning and Growth	
Report Author	Victoria Lewis, Team Leader	
Version	Final	
Dated	21 June 2022	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Finance and Governance	No	No
Strategic Director of Environment and Leisure	No	No
Strategic Director of Housing and Modernisation	No	No
Date final report sent to Constitutional Team		14 July 2022

Recommendation

SOUTHWARK COUNCIL

Town and Country Planning Act 1990 (as amended)

Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended)



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RECOMMENDATION

LBS Reg. No.: 21/AP/1342

Date of Recommendation:

Applicant Peachtree Services LTD

Grant subject to Legal Agreement, Referral to the GLA and Referral to SoS for the following development:

Demolition of the existing buildings and redevelopment of the site to provide residential units (Class C3), flexible commercial floorspace (Class E) and community floorspace (Class F) within 12 blocks of between 2-13 storeys, with car and cycle parking and associated hard and soft landscaping and public realm improvements.

At

Burgess Industrial Park Parkhouse Street London SE5 7TJ

In accordance with the valid application received on 18 May 2021 and supporting documents submitted which can be viewed on our Planning Register.

For the reasons outlined in the case officer's report, which is also available on the Planning Register.

The Planning Register can be viewed at: <https://planning.southwark.gov.uk/online-applications/>

Conditions

Permission is subject to the following Approved Plans Condition:

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RECOMMENDATION

LBS Registered Number: 21/AP/1342

Date of Recommendation:



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1. The development shall be carried out in accordance with the following approved plans:

Reference no./Plan or document name/Rev.

Received on:

DUN-BUR HTA-A PA2 BB-S2 DR 0245 Rev D Block B SW elevation	13/07/2022
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DUN-BUR HTA-A PA2 BB-S3 DR 0246 Rev D Block B SE elevation	13/07/2022
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DUN-BUR HTA-A PA2 BB-S4 DR 0247 Rev D Block B NW elevations	13/07/2022
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DUN-BUR HTA-A PA2 BC-S1 DR 0250 Rev D Block C elevations	13/07/2022
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DUN-BUR HTA-A PA2 BD-S1 DR 0253 Revision D Block D NE & SE elevations	13/07/2022
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DUN-BUR HTA-A PA2 BD-S2 DR 0254 Rev D Block D SW & NW elevations	13/07/2022
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DUN-BUR HTA-A PA2 BE-S1 DR 0257 Rev D Block E NE & SE elevations	13/07/2022
--	------------

DUN-BUR HTA-A PA2 BE-S2 DR 0258 Rev D Block E SW & NW elevations	13/07/2022
--	------------

DUN-BUR HTA-A PA2 BF-S1 DR 0260 Revision D Block F SW elevation	13/07/2022
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DUN-BUR HTA-A PA2 BF-S2 DR 0261 Rev D Block F NW elevation	13/07/2022
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DUN-BUR HTA-A PA2 BF-S3 DR 0262 Rev D Block F N elevation	13/07/2022
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DUN-BUR HTA-A PA2 BF-S4 DR 0263 Rev D Block F facade detail elevation	13/07/2022
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DUN-BUR HTA-A PA2 BG AND H-S1 DR 0265 Rev D Block G & H SE elevation	13/07/2022
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DUN-BUR HTA-A PA2 BG AND H-S2 DR 0266 Rev D Block G &	13/07/2022
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RECOMMENDATION

LBS Registered Number: 21/AP/1342

Date of Recommendation:



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H SW elevation

DUN-BUR HTA-A PA2 BG AND H-S3 DR 0267 Rev D Block G & H NW elevation 13/07/2022

DUN-BUR HTA-A PA2 BG-S1 DR 0268 Rev D Block G NE elevation 13/07/2022

DUN-BUR HTA-A PA2 BH-S1 DR 0269 Rev D Block H NE & SW elevations 13/07/2022

DUN-BUR HTA-A PA2 BH-S2 DR 0270 Rev D Block H facade detail elevation 13/07/2022

DUN-BUR HTA-A PA2 BJ-S1 DR 0278 Rev D Block J facade detail elevation 13/07/2022

DUN-BUR HTA-A PA2 BL-S2 DR 0286 Rev D Block L Facade detail elevation 13/07/2022

DUN-BUR HTA-A PA2 BI AND J-S1 DR 0275 Rev D Block I & J NW elevation 13/07/2022

DUN-BUR HTA-A PA2 BI AND J-S2 DR 0276 Rev D Block I & J SE elevation 13/07/2022

DUN-BUR HTA-A PA2 BI-S1 DR 0277 Rev D Block I - SW elevation 13/07/2022

DUN-BUR HTA-A PA2 BK-S1 DR 0280 Rev D Block K - E elevation 13/07/2022

DUN-BUR HTA-A PA2 BK-S2 DR 0281 Rev D Block L NW & NE elevations 13/07/2022

DUN-BUR HTA-A PA2 BL-S1 DR 0285 Rev D Block L, E, S & W elevations 13/07/2022

DUN-BUR HTA-A PA2 SAA-DR 0113 Rev D blocks E, H, G section AA 13/07/2022

DUN-BUR HTA-A PA2 SBB-DR 0114 Rev D Blocks J, H, F Section BB 13/07/2022

DUN-BUR HTA-A PA2 BA-S1 DR 0240 Rev D Block A elevations 13/07/2022

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RECOMMENDATION

LBS Registered Number: 21/AP/1342

Date of Recommendation:



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DUN-BUR HTA-A PA2 BB-S1 DR 0244 Rev D block B NE 13/07/2022
elevation

DUN-BUR HTA-A PA2 SCC-DR 0115 Rev D Blocks I, D, Section 13/07/2022
CC

DUN-BUR HTA-A PA2 SEL-DR 0130 Rev D Street elevation east 13/07/2022
blocks L & K

DUN-BUR HTA-A PA2 SEL-DR 0131 Revision D Street 13/07/2022
elevation South-east blocks E, H & G

DUN-BUR HTA-A PA2 SEL-DR 0132 Rev D street elevation 13/07/2022
north-east blocks I, E & D

DUN-BUR HTA-A PA2 SEL-DR 0133 Rev D Street elevation 13/07/2022
north-west blocks G, F, D & C

DUN-BUR HTA-A PA2 BA-00 AND 01 DR 0200 Rev D Block A 13/07/2022
ground & first floor plan

DUN-BUR HTA-A PA2 BA-R1 DR 0201 Rev D Block A roof plan 13/07/2022

DUN-BUR HTA-A PA2 BB-00 AND 01 DR 0202 Rev D Block B 13/07/2022
ground and first floor plan

DUN-BUR HTA-A PA2 BB-02 AND R1 DR 0203 Rev D Block B 13/07/2022
second floor and roof plan

DUN-BUR HTA-A PA2 BC-00-R1 DR 0204 Rev E block C 13/07/2022
ground, first and roof plan

DUN-BUR HTA-A PA2 BD-00-01 DR 0205 Rev D Block D ground 13/07/2022
and first floor plan

DUN-BUR HTA-A PA2 BD-02-05 DR 0206 Rev D Block D 13/07/2022
second-fifth floor plan

DUN-BUR HTA-A PA2 BD-R1 DR 0206 Rev D Block D roof plan 13/07/2022

DUN-BUR HTA-A PA2 BE-00-01 DR 0207 Rev E Block E ground 13/07/2022
& first floor plan

DUN-BUR HTA-A PA2 BE-R1 DR 0208 Rev D Block E roof plan 13/07/2022

DUN-BUR HTA-A PA2 BF-00 DR 0209 Rev D Block F ground 13/07/2022

DRAFT

RECOMMENDATION

LBS Registered Number: 21/AP/1342

Date of Recommendation:



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floor plan

DUN-BUR HTA-A PA2 BF-01 DR 0210 Rev D Block F first floor plan 13/07/2022

DUN-BUR HTA-A PA2 BF-02-05 DR 0211 Rev D Block F second-fifth floor plan 13/07/2022

DUN-BUR HTA-A PA2 BF-06 DR 0212 Rev D Block F sixth floor plan 13/07/2022

DUN-BUR HTA-A PA2 BF-R1 DR 0213 Rev D Block F roof plan 13/07/2022

DUN-BUR HTA-A PA2 BG AND H-00 DR 0214 Rev D Blocks G & H ground floor plan 13/07/2022

DUN-BUR HTA-A PA2 BG AND H-01 DR 0215 Rev D Blocks G & H first floor plan 13/07/2022

DUN-BUR HTA-A PA2 BG AND H-02 DR 0216 Rev D blocks G & H second floor plan 13/07/2022

DUN-BUR HTA-A PA2 BG AND H-03-05 DR 0217 Rev D Blocks G & H third-fifth floor plan 13/07/2022

DUN-BUR HTA-A PA2 BG AND H-06 DR 0218 Rev D Blocks G & H sixth floor plan 13/07/2022

DUN-BUR HTA-A PA2 BG AND H-07-11 DR 0219 Rev D blocks G & H seventh-eleventh floor plan 13/07/2022

DUN-BUR HTA-A PA2 BG AND H-12 DR 0220 Rev D blocks G & H twelfth floor plan 13/07/2022

DUN-BUR HTA-A PA2 BG AND H-R1 DR 0221 Rev D blocks G & H roof plan 13/07/2022

DUN-BUR HTA-A PA2 BI AND J-00-01 DR 0222 Rev D blocks I & J ground & first floor plan 13/07/2022

DUN-BUR HTA-A PA2 BI AND J-02 AND 06 DR 0223 Rev D Blocks I & J secon-fifth & sixth floor plan 13/07/2022

DUN-BUR HTA-A PA2 BI AND J-08 AND R1 DR 0224 Rev D blocks I & J seventh floor and roof plan 13/07/2022

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RECOMMENDATION

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Date of Recommendation:



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DUN-BUR HTA-A PA2 BK-00-01 DR 0225 Rev D block K ground & first floor plan 13/07/2022

DUN-BUR HTA-A PA2 BK-02-R1 DR 0226 Rev D Block K second-fifth floor & roof plan 13/07/2022

DUN-BUR HTA-A PA2 BL-00 AND 01 DR 0227 Rev D block L ground & first floor plan 13/07/2022

DUN-BUR HTA-A PA2 BL-02-R1 DR 0228 Rev D Block L second, third & roof plan 13/07/2022

DUN-BUR HTA-A PA2 D01-00 DR 0101 Rev L Ground floor plan 13/07/2022

DUN-BUR HTA-A PA2 D01-01 DR 0102 Rev L first floor plan 13/07/2022

DUN-BUR HTA-A PA2 D01-02 DR 0103 Rev K second floor plan 13/07/2022

DUN-BUR HTA-A PA2 D01-03 DR 0104 Rev K third floor plan 13/07/2022

DUN-BUR HTA-A PA2 D01-04 DR 0105 Rev K fourth floor plan 13/07/2022

DUN-BUR HTA-A PA2 D01-06 DR 0107 Rev K sixth floor plan 13/07/2022

DUN-BUR HTA-A PA2 D01-07 DR 0108 Rev J seventh floor plan 13/07/2022

DUN-BUR HTA-A PA2 D01-08 DR 0109 Rev H eighth floor plan 13/07/2022

DUN-BUR-HTA-A-PA2-D001-09-DR-0110 Rev H ninth floor plan 13/07/2022

DUN-BUR HTA-A PA2 D01-10 DR 0111 Rev H tenth floor plan 13/07/2022

DUN-BUR HTA-A PA2 D01-11 DR 0112 Rev H eleventh floor plan 13/07/2022

DUN-BUR HTA-A PA2 D01-12 DR 0113 Rev H twelfth floor plan 13/07/2022

DUN-BUR HTA-A PA2 D01-B1-DR 0100 Rev A Basement plan 13/07/2022

DUN-BUR HTA-A PA2 D01-R1-DR 0114 Rev H roof plan 13/07/2022

DUN-BUR HTA-A PA2 D01-05 DR 0106 Rev K fifth floor plan 13/07/2022

DUN-BUR HTA-L DR 00 0900 PUBLIC REALM GA PLAN Rev E 13/07/2022

DUN-BUR HTA-L DR 00 0920 PUBLIC REALM SECTIONS Rev C 13/07/2022

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DUN-BUR HTA-L DR 00 0921 PUBLIC REALM SECTIONS Rev 13/07/2022
C

DUN-BUR HTA-L DR ZZ 0905 PUBLIC REALM ILLUSTRATIVE 13/07/2022
PLAN Rev B

DUN-BUR HTA-L DR ZZ 0910 COMMUNAL AMENITY GA Rev 13/07/2022
B

DUN-BUR HTA-L DR ZZ 0915 COMMUNAL AMENITY 13/07/2022
ILLUSTRATIVE PLAN Rev B

DUN-BUR HTA-L DR ZZ 0922 COMMUNAL AMENITY 13/07/2022
SECTIONS Rev A

Reason:

For the avoidance of doubt and in the interests of proper planning.

Permission is subject to the following Time Limit:

2. The development hereby permitted shall be begun before the end of three years from the date of this permission.

Reason:

As required by Section 91 of the Town and Country Planning Act 1990 as amended.

Permission is subject to the following Pre-Commencements Condition(s)

3. FULL FIBRE CONNECTIVITY

Prior to commencement of the development hereby approved, detailed plans shall be submitted to and approved in writing by the local planning authority demonstrating the provision of sufficient ducting space for full fibre connectivity infrastructure within the development. The development shall be

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carried out in accordance with these plans and maintained as such in perpetuity.

Reason:

To provide high quality digital connectivity infrastructure to contribute to London's global competitiveness in accordance with Policy SI6 of the London Plan (2021) and policy P44 'Broadband and digital infrastructure' of the Southwark Plan (2022).

Construction management / logistics plan

4.

No development shall take place, including any works of demolition, until a written construction environmental management plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall oblige the applicant, developer and contractors to commit to current best practice with regard to construction site management and to use all best endeavours to minimise off-site impacts, and will include the following information:

- A detailed specification of demolition and construction works at each phase of development including consideration of all environmental impacts (including identified contamination) and the identified remedial measures;
- Site perimeter continuous automated noise, dust and vibration monitoring;
- Engineering measures to eliminate or mitigate identified environmental impacts e.g. hoarding location, height and density, acoustic screening, sound insulation, dust control measures, emission reduction measures, location of specific activities on site, etc.;
- Arrangements for a direct and responsive site management contact for nearby occupiers during demolition and/or construction (signage on hoardings, newsletters, residents liaison meetings, etc.)
- A commitment to adopt and implement of the ICE Demolition Protocol and Considerate Constructor Scheme;
- Site traffic - Routing of in-bound and outbound site traffic, one-way site traffic arrangements on site, location of lay off areas, etc.;
- At least Silver FORS membership for transport operators;
- Site waste Management - Accurate waste stream identification, separation, storage, registered waste carriers for transportation and disposal at appropriate destinations including locations of recycling activities on the site;

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- Details to minimise impacts upon the adjoining Site of Interest for Nature Conservation (Burgess Park) by way of contamination, noise, dust, light pollution and surface-run-off;
- Measures to maximise the use of sustainable modes of transport for deliveries and collections;
- Measures to protect pedestrians and cyclists in line with the Mayor of London's Vision Zero;
- A commitment that all Non-Road Mobile Machinery equipment (37 kW and 560 kW) shall be registered on the NRMM register and meets the standard as stipulated by the Mayor of London;
- Compliance with the Non-Road Mobile Machinery Low Emission Zone for London;
- Measures for the pre-booking of deliveries to and collections from the site;
- Measures to minimise and consolidate vehicle trips to and from the site;
- The scope, location and design of the site offices and welfare facilities in each phase of the development;
- To follow current best construction practice, including the following:-

Southwark Council's Technical Guide for Demolition & Construction at <http://www.southwark.gov.uk/construction>
Section 61 of Control of Pollution Act 1974,
The London Mayors Supplementary Planning Guidance 'The Control of Dust and Emissions During Construction and Demolition',
The Institute of Air Quality Management's 'Guidance on the Assessment of Dust from Demolition and Construction' and 'Guidance on Air Quality Monitoring in the Vicinity of Demolition and Construction Sites',
BS 5228-1:2009+A1:2014 'Code of practice for noise and vibration control on construction and open sites. Noise',
BS 5228-2:2009+A1:2014 'Code of practice for noise and vibration control on construction and open sites. Vibration'
BS 7385-2:1993 Evaluation and measurement for vibration in buildings. Guide to damage levels from ground-borne vibration,
BS 6472-1:2008 'Guide to evaluation of human exposure to vibration in buildings - vibration sources other than blasting.

All demolition and construction work shall be undertaken in strict accordance with the approved CEMP and other relevant codes of practice, unless otherwise agreed in writing by the Local Planning Authority.

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Construction work shall only take place between 8am to 6pm Monday to Friday, 9am to 2pm on Saturdays and not at all on Sundays and Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason

To ensure that occupiers of neighbouring premises and the wider environment do not suffer a loss of amenity by reason of pollution and nuisance, in accordance with the Southwark Plan 2022 Policy P56 (Protection of amenity), and the National Planning Policy Framework 2021. in accordance with Strategic Policy 13 'High environmental standards' of the Core Strategy (2011), Saved Policy 3.2 'Protection of amenity' of the Southwark Plan (2007), and the National Planning Policy Framework (2019).

5. Circular Economy

Prior to the commencement of development, including demolition, an updated Circular Economy Statement demonstrating compliance with Part B of Policy SI 7 'Reducing waste and supporting the circular economy' of the London Plan 2021 and including a pre-demolition audit shall be submitted and approved in writing by the Local planning Authority. The assessment shall develop a strategy for the implementation of circular economy principles in both the approved building's and wider site's operational phase, in addition to developing an end-of-life strategy for the development according to circular economy principles, including disassembly and deconstruction.

Reason

To promote resource conservation, waste reduction, material re-use, recycling and reduction in material being sent to land fill in compliance with Policy SI 7 of the London plan 2021

6. Site contamination

a) Prior to the commencement of development (excluding demotion), an intrusive site investigation and associated risk assessment shall be

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completed to fully characterise the nature and extent of any contamination of soils, ground water, ground gas and vapour on the site.

b) In the event that contamination is found that presents a risk to future users or controlled waters or other receptors, a detailed remediation and/or mitigation strategy shall be prepared and submitted to the Local Planning Authority for approval in writing. The strategy shall detail all proposed actions to be taken to bring the site to a condition suitable for the intended use, together with any monitoring or maintenance requirements. The scheme shall also ensure that as a minimum, the site should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme (if one is required) shall be carried out and implemented as part of the development.

c) Following the completion of the works and measures identified in the approved remediation strategy, a verification report providing evidence that all works required by the remediation strategy have been completed, together with any future monitoring or maintenance requirements shall be submitted to and approved in writing by the Local Planning Authority.

d) In the event that potential contamination is found at any time when carrying out the approved development that was not previously identified, it shall be reported in writing immediately to the Local Planning Authority, and a scheme of investigation and risk assessment, a remediation strategy and verification report (if required) shall be submitted to the Local Planning Authority for approval in writing, in accordance with a-c above.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the National Planning Policy Framework (2021); P67 Reducing water use, P68 Reducing flood risk, P63 Land for waste management, P64 Contaminated land and hazardous substances of the Southwark Plan (2022).

7. Updated energy strategy

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Prior to the commencement of development (excluding demolition) an updated energy strategy to address the following outstanding issues as detailed in the Greater London Authority's Energy Memo dated 21st June 2022 shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details thereby approved, unless otherwise agreed in writing by the Local Planning Authority.

Thermal bridging information;
Details of energy costs for occupiers of the development;
Further justification for the provision of a separate heating system for block A;
Provision of a plan showing the location of the site energy centre;
Additional calculations for the heat pump outputs;
Details to demonstrate whether or not additional photovoltaic panels could be provided within the development.

Reason

To ensure that the development would comply with policy SI 2 'Minimising greenhouse gas emissions' of the London Plan 2021.

8. Drainage Strategy and finished floor levels

No works (excluding demolition and site clearance) shall commence until full details of the proposed surface water drainage system incorporating Sustainable Drainage Systems (SuDS) have been submitted to and approved in writing by the Local Planning Authority, including detailed design, size and location of attenuation units and details of flow control measures. The strategy should achieve a reduction in surface water runoff rates during the 1% Annual Exceedance Probability (AEP) event plus climate change allowance, as detailed in the Drainage Strategy report prepared by Waterman (ref: WIE12954-100-5-2-1-DS, dated March 2021). The applicant must demonstrate that the site is safe in the event of blockage/failure of the system, including consideration of exceedance flows. The site drainage must be constructed to the approved details and maintained as such thereafter, and finished floor levels in areas of medium or high risk of surface water

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flooding on the northern and eastern parts of the site must be raised 300mm above the existing ground levels.

Reason: To minimise the potential for the site to contribute to surface water flooding in accordance with Southwark's Strategic Flood Risk Assessment (2017) and Policy SI 13 of the London Plan (2021).

9. Prior to works commencing, including any demolition, an updated Arboricultural Impact Assessment and Method Statement shall be submitted to and approved in writing by the Local Planning Authority.
 - a) A pre-commencement meeting shall be arranged, the details of which shall be notified to the Local Planning Authority for agreement in writing prior to the meeting and prior to works commencing on site, including any demolition, changes to ground levels, pruning or tree removal.
 - b) A detailed Arboricultural Method Statement showing the means by which any retained trees on or adjacent to the site are to be protected from damage by demolition works, excavation, vehicles, stored or stacked building supplies, waste or other materials, and building plant, scaffolding or other equipment, shall then be submitted to and approved in writing by the Local Planning Authority. The method statements shall include details of facilitative pruning specifications and a supervision schedule overseen by an accredited arboricultural consultant.
 - c) Cross sections shall be provided to show surface and other changes to levels, special engineering or construction details and any proposed activity within root protection areas required in order to facilitate demolition, construction and excavation. The existing trees on or adjoining the site which are to be retained shall be protected and both the site and trees managed in accordance with the recommendations contained in the method statement. Following the pre-commencement meeting all tree protection measures shall be installed, carried out and retained throughout the period of the works, unless otherwise agreed in writing by the Local Planning Authority. In any case, all works must adhere to BS5837: (2012) Trees in relation to demolition, design and construction and BS3998: (2010) Tree work - recommendations. If within the expiration of 5 years from the date of the occupation of the building for its permitted use any retained tree is removed,

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uprooted is destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

Reason: To avoid damage to the existing trees which represent an important visual amenity in the area, in accordance with Chapters 7 (Ensuring the vitality of town centres), 8 (Promoting healthy and safe communities), 11 (Making effective use of land) and 12 (Achieving well-designed places) of the National Planning Policy Framework (2021); Policy G7 (Trees and Woodlands) of the London Plan (2021); Policy P13 (Design of Places), Policy P14 (Design Quality), Policy P56 (Protection of Amenity) and Policy P60 (Biodiversity) of the Southwark Plan (2022).

10. New tree planting

Prior to works commencing (excluding demolition), full details of all proposed planting of 53 trees shall be submitted to and approved in writing by the Local Planning Authority. This shall include new street trees, Elm New horizon species trees and existing category B trees being removed to be replaced by trees with an equivalent (or greater) CAVAT value. The details will also include tree pit cross sections, planting and maintenance specifications, use of guards or other protective measures and confirmation of location, species, sizes, nursery stock type, supplier and defect period. All tree planting shall be carried out in accordance with those details and at those times. Planting shall comply with BS5837: Trees in relation to demolition, design and construction (2012) and BS: 4428 Code of practice for general landscaping operations.

If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place in the first suitable planting season., unless the local planning authority gives its written consent to any variation.

Reason: To ensure the proposed development will preserve and enhance the visual amenities of the locality and is designed for the maximum benefit

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of local biodiversity, in addition to the attenuation of surface water runoff in accordance with The National Planning Policy Framework 2021 and policies P13 (Design of places), P14 (Design quality), P56 (Protection of amenity) and Policy P60 (Biodiversity) of the Southwark Plan (2022).

11. ACCESSIBLE AND WHEELCHAIR DWELLINGS

Before the development hereby permitted is commenced, the applicant shall submit written confirmation from the appointed building control body that the specifications for each dwelling identified in the detailed construction plans and as set out in the HTA unit compliance matrix for Southwark (revision M dated 13th June 2022) meet the standard of the Approved Document M of the Building Regulations (2015) and as corresponding to the approved floor plans. The development shall be carried out in accordance with the details thereby approved by the appointed building control body Access to and use of building standard:

Reason: To ensure the development complies with: Chapters 5 (Delivering a sufficient supply of homes) and 8 (Promoting healthy and safe communities) of the National Planning Policy Framework (2021); Policy D7 (Accessible housing) of the London Plan (2021), and; Policy P8 (Wheelchair Accessible and Adaptable Housing) of the Southwark Plan (2022).

12. Chimney retention

Prior to the commencement of development, including any demolition, details to ensure the protection of the existing brick chimney stack during demolition and construction works shall be submitted to and approved in writing by the Local Planning Authority, and the works carried out in accordance with the details thereby approved.

Within one year of the commencement of development a scheme for the restoration of the existing brick chimney on the site including the removal of the existing telecomms equipment attached to it shall be submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with the details thereby approved.

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To protect the chimney as part of the industrial heritage of the site, in accordance with policy P21 'Conservation of the historic environment and natural heritage' of the Southwark Plan (2022)

13. ASBESTOS SURVEY

Prior to the commencement of any demolition of the existing buildings or external structures on the site, an Asbestos Survey including an intrusive survey in accordance with HSG264, supported by an appropriate mitigation scheme to control risks to future occupiers must be submitted to and approved in writing by the Local Planning Authority.

The mitigation scheme must identify potential sources of asbestos contamination and detail removal or mitigation appropriate to the proposed end use. The development must be carried out in accordance with the details thereby approved.

Reason:

To ensure that risks from potential asbestos are appropriately managed, in accordance with policy P56 'Protection of amenity' of the Southwark Plan (2022) and the National Planning Policy Framework 2021.

14. Back-up Generator Extract Ventilation

Prior to the commencement of development (excluding demolition), full particulars and details of a scheme for the extraction and ventilation of the back-up generator including acoustic information shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details thereby approved.

Reason

In order to ensure that that any installed ventilation, ducting and ancillary equipment in the interests of amenity will not cause amenity impacts such as odour, fume or noise nuisance and will not detract from the appearance of the building in accordance with the Southwark Plan 2022 Policy P56 (Protection of amenity); Policy P65 (Improving air quality), and the National Planning Policy Framework 2021.

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15. Whole Life-Cycle Carbon Assessment

Prior to the commencement of development (including any demolition), a revised whole life carbon assessment shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall be based on the Mayor of London's Whole life-cycle carbon assessments guidance dated March 2022 and must demonstrate compliance with Part F of Policy SI 2 - Minimising greenhouse gas emissions of the London Plan 2021. The development shall be carried out in accordance with the details thereby approved.

Reason:

To ensure whole life-cycle carbon is calculated and reduced, and to demonstrate compliance with: the National Planning Policy Framework 2021; and Policy SI 2 (Minimising Greenhouse Gas Emissions) of the London Plan 2021 and policies P15 ('Residential Design') and P70 ('Energy') of the Southwark Plan 2022.

Permission is subject to the following Grade Condition(s)

16. HARD AND SOFT LANDSCAPING

Before any above grade work hereby authorised begins, detailed drawings of a hard and soft landscaping scheme showing the treatment of all parts of the site not covered by buildings (including cross sections, available rooting space, tree pits, surfacing materials of any parking, access, or pathways layouts, materials and edge details), shall be submitted to and approved in writing by the Local Planning Authority. The landscaping shall not be carried out otherwise than in accordance with any such approval given and shall be retained for the duration of the use. The planting, seeding and/or turfing shall be carried out in the first planting season following completion of building works and any trees or shrubs that is found to be dead, dying, severely damaged or diseased within five years of the completion of the building works OR five years of the carrying out of the landscaping scheme (whichever is

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later), shall be replaced in the next planting season by specimens of the equivalent stem girth and species in the first suitable planting season. Planting shall comply to BS: 4428 Code of practice for general landscaping operations, BS: 5837 (2012) Trees in relation to demolition, design and construction and BS 7370-4:1993 Grounds maintenance Recommendations for maintenance of soft landscape (other than amenity turf).

Reason: So that the Council may be satisfied with the details of the landscaping scheme, in accordance with: Chapters 8, 12, 15 and 16 of the National Planning Policy Framework 2021; Policies SI 4 (Managing heat risk), SI 13 (Sustainable drainage), G1 (Green Infrastructure, G5 (Urban Greening) and G7 (Trees and Woodlands) of the London Plan 2021; Policy P13 (Design of Places), Policy P14 (Design Quality), Policy P56 (Protection of Amenity), Policy P57 (Open Space) and Policy P60 (Biodiversity) of the Southwark Plan (2022).

17. CYCLE STORAGE DETAILS

Before any above grade work hereby authorised begins, details (1:50 scale drawings) of the facilities to be provided for the secure and covered storage of cycles for the class E and F floorspace and residential units shall be submitted to and approved in writing by the Local Planning Authority. All cycle parking must comply with the London Cycle Design Standards and must include 5% of spaces for larger bicycles and 20% Sheffield stands. Thereafter the cycle parking facilities provided shall be retained and the space used for no other purpose, and the development shall not be carried out otherwise in accordance with any such approval given.

Reason: In order to ensure that satisfactory safe and secure cycle parking facilities are provided and retained in order to encourage the use of cycling as an alternative means of transport to the development and to reduce reliance on the use of the private car in accordance with Chapter 9 (Promoting sustainable transport) of the National Planning Policy Framework (2021); Policy T5 (Cycling) of the London Plan (2021); Policy P53 (Cycling) of the Southwark Plan (2022).

18. DETAILS OF THE IMPACT ON TELECOMMUNICATIONS SERVICES

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Before any above grade work hereby authorised begins, details of how the impact of the development on television, radio, telephone and other telecommunications services will be assessed, the method and results of surveys carried out, and the measures to be taken to rectify any problems identified shall be submitted to and approved in writing by the Local Planning Authority. The premises shall not be occupied until any such mitigation measures as may have been approved have been implemented.

Reason: In order to ensure that any adverse impacts of the development on reception of residential properties is identified and resolved satisfactorily in accordance with Chapter 8 (Promoting healthy and safe communities) of the National Planning Policy Framework (2021); Policy P56 (Protection of Amenity) and Policy P66 (Reducing Noise Pollution and Enhancing Soundscapes) of the Southwark Plan (2022).

19. SAMPLE MATERIALS/PANELS/BOARDS

Prior to above grade works commencing, material samples/sample-panels/sample-boards of all external facing materials to be used in the carrying out of this permission shall be presented on site and approved in writing by the Local Planning Authority; the development shall not be carried out otherwise than in accordance with any such approval given.

Reason: In order to ensure that these samples will make an acceptable contextual response in terms of materials to be used, and achieve a quality of design and detailing in accordance with Chapter 12 (Achieving well-designed places) of the National Planning Policy Framework (2021); Policy D4 (Delivering good design) of the London Plan (2021); Policy P13 (Design of Places) and Policy P14 (Design Quality) of the Southwark Plan (2022).

20. ECOLOGICAL MANAGEMENT PLAN

Before any above grade work hereby authorised begins, a landscape management plan, including long- term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall

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be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority.

Reason: This condition is necessary to ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site. This is an mandatory criteria of BREEAM (LE5) to monitor long term impact on biodiversity a requirement is to produce a Landscape and Habitat Management Plan.

21. CONTROL OF INVASIVE PLANTS

Before any above grade work hereby authorised begins, a detailed method statement for the removal or long-term management /eradication of Japanese Knotweed on the site shall be submitted to and approved in writing by the local planning authority. The method statement shall include proposed measures to prevent the spread of Japanese Knotweed during any operations such as mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds, root and/or stem (whichever the case may be) of any invasive plant covered under the Wildlife and Countryside Act 1981. Development shall proceed in accordance with the approved method statement.

Reasons: Japanese Knotweed is an invasive plant, the spread of which is prohibited under the Wildlife and Countryside Act 1981. Without measures to prevent its spread as a result of the development there would be the risk of an offence being committed and avoidable harm to the environment occurring.

22. a) The development hereby permitted shall incorporate security measures to minimise the risk of crime and to meet the specific security needs of the development in accordance with the principles and objectives of Secured by Design. Details of these measures shall be submitted to and approved in writing by the local planning authority prior to commencement of above grade works.

b) The approved security measures shall be implemented in full and prior to occupation of the development details to demonstrate that it has achieved

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Secured by Design accreditation from the Metropolitan Police shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In pursuance of the Local Planning Authority's duty under section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in exercising its planning functions and to improve community safety and crime prevention, in accordance with Chapter 8 (Promoting healthy and safe communities) of the National Planning Policy Framework (2021); Policy D11 (Safety, security and resilience to emergency) of the London Plan (2021); Policy P13 (Design of Places), Policy P14 (Design Quality) and Policy P16 (Designing out Crime) of the Southwark Plan (2022).

23. OBSCURE GLAZING / PRIVACY DEVICES

Prior to the commencement of above grade work on any of the following blocks, details of obscure glazing or other privacy devices for that block shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details thereby approved, with the obscure glazing / privacy devices provided prior the occupation of units affected and retained as such thereafter.

- Block A - first floor rear windows to houses 1, 2 and 3 from right to left (top opening only and obscure glazed up to 1.8m) and side windows in house 4 facing Southampton Way.
- Blocks F and G - windows within these blocks facing each other.
- Blocks F, G and H - windows facing onto the podium gardens.
- Blocks K and L - windows within these blocks facing each other including at inward facing corners

Reason:

In order to protect the privacy and amenity of the occupiers and users of the adjoining premises at from undue overlooking in accordance with Chapter 8 (Promoting healthy and safe communities) of the National Planning Policy Framework (2021); Policy D4 (Delivering good design) of the London Plan (2021); and Policy P56 (Protection of amenity) of the Southwark Plan (2022).

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24. Class E (g) (iii) FIT OUT - light industrial

Before any work above grade hereby authorised begins, full particulars shall be submitted to and approved in writing by the Local Planning Authority of a scheme showing that the employment floorspace shall be fitted-out to an appropriate level for class E(g) (iii) use. This shall include details of the mechanical and electrical fit-out of the units, heating and cooling provision, sprinklers, and the provision of kitchen and toilet facilities. The facilities shall be provided in accordance with the approved details.

Reason:

In order to ensure that the site continues to provide employment floorspace which can accommodate light industrial uses in accordance with site allocation NSP25 of the Southwark Plan 2022.

25. Tower mock-up

A full-scale mock-up of the façade of the 13-storey tower to be used in the carrying out of this permission shall be presented on site and approved in writing by the Local Planning Authority before any above ground work in connection with the tower is carried out; the development shall not be carried out otherwise than in accordance with any such approval given. The mock-up must present all aspects of the tall building and demonstrate how the proposal makes a contextual response in terms of materials to be used.

Reason:

In order that the Local Planning Authority may be satisfied as to the design and details in accordance with the NPPF (2021), policy D9 'Tall buildings' of the London Plan (2021) and policy P17 'Tall buildings' of the Southwark Plan (2022).

26. Detailed drawings

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Section detail-drawings for each particular block at a scale of at least 1:10 through:

- the facades;
- the balconies;
- parapets; and
- heads, cills and jambs of all openings

to be used in the carrying out of this permission shall be submitted to and approved by the Local Planning Authority before any above grade work hereby authorised begins on that particular block (except for demolition works). The development shall not be carried out otherwise than in accordance with any such approval given.

Reason

In order that the Local Planning Authority may be satisfied as to the quality of the design and details in accordance with saved policies P13 'Design of places' and P14 'Design quality' of the Southwark Plan 2022.

27. Green wall / boundary treatment

a) Before any above grade work hereby authorised begins, detailed drawings and a method statement (including arboricultural assessment) for a 2.4m high brick wall which shall be constructed along the boundary between the site and Burgess Park shall be submitted to and approved in writing by the Local Planning Authority. The wall shall be capable of being planted as a green wall on both sides, and the side facing into the site shall be planted as a green wall prior to the occupation of the development and maintained as such thereafter, in accordance with a maintenance schedule which shall also be submitted for approval in writing prior to the occupation of the development. The wall shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.

b) Boundary treatment for all other boundaries shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of above grade works and maintained as such thereafter.

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The development shall not be carried out otherwise than in accordance with any such approval given.

Reason:

In the interests of visual and residential amenity and to ensure an appropriate boundary between the site and Burgess Park, in accordance with policies P14 'Design quality', P60 'Biodiversity' and P61 'Trees' of the Southwark Plan 2022.

28. Separation of kitchen and living spaces

Prior to the commencement of above grade works, details of the means of ensuring that there would be adequate separation between kitchen and living spaces between the 2 and 3-bedroom social rented units hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details thereby approved and maintained as such thereafter.

Reason:

To ensure that there would be adequate separation between the kitchen and living spaces in the interests of the amenity of future occupiers, in accordance with policy P15 'Residential design' of the Southwark Plan (2022) and guidance within the Residential Design Standards SPD (2015).

29. PLAYSACE AND ACCESS TO AMENITY SPACE

Prior to the commencement of above grade works, details of the play equipment to be installed on the site shall be submitted to and approved in writing by the Local Planning Authority. The play equipment shall be provided in accordance with the details thereby approved prior to the occupation of the residential units. All playspace and communal amenity space within the development shall be available to all residential occupiers of the development regardless of tenure, in perpetuity.

Reason:

To ensure that there would be adequate play facilities to serve the development, in accordance with saved policy 4.2 'Quality of

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accommodation' of the Southwark Plan (2007) and strategic policy 13 'High environmental standards' of the Core Strategy (2011).

30. Revised details of block D parking space

Notwithstanding the details shown on the approved plans, revised plans and tracking diagrams showing the accessible parking space next to block D relocated elsewhere within the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of above grade works. The development shall be carried out in accordance with the details thereby approved and the parking space provided prior to the occupation of the development and maintained as such thereafter.

Reason: In the interests of vehicular, cyclist and pedestrian safety, in accordance with policies P50 'Highway impacts', P51 'Walking' and P53 'Cycling' of the Southwark Plan (2022).

31. PARKING DESIGN AND MANAGEMENT PLAN

Prior to the commencement of above grade works, a Parking Design and Management Plan detailing how an additional 6.6% wheelchair accessible parking spaces to serve the wheelchair accessible residential units could be provided shall be submitted to and approved in writing by the Local Planning Authority. Any of the spaces which are onsite shall be safeguarded for future use by occupiers of the wheelchair accessible units if required.

Reason:

To ensure that there would be adequate provision for wheelchair accessible parking spaces, in accordance with policy T6.1 'Residential parking' of the London Plan 2021.

32. Bird and bat boxes

Details of bird and bat nesting bricks shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of above grade works. No less than 24 swift bricks and 12 bat bricks shall be provided on the site and the details shall include the exact location, specification and

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design of the habitats. The bricks shall be installed with the development prior to the first occupation of the building to which they form part or the first use of the space in which they are contained. The nesting bricks shall be installed strictly in accordance with the details so approved, shall be maintained as such thereafter. Discharge of this condition will be granted on receiving the details of the nest/roost features and mapped locations and Southwark Council agreeing the submitted plans, and once the nest/roost features are installed in full in accordance to the agreed plans. A post completion assessment will be required to confirm the nest/roost features have been installed to the agreed specification.

Reason: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity in accordance with Chapter 15 (Conserving and enhancing the natural environment) of the National Planning Policy Framework (2021); Policy G6 (Biodiversity and access to nature) of the London Plan (2021); P56 Protection of amenity, P57 Open space, P58 Open Water space, P59 Green infrastructure, P60 Bioiversity, P66 Reducing noise pollution and enhancing soundscapes and P69 Sustainable standards of the Southwark Plan (2022).

33. Healthy Streets

Prior to the commencement of above grade works, a management plan detailing how the new routes through the site have been designed in accordance with the Mayor's Healthy Streets approach shall be submitted to and approved in writing by the Local Planning Authority. This shall include:

- demonstrating how walking and cycling will be safe, comfortable and convenient;
- ensuring a low-speed environment;
- ensuring sufficiently wide, clearly delineated footways on any carriageways;
- demonstrating a maximum of 4 metres access width for vehicle routes;
- demonstrating the operation of a one-way system for vehicles within the site;
- detailing the final position of bollards at the entrances to the site.

The development shall be carried out in accordance with the details thereby approved, and maintained as such thereafter.

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Reason:

To ensure that a safe walking and cycling environment in accordance with Policy T2 'Healthy streets' of the London Plan (2021).

34. GREEN ROOFS FOR BIODIVERSITY

Before any above grade work hereby authorised begins, details of the biodiversity green roofs shall be submitted to and approved in writing by the Local Planning Authority. The biodiversity green roof(s) shall be:

- * biodiversity based with extensive substrate base (depth 80-150mm);
- * laid out in accordance with agreed plans; and
- * planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works (focused on wildflower planting, and no more than a maximum of 25% sedum coverage).

The biodiversity green roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.

The biodiversity green roofs shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.

Discharge of this condition will be granted on receiving the details of the green/brown roofs and Southwark Council agreeing the submitted plans, and once the green roofs are completed in full in accordance to the agreed plans. A post completion assessment will be required to confirm the roof has been constructed to the agreed specification.

Reason:

To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity in accordance with Chapter 15 (Conserving and enhancing the natural environment) of the National Planning Policy Framework (2021) and policy P60 'Biodiversity' of the Southwark Plan (2022).

35. Overlooking Study

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Prior to the commencement of above grade works, a detailed study showing the relationship between existing windows in the residential and live/work units at the rear of 47 Southampton Way and the windows in proposed block C, together with details of any required privacy devices to ensure that there would be no mutual overlooking, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details thereby approved and maintained as such thereafter.

Reason:

In order to protect the privacy and amenity of the occupiers and users of the adjoining premises at from undue overlooking in accordance with Chapter 8 (Promoting healthy and safe communities) of the National Planning Policy Framework (2021); Policy D4 (Delivering good design) of the London Plan (2021); and Policy P56 (Protection of amenity) of the Southwark Plan (2022).

36. **Extract / Ventilation - commercial uses**

Prior to the commencement of above grade works to a particular block, full particulars and details of a scheme for the extraction and ventilation of of any class E or F floorspace within that block shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- o Details of extraction rate and efflux velocity of extracted air
- o Full details of grease, particle and odour abatement plant
- o The location and orientation of the extraction ductwork and discharge terminal
- o A management servicing plan for maintenance of the extraction system

The development shall be carried out in accordance with the details thereby approved.

Reason

In order to ensure that that the ventilation ducting and ancillary equipment will not result in an odour, fume or noise nuisance and will not detract from the appearance of the building in the interests of amenity in accordance with

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Chapter 8 (Promoting healthy and safe communities) of the National Planning Policy Framework (2021); Policy SI 1 (Air quality) of the London Plan (2021); P64 (Contaminated land and hazardous substances) P65 (Improving air quality) and P56 (Protection of Amenity) of the Southwark Plan (2022).

Permission is subject to the following Pre-Occupation Condition(s)

37. LANDSCAPE MANAGEMENT PLAN

Prior to the occupation of the development or any phase of the development, whichever is the sooner, a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved by the Local Planning Authority.

Details of an irrigation schedule shall be provided for all trees to ensure successful establishment.

For stem girths of up to 20cm the schedule shall be a minimum of three years, and five years for stem girths greater than 20cm. The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority.

If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place in the first suitable planting season., unless the local planning authority gives its written consent to any variation.

To ensure the proposed development will preserve and enhance the visual amenities of the locality and is designed for the maximum benefit of local biodiversity, in addition to the attenuation of surface water runoff in accordance with The National Planning Policy Framework 2012 Parts 7, 8, 11 & 12 and policies of The Core Strategy 2011: SP11 Open spaces and

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wildlife; SP12 Design and conservation; SP13 High environmental standards, and Saved Policies of The Southwark Plan 2007: Policy 3.2 Protection of amenity; Policy 3.12 Quality in Design; Policy 3.13 Urban Design and Policy 3.28 Biodiversity.

38. BREEAM REPORT AND POST CONSTRUCTION REVIEW

(a) Before any fit out works to the class E and class F units hereby authorised begins, an independently verified BREEAM report for that unit (detailing performance in each category, overall score, BREEAM rating and a BREEAM certificate of building performance) to achieve a minimum 'excellent' rating shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any such approval given;

(b) Before the first occupation of a class E or class F unit hereby permitted, a certified Post Construction Review for that unit (or other verification process agreed with the local planning authority) shall be submitted to and approved in writing by the Local Planning Authority, confirming that the agreed standards at (a) have been met.

Reason: To ensure the proposal complies with Chapter 14 (Meeting the challenge of climate change, flooding and coastal change) of the National Planning Policy Framework (2021); Policy SI 2 (Minimising greenhouse gas emissions) of the London Plan (2021); Policy P69 (Sustainability Standards) and Policy P70 (Energy) of the Southwark Plan (2022).

39. External lighting and glazing

Prior to the occupation of the development a wildlife sensitive lighting strategy which takes into account lighting from within the development, shows that no lighting will be provided on terraces within block A facing Burgess Park and incorporates the use of glazing to minimise light spillage shall be submitted to and approved in writing by the Local Planning Authority. The recommended lighting specification using LEDs (at 3 lux) is because they have little UV. The spectrum recommended is 80% amber and 20% white with a clear view, no UV, horizontal light spread ideally less than 70° and a timer. The lighting shall also comply with Guidance Note 1 for the

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reduction of obtrusive light (2021) from the Institute of Lighting Professionals and Bat Conservation Trust Guidance note 8 'Bats and Artificial lighting'.

Reason:

To ensure compliance with the Habitats Regulations and the Wildlife & Countryside Act 1981 (as amended), and to ensure that there would be no amenity or ecology issues arising from the lighting, in accordance with policies P56 'Protection of amenity' and P60 'Biodiversity' of the Southwark Plan (2022).

40. Plant Noise

The Rated sound level from any plant, together with any associated ducting, shall not exceed the Background sound level (LA90 15min) at the nearest noise sensitive premises. Furthermore, the Specific plant sound level shall be 10dB(A) or more below the background sound level in this location. For the purposes of this condition the Background, Rating and Specific Sound levels shall be calculated fully in accordance with the methodology of BS4142:2014+A1:2019.

Suitable acoustic treatments shall be used to ensure compliance with the above standard. A validation test shall be carried out and the results submitted to the Local Planning Authority for approval in writing to demonstrate compliance with the above standard prior to the occupation of the development. Once approved the plant and any acoustic treatments shall be permanently maintained thereafter.

Reason: To ensure that occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance from plant and machinery, in accordance with: Chapter 8 (Promoting healthy and safe communities) of the National Planning Policy Framework (2021); Policies D13 (Agent of change) and D14 (Noise) of the London Plan (2021); Policy P66 (Reducing Noise Pollution and Enhancing Soundscapes) of the Southwark Plan (2022).

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41. Water network upgrades

No development shall be occupied until confirmation has been provided that either:

a) all water network upgrades required to accommodate the additional flows to serve the development have been completed; or

b) a development and infrastructure phasing plan has been agreed with Thames Water to allow the development to be occupied. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

Reason - The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development.

42. DETAILS OF THE SHOWERING FACILITIES

Before the first occupation of the development, details of showering and changing facilities to be provided for commercial units over 1000 sqm shall be submitted to and approved in writing by the Local Planning Authority and thereafter the shower and changing facilities shall be retained and the space used for no other purpose.

Reason: In order to ensure that satisfactory facilities are provided and retained in order to encourage the use of non-car based travel, in accordance with: Chapter 9 (Promoting sustainable transport) of the National Planning Policy Framework (2021); Policy T2 (Healthy streets) of the London Plan (2021); Policy P50 (Highways Impacts) and Policy P51 (Walking) of the Southwark Plan (2022).

43. TRAVEL PLAN AND DETAILED TRANSPORT METHODS SURVEY

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a) The measures set out in the Residential Travel Plan and Site-Wide Framework Travel Plans by Santec shall be implemented upon the first occupation of the development

b) At the start of the second year of operation of the approved Travel Plan, a detailed survey showing the methods of transport used by all those users of the building to and from the site and how this compares with the proposed measures and any additional measures to be taken to encourage the use of public transport, walking and cycling to the site shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise in accordance with any such approval given.

Reason: In order that the use of non-car based travel is encouraged in accordance with: Chapter 9 (Promoting sustainable transport) of the National Planning Policy Framework (2021); Policy T2 (Healthy streets) of the London Plan (2021); Policy P50 (Highways Impacts), Policy P51 (Walking) and Policy P54 (Car Parking) of the Southwark Plan (2022)

44. Advertisement design strategy

Any external signage to the development shall be designed and implemented in accordance with a Signage Design Strategy which shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development. Any illuminated signage shall be statically illuminated and the illumination shall not exceed 600 cd/m², save for any advertisements which face towards residential accommodation where any illumination shall not exceed a surface brightness of 350 candelas.m⁻² between 2100 - 0700 hours.

Reason: To ensure that the signage would be acceptable in terms of its visual impact and impact upon amenity and public safety, in accordance with policy P43 'Outdoor advertisements and signage' of the Southwark Plan 2022 and the Town and Country Planning (Control of Advertisements) Regulations (2007).

45. Residential - Entertainment Noise Internal noise levels

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The development must be designed to ensure that habitable rooms are not exposed to entertainment noise in excess of 27dB LAeq (5 minute). A written report shall be submitted to and approved by the Local Planning Authority detailing acoustic predictions and mitigation measures to ensure the above standard is met. Following completion of the development but prior to residential occupation, a validation test shall be carried out on a relevant sample of premises. The results shall be submitted to the Local Planning Authority for approval in writing and the approved scheme shall be permanently maintained thereafter.

Reason

To ensure that the occupiers and users of the development do not suffer a loss of amenity by reason of excess noise from environmental and transportation sources in accordance with the Southwark Plan 2022 Policy P56 (Protection of amenity); Policy P66 (Reducing noise pollution and enhancing soundscapes), and the National Planning Policy Framework 2021.

46. Residential - Vertical sound transmission between potentially loud commercial and residential properties

a) The habitable rooms within the development sharing a party ceiling/floor element with commercial premises shall be designed and constructed to provide reasonable resistance to the transmission of sound sufficient to ensure that noise due to the commercial premises does not exceed NR20 when measured as an LAeq across any 5 minute period.

b) A report shall be submitted to and approved in writing by the Local Planning Authority detailing acoustic predictions and mitigation measures to ensure the above standard is met. The development shall be carried out in accordance with the approval given.

c) Following completion of the development and prior to occupation, a validation test shall be carried out on a relevant sample of premises. The results shall be submitted to the Local Planning Authority for approval in writing and the approved scheme shall be permanently maintained thereafter.

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To ensure that the occupiers and users of the proposed development do not suffer a loss of amenity by reason of noise nuisance and other excess noise from activities within the commercial premises in accordance with the Southwark Plan 2022 Policy P56 (Protection of amenity); Policy P66 (Reducing noise pollution and enhancing soundscapes), and the National Planning Policy Framework 2021.

47. PROVISION OF REFUSE STORAGE

Before the first occupation of the buildings hereby permitted, the refuse storage for that building shall be provided as detailed on the drawings hereby approved and shall be made available for use by the occupiers of the dwellings/premises. The facilities provided shall thereafter be retained and shall not be used or the space used for any other purpose.

Reason:

To ensure that the refuse will be appropriately stored within the site thereby protecting the amenity of the site and the area in general from litter, odour and potential vermin/pest nuisance in accordance with Chapters 8 (Promoting healthy and safe communities) and 12 (Achieving well-designed places) of the National Planning Policy Framework (2021); Policy D4 (Delivering good design) of the London Plan (2021); Policy P56 (Protection of amenity) and Policy P62 (Reducing waste) of the Southwark Plan (2022).

48. Sound transmission between residential properties

The habitable rooms within the development that share a party wall element with plant rooms and commercial properties shall be designed and constructed to provide sufficient resistance to the transmission of sound sufficient to ensure that the party wall meets a minimum of 5dB improvement from the Building Regulations standard set out in Approved Document E.

Prior to the occupation of the development a validation test shall be carried out on a relevant sample of premises following completion of the development. The results shall be submitted to the Local Planning Authority for approval in writing. The approved scheme shall be implemented prior to

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the of the occupation of the residential units and shall be permanently maintained thereafter.

Reason

To ensure that the occupiers and users of the proposed development do not suffer a loss of amenity by reason of noise nuisance and other excess noise from activities within the adjacent premises in accordance with the Southwark Plan 2022 Policy P56 (Protection of amenity); Policy P66 (Reducing noise pollution and enhancing soundscapes), and the National Planning Policy Framework 2021.

49. **Wind microclimate**

The proposed podium level seating area near probe location 255 as identified in chapter 11 'Wind microclimate' of the Environmental Statement shall either be relocated within the podium garden to an area with suitable wind conditions for sitting, or mitigation measures shall be provided around the seating area to ensure that it would be suitable for sitting as set out in the Lawson Comfort Criteria. Details of any mitigation measures required shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development. The development shall be carried out in accordance with the details thereby approved prior to the first use of the podium gardens and maintained as such thereafter.

Reason: In the interests of the amenity of future occupiers, in accordance with policy P15 'Residential design' of the Southwark Plan (2022).

50. **Overheating**

Prior to the occupation of blocks I, J and K details of any additional measures required to prevent any of the units within these blocks from overheating shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details thereby approved, and any mitigation measures required shall be provided at no expense to the occupiers prior to the occupation of the affected units and maintained as such thereafter. Guidance on avoiding overheating shall be provided to occupiers of the affected units in perpetuity.

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Reason: In the interests of the amenity of future occupiers, in accordance with policy P15 'Residential design' of the Southwark Plan (2022)

51. The dwellings hereby permitted shall be designed to ensure that the following internal noise levels are not exceeded due to environmental noise:

Bedrooms - 35dB LAeq T†, 30 dB LAeq T*, 45dB LAFmax T *

Living and Dining rooms- 35dB LAeq T †

* - Night-time 8 hours between 23:00-07:00

† - Daytime 16 hours between 07:00-23:00.

Prior to the occupation of the development a validation test shall be carried out on a relevant sample of the residential units which shall include units in the rear of blocks I, J and K which would adjoin the scaffold yard and are likely to require enhanced glazing. The results shall be submitted to the Local Planning Authority for approval in writing and the approved scheme shall be permanently maintained thereafter.

Reason: To ensure that the occupiers and users of the development do not suffer a loss of amenity by reason of excess noise from environmental and transportation sources in accordance with Chapter 8 (Promoting healthy and safe communities) and Chapter 12 (Achieving well-designed places) of the National Planning Policy Framework (2021); Policy D4 (Delivering good design) of the London Plan (2021); Policy P15 (Residential Design), Policy P56 (Protection of Amenity) and Policy P69 (Sustainability Standards) of the Southwark Plan (2022)

52. **SERVICING PLAN AND HOURS**

Prior to the occupation of the development hereby permitted, a Servicing Management Plan detailing how all elements of the site are to be serviced shall be submitted to and approved in writing by the Local Planning Authority. This shall include details for maximising the use of bicycles and other sustainable methods for deliveries, measures to protect pedestrians and cyclists in line with the Mayor of London's Vision Zero, and at least silver FORS membership for transport operators servicing the site. The servicing of the development shall be carried out in accordance with the approval given

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and the Service Management Plan shall remain extant for as long as the development is occupied.

Servicing for the class E and F floorspace shall only take place between the hours of 0800-2000 Mondays to Saturdays and not at all on Sundays. No servicing by Heavy Goods Vehicles shall take place between 0800-0900 and 1500-1600 during school term time.

Reason:

To ensure that and occupiers of the development and occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance in accordance with Chapter 8 (Promoting healthy and safe communities) of the National Planning Policy Framework (2021); Policies D3 (Optimising site capacity through the design-led approach) and T7 (Deliveries, servicing and construction) of the London Plan (2021); and Policy P56 (Protection of amenity) of the Southwark Plan (2022).

53. Car parking spaces / electric charging points

Prior to occupation of the development hereby permitted, the accessible parking spaces shown on the plans shall be made available and retained for the purposes of car parking for disabled residents for as long as the development is occupied. Each of the spaces shall be fitted with an active electric vehicle charging point which shall be maintained in good working order thereafter.

Reason:

In accordance with Chapter 9 (Promoting sustainable transport) of the National Planning Policy Framework (2021); Policy T6 (Car parking) of the London Plan (2021); Policy P54 (Car parking) of the Southwark Plan (2022).

54. FIT OUT OF ENTRANCE LOBBIES

Prior to the occupation of the development, details of the internal fit out and finishes to the residential entrance lobbies demonstrating that this aspect of the development would be tenure blind shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried

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out in accordance with the development thereby approved and maintained as such thereafter.

Reason:

To ensure that both residential entrance lobbies would be of a high standard of design, in accordance with policy P15 'Residential design' of the Southwark Plan (2022).

55. a) Private gardens, balconies and communal external amenity areas shall be designed to attain 50dB(A) LAeq, 16hr † . Where this is not possible to achieve despite implementing all reasonable mitigation measures, the standard can be reduced by 5dB so that the sound level does not exceed 55dB LAeq, 16hr.

†Daytime - 16 hours between 07:00-23:00hrs.

b) Where this requires the provision of a solid balcony balustrade, details of the balustrades shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The development shall be carried out in accordance with the details thereby approved, and maintained as such thereafter.

Reason:

In the interests of the amenity of future occupiers and the visual amenity of the development, in accordance with policies P14 'Design quality' and P15 'Residential design' of the Southwark Plan (2022).

56. Drainage verification report

No dwelling on the site shall be occupied until a drainage verification report prepared by a suitably qualified engineer has been submitted to and approved in writing by the Local Planning Authority. The report shall provide evidence that the drainage system (incorporating SuDS) has been constructed according to the approved details and specifications (or detail any minor variations where relevant) as detailed in the Drainage Strategy report prepared by Waterman (ref: WIE12954-100-5-2-1-DS, dated March 2021) and shall include plans, photographs and national grid references of key components of the drainage network such as surface water attenuation

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structures, flow control devices and outfalls. The report shall also include details of the responsible management company. The development shall be carried out in accordance with the details thereby approved and maintained as such thereafter.

Reason: To ensure the surface water drainage complies with Southwark's Strategic Flood Risk Assessment and Policy SI 13 of the London Plan (2021).

Permission is subject to the following Compliance Condition(s)

57. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 and any associated provisions of the Town and Country Planning General Permitted Development Order (including any future amendment of enactment of those Orders) 88% of the class E floorspace hereby approved shall be used for use class E (g) (iii) purposes only unless otherwise agreed by way of a formal application for planning permission. The remaining 12% of the class E floorspace may be used for class E (a) and (b) purposes. The class F floorspace shall be for class F2(b) use only.

Reason:

In accordance with the application details and order to ensure that the site continues to provide employment floorspace which can accommodate light industrial uses in accordance with site allocation NSP25 of the Southwark Plan 2022.

58. RESTRICTION ON THE INSTALLATION OF TELECOMMUNICATIONS EQUIPMENT

Notwithstanding the provisions of Parts 24 and 25 The Town & Country Planning [General Permitted Development] Order 1995 [as amended or re-enacted] no external telecommunications equipment or structures shall be placed on the roof or any other part of a building hereby permitted.

Reason:

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In order to ensure that no telecommunications plant or equipment which might be detrimental to the design and appearance of the building and visual amenity of the area is installed on the roof of the building in accordance with Chapter 12 (Achieving well-designed places) of the National Planning Policy Framework (2021); Policy D4 (Delivering good design) of the London Plan (2021); Policy P13 (Design of places), Policy P14 (Design quality) and P56 (Protection of amenity) of the Southwark Plan (2022).

59. Notwithstanding the provisions of classes A-H of the Town and Country Planning General Permitted Development Order (or amendment or re-enactment thereof) no extension, enlargement or other alterations shall be carried out to the dwelling houses within blocks A and C.

Reason: To safeguard the character and the amenities of the premises and adjoining properties in accordance with Chapter 12 (Achieving good design) of the National Planning Policy Framework (2021); Policies D4 (Delivering good design) and HC1 (Heritage conservation and growth) of the London Plan (2021); Policy P13 (Design of Places), Policy P14 (Design Quality) and Policy P56 (Protection of Amenity) of the Southwark Plan (2022).

60. RESTRICTION ON THE INSTALLATION OF APPURTENANCES ON THE ELEVATIONS

No meter boxes, flues, vents or pipes [other than rainwater pipes] or other appurtenances not shown on the approved drawings shall be fixed or installed on the street elevations of the buildings.

Reason:

To ensure such works do not detract from the appearance of the building (s) in accordance with Chapter 12 (Achieving well-designed places) the National Planning Policy Framework (2021); Policy D4 (Delivering good design) of the London Plan (2021); Policy P13 (Design of places) and Policy P14 (Design quality) of the Southwark Plan (2022).

61. RESTRICTION ON THE INSTALLATION OF ROOF PLANT

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No roof plant, equipment or other structures, other than as shown on the plans hereby approved or approved pursuant to a condition of this permission, shall be placed on the roof or be permitted to project above the roofline of any part of the buildings as shown on elevational drawings.

Reason:

In order to ensure that no additional plant is placed on the roof of the building in the interest of the appearance and design of the building and the visual amenity of the area in accordance with Chapter 12 (Achieving well-designed places) of the National Planning Policy Framework (2021); Policy D4 (Delivering good design) of the London Plan (2021); Policy P13 (Design of places), Policy P14 (Design quality) and P56 (Protection of amenity) of the Southwark Plan (2022).

62. COMPOSTING AND RAINWATER COLLECTION FACILITIES

Facilities for the composting of organic waste and the collection of rainwater for recycling shall be provided for the dwellings hereby approved and shall be maintained for the duration of the use.

Reason:

To encourage household recycling and the reduction of household waste and water consumption in accordance with Chapter 8 (Promoting healthy and safe communities) the National Planning Policy Framework (2021); Policy P62 (Reducing waste) and Policy P67 (Reducing water use) of the Southwark Plan (2022).

63. HOURS OF USE

The class F unit and any units within the development used for food and drink purposes (use class Eb) shall not be carried on outside of the hours of 7am to 11pm daily.

Reason:

To safeguard the amenities of neighbouring residential properties in accordance with Chapter 8 (Promoting healthy and safe communities) of the

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National Planning Policy Framework (2021); Policy D4 (Delivering good design) of the London Plan (2021); and Policy P56 (Protection of amenity) of the Southwark Plan (2022).

64. Water efficiency

Each dwelling hereby permitted shall be constructed to achieve at least the optional standard 36(2b) of Approved Document G of the Building Regulations (2015).

Reason:

To ensure the development complies with Chapter 14 (Meeting the challenge of climate change, flooding and coastal change) of the National Planning Policy Framework (2021); Policy SI 5 (Water infrastructure) of the London Plan (2021); and Policy P67 (Reducing water use) of the Southwark Plan (2022).

65. URBAN GREENING FACTOR

The measures set out in the urban greening factor calculation to achieve a score of at least 0.4 shall be implemented in full.

Reason:

In order to meet the requirements of policy G5 'Urban greening' of the London Plan (2021).

66. No further windows block B

No windows or other openings shall be inserted in the rear elevation of block B which adjoins Burgess Park.

Reason:

To ensure that there would be no adverse impacts upon the biodiversity of Burgess Park, in accordance with policy P60 'Biodiversity' of the Southwark Plan (2022).

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67. Hours of use block D terrace

The roof terrace hereby permitted on block D shall only be used between the hours of 8am and 10pm daily.

Reason: To ensure that there would be no loss of amenity to neighbouring residential occupiers, in accordance with policy P56 'Protection of amenity' of the Southwark Plan (2022).

68. No motorcycle parking

Notwithstanding the details shown on the approved plans, no motorcycle spaces shall be provided within the development.

Reason: To encourage sustainable modes of travel such as walking, cycling and public transport in accordance with policy T6.1 'Residential parking' of the London Plan (2021).

69. FIRE SAFETY STRATEGY

Access to the site by fire appliances shall be maintained at all times, smoke and fire alarms and sprinklers shall be provided in accordance with the Fire Safety Statement by Sweco (Revision 2), and the 13-storey tower shall be provided with two stair cores.

Reason:

In order to ensure that the fire safety of the proposed development has been duly considered, as required by policy D12 'Fire safety' of the London Plan (2021).

70. Biodiversity Net Gain

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The ecological measures including biodiverse green roofs, new trees, amenity grassland and shrubs set out in the Biodiversity Net Gain assessment by the Ecology Consultancy shall be implemented in full prior to the occupation of the development and maintained as such thereafter.

Reason: To comply with London Plan Policy G6 (Biodiversity and access to nature'), Southwark Plan 2022 policy P60 ('Biodiversity') and the National Planning Policy Framework 2021.

71. Residential units and building heights

The development hereby permitted is limited to 375 residential units, 5,118sqm (GIA) of class E floorspace, 112sqm (GIA) of class F floorspace and a maximum parapet height of 48.25m (AOD) to the 13-storey tower.

Reason: This is in accordance with the application details and the approved plans.

72. Visibility splays

The pedestrian visibility splays at the vehicular entrances / exits for the development shall be maintained clear of obstructions and any landscaping or vegetation within the visibility splays shall be maintained so that it does not exceed 0.6m in height.

Reason:

In the interests of pedestrian, cyclist and highway safety in accordance with policies P50 'Highway impacts', P51 'Walking' and P53 'Cycling' of the Southwark Plan (2022).

73. Domestic gas boilers

Any back-up domestic gas boilers shall meet 'ultra-low NOx' criteria such that the dry NOx emission rate does not exceed 40mg/kWh.

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Reason

To minimise the impact of the development on local air quality within the designated Air Quality Management Area in accordance with the Southwark Plan 2022 Policy P65 (Improving air quality); Policy P70 (Energy), and the National Planning Policy Framework 2021.

Permission is subject to the following Special Condition(s)

74. PILING METHOD STATEMENT

No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for the contamination of ground water has been submitted to and approved in writing by the Local Planning Authority. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: To ensure that the risks of contaminating ground water are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the National Planning Policy Framework (2021); P67 Reducing water use, P68 Reducing flood risk, P63 Land for waste management, P64 Contaminated land and hazardous substances of the Southwark Plan (2022).

75. Arboricultural Site Supervision

a) All Arboricultural Supervisory elements are to be undertaken in accordance with BS5837 key stages outlined in in the approved Arboricultural Method Statement for this site, as evidenced through signed sheets and photographs, as appropriate.

b) The completed schedule of site supervision and monitoring of the arboricultural protection measures as approved in tree protection condition shall be submitted for approval in writing by the Local Planning Authority

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within 28 days of completion of the development hereby permitted. This condition may only be fully discharged on completion of the development, subject to satisfactory written evidence of compliance through contemporaneous supervision and monitoring of the tree protection throughout construction by the retained or pre-appointed tree specialist.

Reason:

To avoid damage to the existing trees which represent an important visual amenity in the area, in accordance with The National Planning Policy Framework 2021 Parts 8, 11, 12, 15 and 16; Policies G1 (Green Infrastructure, G5 (Urban Greening) and G7 (Trees and Woodlands) of the London Plan 2021; and policies of The Core Strategy 2011: SP11 Open spaces and wildlife; SP12 Design and conservation; SP13 High environmental standards, and Saved Policies of The Southwark Plan 2007: Policy 3.2 Protection of amenity; Policy 3.12 Quality in Design; Policy 3.13 Urban Design and Policy 3.28 Biodiversity.

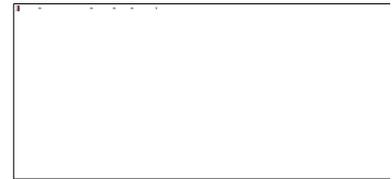
Signed: *Stephen Platts*

Director of Planning and Growth

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Informative Notes to Applicant Relating to the Proposed Development

1. Paragraph 3.12.9 of Policy D12 explains that Fire Statements should be produced by someone who is:
"third-party independent and suitably-qualified" The Council considers this to be a qualified engineer with relevant experience in fire safety, such as a chartered engineer registered with the Engineering Council by the Institution of Fire Engineers, or a suitably qualified and competent professional with the demonstrable experience to address the complexity of the design being proposed. This should be evidenced in the fire statement. The Council accepts Fire Statements in good faith on that basis. The duty to identify fire risks and hazards in premises and to take appropriate action lies solely with the developer.

The fire risk assessment/statement covers matters required by planning policy. This is in no way a professional technical assessment of the fire risks presented by the development. The legal responsibility and liability lies with the 'responsible person'. The responsible person being the person who prepares the fire risk assessment/statement not planning officers who make planning decisions.

2. Drainage

The applicant is to note that surface water from private areas is not permitted to flow onto public highway in accordance with Section 163 of the Highways Act 1980. Detailed drawings should be submitted as part of the s278 application confirming this requirement.

Prior to works commencing on site (including any demolition) a joint condition survey should be arranged with Southwark Highway Development Team to

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catalogue condition of streets and drainage gullies. Please contact Hernan Castano, Highway Development Manager on 020 7525 4706 to arrange.

The Highway Authority requires works to all existing and any proposed new streets and spaces (given for adoption or not) to be designed and constructed to adoptable standards. Southwark Council's published adoptable standards as Highway Authority are contained in the Southwark Streetscape Design Manual (SSDM), <https://www.southwark.gov.uk/transport-and-roads/asset-management-and-streetscape-design/southwark-streetscape-design-manual-ssdm>

The applicant will be required to enter into an s278 agreement under the Highways Act 1980 for any works to existing adopted Highways.

Thames Water

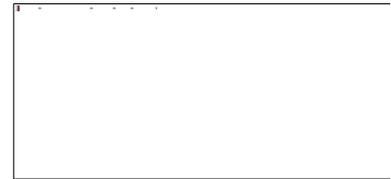
There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.

A Trade Effluent Consent will be required for any Effluent discharge other than a 'Domestic Discharge'. Any discharge without this consent is illegal and may result in prosecution. (Domestic usage for example includes - toilets, showers, washbasins, baths, private swimming pools and canteens). Typical Trade Effluent processes include: - Laundrette/Laundry, PCB manufacture, commercial swimming pools, photographic/printing, food preparation, abattoir, farm wastes, vehicle washing, metal plating/finishing, cattle market wash down, chemical manufacture, treated cooling water and any other process which produces contaminated water. Pre-treatment, separate metering, sampling access etc may be required before the Company can give its consent. Applications should be made at <https://wholesale.thameswater.co.uk/Wholesale-services/Business-customers/Trade-effluent> or alternatively to Waste Water Quality, Crossness

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STW, Belvedere Road, Abbeywood, London. SE2 9AQ. Telephone: 020 3577 9200.

We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.

A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>

The proposed development is located within 15m of our underground water assets and as such we would like the following informative attached to any approval granted. The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above

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or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk

UXO

The development of the site should include adequate provision for the surveying the site for potential Unexploded Ordinance. If that survey work identifies any anomalies that may be UXO, the site operators must contact both the police and the local Authority at an early opportunity to agree timescales and further actions

Nesting birds and bats

Site clearance activities should be undertaken between September and February, inclusive, to avoid any potential impacts to breeding birds during their main breeding season. If site clearance during the breeding season (March - August inclusive) is unavoidable then potential nesting habitat must be inspected by a suitably qualified ecologist no more than 48 hours before work commences to identify active birds' nests. Should bird nests be present, the nest and a suitable buffer of habitat around it must be retained until the young are confirmed to have left the nest by a suitably qualified ecologist. If bats are found to be present on the site, a suitably qualified ecologist must be instructed straightaway.

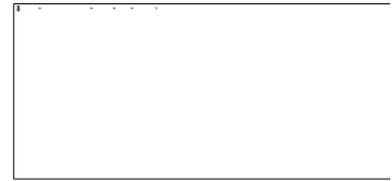
Works to trees in Burgess Park

You are required to consult the Council's Parks and Leisure Service if any work is required to trees within Burgess park (020 7525 0878)

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Important Notes Relating to the Council's Decision

1. Conditions

- If permission has been granted you will see that it may be subject to a number of planning conditions. They are an integral part of our decision on your application and are important because they describe how we require you to carry out the approved work or operate the premises. It is YOUR responsibility to comply fully with them. Please pay particular attention to those conditions which have to be met before work commences, such as obtaining approval for the siting and levels of buildings and the protection of trees on the site. If you do not comply with all the conditions in full this may invalidate the permission.
- Further information about how to comply with planning conditions can be found at:
https://www.planningportal.co.uk/info/200126/applications/60/consent_types/12
- Please note that there is a right of appeal against a planning condition. Further information can be found at:
https://www.planningportal.co.uk/info/200207/appeals/108/types_of_appeal

2. Community Infrastructure Levy (CIL) Information

- If your development has been identified as being liable for CIL you need to email [Form 1: CIL Additional Information](#), [Form 2: Assumption of Liability](#) and [Form 6: Commencement Notice](#) to cil.s106@southwark.gov.uk as soon as possible, so that you can be issued with a Liability Notice. This should be done at least a day before commencement of the approved development.
- **Payment of the CIL charge is mandatory and the CIL Regulations comprises a range of enforcement powers and penalties for failure to following correct procedures to pay, including stop notices, surcharges, late payment interests and prison terms.**

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- To identify whether your development is CIL liable, and further details about CIL including eligibility and procedures for any CIL relief claims, please see the Government's CIL guidance:

<https://www.gov.uk/guidance/community-infrastructure-levy>

- All CIL Forms are available to download from Planning Portal:

https://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy/5

- Completed forms and any CIL enquiries should be submitted to cil.s106@southwark.gov.uk

3. National Planning Policy Framework

- In dealing with this application we have implemented the requirements in the National Planning Policy Framework to work with the applicant/agent in a positive, proactive and creative way by offering a pre-application advice service; as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible and if applicable suggesting solutions to secure a successful outcome. We have considered the application in light of our statutory policies in our development plan as set out in the officer's report.

4. Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.

If an enforcement notice is or has been served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: **28 days** of the date of service of the enforcement notice, OR within **6 months** (12 weeks in the case of a householder or minor commercial appeal) of the date of this notice, whichever period expires earlier.

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- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal.
- Further details are on GOV.UK (<https://www.gov.uk/government/collections/casework-dealt-with-by-inquiries>).

5. Purchase Notice

- If either the local planning authority or the Secretary of State grants permission subject to conditions, the owner may claim that the land can neither be put to a reasonably beneficial use in its existing state nor made capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances the owner may serve a purchase notice on the Council requiring the Council to purchase the owner's interest in the land in accordance with Part VI of the Town and Country Planning Act 1990

6. Provisions for the Benefit of the Disabled

- Applicants are reminded that account needs to be taken of the statutory requirements of the Disability Discrimination Act 1995 to provide access and facilities for disabled people where planning permission is granted for any development which provides:
 - i. Buildings or premises to which the public are to be admitted whether on

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payment or otherwise. [Part III of the Act].

- ii. Premises in which people are employed to work as covered by the Health and Safety etc At Work Act 1974 and the Management of Health and Safety at Work Regulations as amended 1999. [Part II of the Act].
 - iii. Premises to be used as a university, university college or college, school or hall of a university, or intended as an institution under the terms of the Further and Higher Education Act 1992. [Part IV of the Act].
- Attention is also drawn to British Standard 8300:2001 Disability Access, Access for disabled people to schools buildings – a management and design guide. Building Bulletin 91 (DfEE 99) and Approved Document M (Access to and use of buildings) of the Building Regulations 2000 or any such prescribed replacement.

7. Other Approvals Required Prior to the Implementation of this Permission.

- The granting of approval of a reserved matter or outstanding matter does not relieve developers of the necessity for complying with any Local Acts, regulations, building by-laws and general statutory provisions in force in the area, or allow them to modify or affect any personal or restrictive covenants, easements, etc., applying to or affecting either the land to which the permission relates or any other land or the rights of any persons or authorities (including the London Borough of Southwark) entitled to the benefits thereof or holding an interest in the property concerned in the development permitted or in any adjoining property. In this connection applicants are advised to consult the council's Highway Maintenance section [tel. 020-7525-2000] about any proposed works to, above or under any road, footway or forecourt.

8. Works Affecting the Public Highway

- You are advised to consult the council's Highway Maintenance section [tel. 020-7525-2000] about any proposed works to, above or under any road, footway or forecourt.

9. The Dulwich Estate Scheme of Management

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- Development of sites within the area covered by the Scheme of Management may also require the permission of the Dulwich Estate. If your property is in the Dulwich area with a post code of SE19, 21, 22, 24 or 26 you are advised to consult the Estates Governors', The Old College, Gallery Road SE21 7AE [tel: 020-8299-1000].

10. Building Regulations.

- You are advised to consult Southwark Building Control at the earliest possible moment to ascertain whether your proposal will require consent under the Building Act 1984 [as amended], Building Regulations 2000 [as amended], the London Building Acts or other statutes. A Building Control officer will advise as to the submission of any necessary applications, [tel. call centre number 0845 600 1285].

11. The Party Wall Etc. Act 1996.

- You are advised that you must notify all affected neighbours of work to an existing wall or floor/ceiling shared with another property, a new building on a boundary with neighbouring property or excavation near a neighbouring building. An explanatory booklet aimed mainly at householders and small businesses can be obtained from the Department for Communities and Local Government [DCLG] Free Literature tel: 0870 1226 236 [quoting product code 02BR00862].

12. Important

- This is a PLANNING PERMISSION only and does not operate so as to grant any lease, tenancy or right of occupation of or entry to the land to which it refers.

NPPF and planning policies

The site is subject to the following designations in the Southwark Plan 2022:

- Urban Zone
- Air Quality Management Area
- Hot food takeaway schools exclusion zone
- Site allocation NSP25
- Public transport accessibility level (PTAL) of 2-4 (low to medium)

National Planning Policy Framework

The revised National Planning Policy Framework ('NPPF') was published in July 2021 which sets out the national planning policy and how this needs to be applied. The NPPF focuses on sustainable development with three key objectives: economic, social and environmental.

Paragraph 218 states that the policies in the Framework are material considerations which should be taken into account in dealing with applications.

Section 2 – Achieving sustainable development

Section 5 – Delivering a sufficient supply of homes

Section 6 – Building a strong, competitive economy

Section 8 – Promoting healthy and safe communities

Section 9 – Promoting sustainable transport

Section 11 – Making effective use of land

Section 12 – Achieving well designed places

Section 14 – Meeting the challenge of climate change, flooding and coastal change

Section 15 – Conserving and enhancing the natural environment

Section 16 – Conserving and enhancing the historic environment

National Planning Practice Guidance

The London Plan 2021

On 2 March 2021, the Mayor of London published the London Plan 2021. The spatial development strategy sets a strategic framework for planning in Greater London and forms part of the statutory Development Plan for Greater London. The relevant policies are:

GG1 Building strong and inclusive communities

GG2 Making the best use of land

GG3 Creating a healthy city

GD4 Delivering the homes Londoners need

GG5 Growing a good economy

GG6 Increasing efficiency and resilience

Policy D1 London's form, character and capacity for growth

Policy D2 Infrastructure requirements for sustainable densities

Policy D3 Optimising site capacity through the design-led approach

Policy D4 Delivering good design

Policy D5 Inclusive design

Policy D6 Housing quality and standards

Policy D7 Accessible housing

Policy D8 Public realm

Policy D9 Tall buildings

Policy D11 Safety, security and resilience to emergency

Policy D12 Fire safety

Policy D13 Agent of change

Policy D14 Noise

Policy H1 Increasing housing supply

Policy H4 Delivering affordable housing

Policy H5 Threshold approach to affordable housing

Policy H6 Affordable housing tenure

Policy H7 Monitoring of affordable housing

Policy H10 Housing size mix

Policy SD4 Play and informal recreation

Policy E2 Providing suitable business space

Policy E3 Affordable workspace

Policy E4 - Land for industry, logistics and services to support London's economic function

Policy E6 - Locally Significant Industrial Sites

Policy E7 - Industrial intensification, co-location and substitution

Policy E8 Sector growth opportunities and clusters

Policy E11 Skills and opportunities for all

Policy HC1 Heritage conservation and growth

Policy HC3 Strategic and local views

Policy HC4 London view management framework

Policy G1 Green infrastructure

Policy G3 Metropolitan open land

Policy G5 Urban greening

Policy G6 Biodiversity and access to nature

Policy G7 Trees and woodlands

Policy SI 1 Improving air quality

Policy SI 2 Minimising greenhouse gas emissions

Policy SI 3 Energy infrastructure

Policy SI 4 Managing heat risk

Policy SI 5 Water infrastructure

Policy SI 6 Digital connectivity infrastructure

Policy SI 7 Reducing waste and supporting the circular economy

Policy SI 12 Flood risk management

Policy SI 13 Sustainable drainage

Policy T1 Strategic approach to transport

Policy T2 Healthy Streets

Policy T3 Transport capacity, connectivity and safeguarding
Policy T4 Assessing and mitigating transport impacts
Policy T5 Cycling
Policy T6 Car parking
Policy T6.1 Residential car parking
Policy T6.5 Non-residential disabled persons parking
Policy T7 Deliveries, servicing and construction
Policy T9 Funding transport infrastructure through planning
Policy DF1 Delivery of the Plan and Planning Obligations

New Southwark Plan (2022)

The Southwark Plan 2022 was adopted on 23 February 2022. The plan provides strategic policies, development management policies, area visions and site allocations which set out the strategy for managing growth and development across the borough from 2019 to 2036. The relevant policies are set out below:

ST1 Southwark's Development Targets
ST2 Southwark's Places
SP1 Homes for all
SP2 Southwark Together
SP4 Green and inclusive economy
SP5 Thriving neighbourhoods and tackling health inequalities
SP6 Climate emergency
AV.05 Camberwell Area Vision
P1 Social rented and intermediate housing
P2 New family homes
P8 Wheelchair accessible and adaptable housing
P13 Design of places
P14 Design quality
P15 Residential design
P16 Designing out crime
P17 Tall buildings
P18 Efficient use of land
P19 Listed buildings and structures
P20 Conservation areas
P21 Conservation of the historic environment and natural heritage
P22 Borough views
P23 Archaeology
P28 Access to employment and training
P30 Office and business development
P31 Affordable Workspace
P33 Business relocation
P36 Development outside town centres
P44 Broadband and digital infrastructure

P45 Healthy developments
P47 Community uses
P49 Public transport
P50 Highways impacts
P51 Walking
P53 Cycling
P54 Car parking
Policy P55 Parking standards for disabled people and the physically impaired
P56 Protection of amenity
P59 Green infrastructure
P60 Biodiversity
P61 Trees
P62 Reducing waste
P64 Contaminated land and hazardous substances
P65 Improving air quality
P66 Reducing noise pollution and enhancing soundscapes
P67 Reducing water use
P68 Reducing flood risk
P69 Sustainability standards
P70 Energy
IP2 Transport infrastructure
IP3 Community infrastructure levy (CIL) and Section 106 planning obligations

The Southwark Plan places the site within the Camberwell Area Vision (AV.05). This sets out what development in Camberwell should seek to achieve, including providing as many new homes as possible while respecting the local character of the area, complementing and improving the town centre with more large and small shops, entertainment, leisure, workspaces, cultural activities and well-designed public spaces for visitors to linger, and improving the local streetscape and environment including new urban greening.

Site designation – The Southwark Plan also places the site within site allocation NSP 25 which covers the entire PIL. It advises that redevelopment of the site must:

- Ensure every individual development proposal increases or provides at least the amount of employment floorspace (B class) currently on the site; and
- Provide new homes (C3); and
- Enhance permeability including new north-south and east-west green links; and
- Provide public realm improvements including a square.

Redevelopment of the site should:

- Provide industrial employment space (B1c, B2, B8);
- Provide active frontages (A1, A2, A3, A4, D1, D2) at appropriate ground floor locations.

The design and accessibility guidance to the site allocation states that the development should establish green links into Burgess Park and from Chiswell Street to Newent Close, opening up access for new and existing residents with a new public realm offer throughout the site. Consideration should be given to focal points of activity and active frontages that encourage footfall. Redevelopment should enhance existing and proposed pedestrian and cycle routes including the Southwark Spine and good accessibility to bus stops.

Supplementary Planning Guidance and London Plan Guidance

Greater London Authority

Whole Life Carbon (2022)

Circular Economy Statements (2022)

Be Seen energy monitoring (2021)

Energy Assessment Guidance (2020)

Affordable housing and viability SPG (2017)

Housing SPG (2016)

Accessible London: Achieving an Inclusive Environment SPG (2014)

The Control of Dust and Emissions during Construction and Demolition SPG (2014)

Play and informal recreation SPG (2012)

London View Management Framework (2012)

Planning for equality and diversity in London (2007)

London Borough of Southwark

Heritage SPD 2021

Section 106 Planning Obligations/CIL SPD (2020)

Development Viability SPD (2016)

Technical Update to the Residential Design Standards SPD (2015)

Affordable housing SPD (2008 - Adopted and 2011 - Draft)

Residential Design Standards SPD (2015 – Technical update)

Sustainable design and construction SPD (2009)

Sustainability assessments SPD (2009)

Statement of Community Involvement (2008)

Statement of Community Involvement (Draft 2021)

Development Consultation Charter (Draft 2021)

Planning history of the site and nearby sites

Relevant planning history of the application site

10-12 Parkhouse Street

20/AP/0581 – Change of use from Use Class B1(A) (Offices) to Class C3 (residential) to provide 39 flats including 45 on-site cycle spaces and 20 on-site car parking spaces. Prior approval GRANTED in April 2020.

Entire application site

17/AP/4797 - Demolition of the existing buildings and redevelopment of the site to provide 499 residential units, up to 3,725sqm (GIA) of Class B1 commercial floorspace, up to 128 sqm (GIA) of Class D2 leisure floorspace and up to 551sqm of Class A1-A3 floorspace within 13 blocks of between 2-12 storeys, with car and cycle parking and associated hard and soft landscaping. Planning permission was REFUSED in January 2019 for the following reasons:

1) The density of the development would significantly exceed the expected range for the area and would fail to provide the requisite exemplary standard of accommodation, owing to insufficient amenity space and the residential units not significantly exceeding minimum floorspace standards. This would be contrary to saved policy 4.3 'Quality of accommodation' of the Southwark Plan (2007), policy 3.5 'Quality and design of housing developments' of the London Plan (2016) and guidance within the Residential Design Standards Supplementary Planning Document (2015 – Technical update)

2) The proposed development would result in a significant loss of employment floorspace on a site within a local Preferred Industrial Location. This would be contrary to Strategic policy 10 'Jobs and businesses' of the Core Strategy (2011), policy 4.4 'Managing industrial land and premises' of the London Plan (2016) and emerging site designation NSP23 in the draft New Southwark Plan (December 2017) which seek to protect existing employment floorspace, and as such would fail to maximise the potential for job creation in the borough.

An appeal was subsequently lodged and was DISMISSED following a Public Inquiry. Reasons for dismissing the appeal related to the density of the proposed development and quality of accommodation, harm to the character and appearance of the area, and impact upon daylight to properties on Parkhouse Street; full details are provided in the officer report (reference: APP/A5840/W/19/322558).

Relevant planning history of adjoining and neighbouring sites

21-23 Parkhouse Street

19/AP/0469 'Demolition of existing building and erection of two blocks (Block A and Block B) of 5 storeys and part-7/part-10 storeys (total AOD 35.86m). Block A comprises 5-storey block for commercial/employment use (962 sqm). Block B comprises ground floor commercial/employment use (129sqm) and 33 residential dwellings (3 x studios; 6 x 1b flats, 18 x 2b flats, 6 x 3b flats) and 1 accessible car parking spaces with associated landscaping, cycle parking and refuse store'. Planning permission was GRANTED in April 2022 following the completion of a s106 agreement. This site is owned by the Council.

17/AP/1723 - Demolition of existing building and erection of two blocks (Block A and Block B) of 5 and 9 storeys. Block A to comprise a 5-storey block for B1(c) commercial/employment use (1030sqm). Block B to comprise a 9-storey block with ground floor B1(c) commercial/employment use (89sqm) and 32 residential dwellings (8x1 bed, 16x2 bed, 8x3 bed), together with associated accessible and car-club parking, landscaping, cycle parking and refuse store. This application was WITHDRAWN to allow for revisions to be made to the massing and to address other matters.

25-33 Parkhouse Street

20/AP/0858 - The redevelopment of the site to provide a mixed-use development comprising buildings up to 11 storeys in height and accommodating new homes (Use Class C3) and commercial floorspace (Use Class B1c), car parking, cycle parking and associated landscaping. Planning permission was GRANTED in May 2022 following the completion of a s106 agreement.

21/AP/1415 - Variation of condition 2 (time limit) of planning permission 20/AP/1343 (for Temporary change of use from B2 (general industrial) to B8 (storage and distribution) for 12 months) to enable the B8 use to continue for a further 12 months (until 7th July 2022). Planning permission was GRANTED in August 2021.

20/AP/1343 - Temporary change of use from B2 (general industrial) to B8 (storage and distribution) for 12 months. Planning permission was GRANTED in July 2020.

20/AP/0437 – Request for a screening opinion relating to proposed redevelopment of 25-33 Parkhouse Street to provide 128 homes and 1, 400sqm of commercial floorspace (class B1c). A negative screening opinion was adopted in May 2020, confirming that the proposed development would not require an Environmental Impact Assessment to be undertaken.

35-39 Parkhouse Street

19/AP/2011 'Demolition of existing buildings and construction of a mixed use building ranging from six to 10 storeys in height (35.15m AOD) comprising 100 residential

units (Use Class C3) and 1,323 sqm (GIA) of Class B1/B2/B8 floorspace) with associated car parking, landscaping and other associated works'. Application UNDER CONSIDERATION.

1-13 Southampton Way

21/AP/0451 - Clearance of site and redevelopment to provide 32 homes and a flexible commercial (use class E) / community unit (Use Class F2) in a building ranging in height from three to seven storeys, along with cycle parking, refuse facilities and landscaped public realm including provision of land to be incorporated into Burgess Park. Planning permission was REFUSED in December 2021 for the following reason:

The proposal would result in inappropriate development within Metropolitan Open Land (MOL) would also result in a significant impact on the openness of MOL by way of the sites scale, massing and location abutting Burgess Park. As such the proposal is contrary to saved policy Saved Policy 3.25 - Metropolitan Open Land of the Southwark Plan 2007, Policy G3 Metropolitan Open Land of the London Plan 2021 and paragraphs 148 and 149 of the National Planning Policy Framework 2021.

5-7 Cottage Green And 69 Southampton Way (the scaffold yard)

21/AP/1254 - Demolition of existing structures, including removal and alterations to the flank elevation of grade II listed no. 73 Southampton Way, and construction of two buildings fronting onto Southampton Way (4 to 6 storeys) and Cottage Green (4 to 6 storeys) comprising 50 residential units and 672sqm GEA commercial units for Class E and F uses, associated roof terraces, landscaping and public realm enhancements, refuse storage, and cycle and car parking. The proposal would be within the setting of the grade II listed buildings 1, 2 and 3 Cottage Green and 73,75 and 77 Southampton Way. Application UNDER CONSIDERATION.

21/AP/1255 - Listed building consent application for the demolition and external alterations to parts within the site that are attached to the flank elevation of grade II listed no. 73 Southampton Way. Application UNDER CONSIDERATION.

75-77 Southampton Way

21/AP/1651 and 21/AP/1652 (Listed Building Consent) - Change of use from a 11-unit HMO (Hostel) (Sui Generis) into 6 self-contained flats (C3 Use Class), (comprising 2 x one bedroom flats at Lower Ground Floor level, 2 x one bedroom flats at Ground Floor Level, 1 x one bedroom flat at First Floor Level, 1 x one bedroom flat at Second Floor Level. Both applications were GRANTED in November 2021.

Consultation undertaken

Site notice date: 19/05/2021

Press notice date: 20/05/2021

Case officer site visit date: 19/05/2021 and various

Neighbour consultation letters sent: 11/02/2022

Internal services consulted

Parks and Cemeteries
Community Infrastructure Levy Team
Environmental Protection
Transport Policy
Archaeology
Design and Conservation Team [Formal]
Local Economy
Ecology
Highways Development and Management
Highways Licensing
Housing Regeneration and Delivery
Flood Risk Management & Urban Drainage
Urban Forester
Waste Management
Planning Policy Team

Statutory and non-statutory organisations

Network Rail
EDF Energy
UK Power Networks
Environment Agency
Great London Authority
Historic England
London Fire & Emergency Planning Authority
London Underground
Natural England - London & South East Region
Network Rail
Metropolitan Police Service (Designing Out Crime)
Health and Safety Executive
Transport for London
Thames Water
National Casework Unit
Scheduled ancient monument society
Aqiva
The Fields Trust

Neighbour and local groups consulted:

Flat 19 Hogan Court 57 Edmund Street
Flat 13 Hogan Court 57 Edmund Street
Flat 6 Hogan Court 57 Edmund Street
Flat 1 47 Southampton Way London
Flat 2 2A Cottage Green London
Flat 6 14 Coleman Road London
Flat 7 8 Benhill Road London
Flat 3 8 Benhill Road London
Flat 6 8 Benhill Road London
Unit 10 Burgess Industrial Park
Parkhouse Street
19 Chiswell Street London Southwark
67 Southampton Way London Southwark
78 Southampton Way London Southwark
Room 4 75-77 Southampton Way
London
Flat 8 Mori Court 61 Edmund Street
Flat 5 Mori Court 61 Edmund Street
Flat 1 Mori Court 61 Edmund Street
Flat 8 60 Southampton Way London
Flat 28 Hogan Court 57 Edmund Street
33A Southampton Way London
Southwark
48 Rainbow Street London Southwark
Flat 19 Hodgkin Court 2 Dobson Walk
27A Southampton Way London
Southwark
Flat 29 Hodgkin Court 2 Dobson Walk
Flat 12 Hodgkin Court 2 Dobson Walk
Flat 18 Hogan Court 57 Edmund Street
Flat 20 Hambling Court 42 Southampton
Way
Flat 2 14 Coleman Road London
13 Parkhouse Street London Southwark
44 Rainbow Street London Southwark
18 Rainbow Street London Southwark
12 Rainbow Street London Southwark
107 Wells Way London Southwark
1 Coleman Road London Southwark
13A Parkhouse Street London
Southwark
Flat 24 Hambling Court 42 Southampton
Way
Flat 13 Leigh Court 1 Sam King Walk
Flat 32 Hodgkin Court 2 Dobson Walk
Flat 4 Kitaj Court 59 Edmund Street
Flat 1 Hogan Court 57 Edmund Street
Room 8 75-77 Southampton Way
London
Flat 6 23 Chiswell Street London
Living Accommodation 156 Wells Way
London
1A Parkhouse Street London Southwark
19A Southampton Way London
Southwark
17A Southampton Way London
Southwark
34 Rainbow Street London Southwark
147 Wells Way London Southwark
131 Wells Way London Southwark
Flat 1 113 Wells Way London
101 Wells Way London Southwark
89 Southampton Way London Southwark
21 Southampton Way London Southwark
5-7 Cottage Green London Southwark
Flat 3 54 Southampton Way London
Flat 8 To 9 14 Coleman Road London
2 Cottage Green London Southwark
Flat 1 Leigh Court 1 Sam King Walk
Flat 22 Hodgkin Court 2 Dobson Walk
Flat 1 Hodgkin Court 2 Dobson Walk
Flat 6 Barrett Court 1 Dobson Walk
Flat 29 Hogan Court 57 Edmund Street
Flat 11 Hogan Court 57 Edmund Street
Flat 5 Hogan Court 57 Edmund Street
Flat 25 Hambling Court 42 Southampton
Way
Flat 7 Hambling Court 42 Southampton
Way
Flat 4 23 Chiswell Street London
56 Southampton Way London Southwark
Flat 7 Mori Court 61 Edmund Street
Room 2 75-77 Southampton Way
London
Flat 5 Newman House Southampton
Way
Flat 15 Leigh Court 1 Sam King Walk
1 Dowlas Street London Southwark
141 Wells Way London Southwark
Excluding Part Ground Floor 9-11
Cottage Green London
St Georges Tavern 14 Coleman Road
London
6 Dowlas Street London Southwark
First Floor Flat 4 Claremont Villas
Southampton Way
Flat 4 Newman House Southampton
Way
Flat A 52 Rainbow Street London
41A Southampton Way London

Southwark
69 Southampton Way London Southwark
Flat 34 Hambling Court 42 Southampton Way
Flat 3 Leigh Court 1 Sam King Walk
Flat 5 Barrett Court 1 Dobson Walk
Flat 12 Mori Court 61 Edmund Street
Flat 23 Hogan Court 57 Edmund Street
Flat 9 Hogan Court 57 Edmund Street
Flat 3 To 4 14 Coleman Road London
Flat 4 60 Southampton Way London
41B Southampton Way London
Southwark
23B Southampton Way London
Southwark
40 Rainbow Street London Southwark
145 Wells Way London Southwark
Ground Floor Flat 1 Claremont Villas
Southampton Way
137 Wells Way London Southwark
129 Wells Way London Southwark
121 Wells Way London Southwark
105 Wells Way London Southwark
42 Rainbow Street London Southwark
Flat 20 Leigh Court 1 Sam King Walk
2 Sam King Walk London Southwark
Flat 11 Hodgkin Court 2 Dobson Walk
Flat 9 Barrett Court 1 Dobson Walk
Flat 13 Mori Court 61 Edmund Street
Flat 10 Hogan Court 57 Edmund Street
Flat 30 Hambling Court 42 Southampton Way
Flat 11 23 Chiswell Street London
Flat 10 60 Southampton Way London
Ground Floor Flat 89 Southampton Way
London
76 Southampton Way London Southwark
88 Tower Mill Road London Southwark
94 Southampton Way London Southwark
2 Parkhouse Street London Southwark
69 Wells Way London Southwark
Flat 6 Leigh Court 1 Sam King Walk
Flat 9 Mori Court 61 Edmund Street
99 Southampton Way London Southwark
Flat 1 23 Chiswell Street London
30 Rainbow Street London Southwark
97 Wells Way London Southwark
95 Wells Way London Southwark
87 Wells Way London Southwark
79 Wells Way London Southwark
Ground Floor Flat 4 Claremont Villas
Southampton Way
Flat A 56 Rainbow Street London
Flat 29 Hambling Court 42 Southampton Way
Flat 18 Leigh Court 1 Sam King Walk
Flat 19 Hambling Court 42 Southampton Way
Flat 9 Hambling Court 42 Southampton Way
Flat 4 Hambling Court 42 Southampton Way
Flat 1 Hambling Court 42 Southampton Way
Flat 21 Hodgkin Court 2 Dobson Walk
Flat 18 Hodgkin Court 2 Dobson Walk
Flat 25 Hogan Court 57 Edmund Street
Flat 15 Hogan Court 57 Edmund Street
63 Edmund Street London Southwark
74 Southampton Way London Southwark
6 Benhill Road London Southwark
11A Parkhouse Street London
Southwark
43A Southampton Way London
Southwark
5 Parkhouse Street London Southwark
8 Coleman Road London Southwark
2 Coleman Road London Southwark
10 Coleman Road London Southwark
36 Rainbow Street London Southwark
20 Rainbow Street London Southwark
127 Wells Way London Southwark
117 Wells Way London Southwark
113 Southampton Way London
Southwark
93 Wells Way London Southwark
77 Wells Way London Southwark
97 Southampton Way London Southwark
First Floor Flat 3 Claremont Villas
Southampton Way
Flat 4 113 Wells Way London
Flat 2 113 Wells Way London
146-154 Wells Way London Southwark
Flat 6 83 Tower Mill Road London
Unit Three And Ground Floor Unit Four
And First Floor Unit Five Burgess
Industrial Estate Parkhouse Street
Flat 14 Leigh Court 1 Sam King Walk
Flat 9 Leigh Court 1 Sam King Walk
4 Sam King Walk London Southwark
Flat 25 Hodgkin Court 2 Dobson Walk
Flat 23 Hodgkin Court 2 Dobson Walk
Flat 4 Hodgkin Court 2 Dobson Walk
Flat 5 Kitaj Court 59 Edmund Street

Flat 21 Hogan Court 57 Edmund Street
Flat 8 Hogan Court 57 Edmund Street
Flat 2 Hogan Court 57 Edmund Street
Flat 33 Hambling Court 42 Southampton
Way
Flat 26 Hambling Court 42 Southampton
Way
Flat 17 Hambling Court 42 Southampton
Way
Flat 13 Hambling Court 42 Southampton
Way
Flat 12 Hambling Court 42 Southampton
Way
Flat 8 23 Chiswell Street London
Flat 2 60 Southampton Way London
Flat 5 14 Coleman Road London
92 Southampton Way London Southwark
6 Southampton Way London Southwark
Flat 4 73 Wells Way London
Flat 2 63 Wells Way London
67 Wells Way London Southwark
61 Wells Way London Southwark
Flat 10 14 Coleman Road London
50 Southampton Way London Southwark
48 Southampton Way London Southwark
Room 3 75-77 Southampton Way
London
Unit 5 Ground Floor Burgess Industrial
Estate Parkhouse Street
12 Parkhouse Street London Southwark
13 Southampton Way London Southwark
Flat 2 Mori Court 61 Edmund Street
35A-35B Southampton Way London
Southwark
Flat 4 Hogan Court 57 Edmund Street
16 Rainbow Street London Southwark
3 Dowlas Street London Southwark
66 Wells Way London Southwark
Flat 12 Barrett Court 1 Dobson Walk
Flat 31 Hambling Court 42 Southampton
Way
St Georges C Of E Primary School
Coleman Road London
27 Southampton Way London Southwark
Unit 4 First Floor Burgess Industrial
Estate Parkhouse Street
21A Southampton Way London
Southwark
Ground Floor Flat 3 Claremont Villas
Southampton Way
First Floor Flat 2 Claremont Villas
Southampton Way

Flat 4 54 Southampton Way London
Flat 24 Leigh Court 1 Sam King Walk
1-3 Southampton Way London
Southwark
84 Tower Mill Road London Southwark
Rear Of 35-39 Parkhouse Street London
Unit 6 First Floor Burgess Industrial
Estate Parkhouse Street
49 - 51 Southampton Way London
Southwark
49 - 65 Southampton Way London
Southwark
24 Rainbow Street London Southwark
17B Southampton Way London
Southwark
Room 1 75-77 Southampton Way
London
Flat 11 60 Southampton Way London
119 Southampton Way London
Southwark
117 Southampton Way London
Southwark
Flat 1 Collingwood House 3 Cottage
Green
Flat 3 73 Wells Way London
39C Southampton Way London
Southwark
Flat 1 54 Southampton Way London
Flat 32 Hambling Court 42 Southampton
Way
Flat 27 Hambling Court 42 Southampton
Way
Flat 9 63 Wells Way London
Flat 7 60 Southampton Way London
Flat 2 Collingwood House 3 Cottage
Green
14A Coleman Road London Southwark
Flat 1 73 Wells Way London
Flat 3 113 Wells Way London
Flat 1 83 Tower Mill Road London
Flat 4 83 Tower Mill Road London
Ground Floor And Basement 101
Southampton Way London
Room 11 75-77 Southampton Way
London
Flat 1 2A Cottage Green London
Flat 7 14 Coleman Road London
Room 10 75-77 Southampton Way
London
Room 9 75-77 Southampton Way
London
Room 6 75-77 Southampton Way

London
 Room 12 75-77 Southampton Way
 London
 Flat 24 Hodgkin Court 2 Dobson Walk
 Flat 11 Barrett Court 1 Dobson Walk
 135 Wells Way London Southwark
 83 Wells Way London Southwark
 7 Parkhouse Street London Southwark
 Flat 3 Hogan Court 57 Edmund Street
 Flat 10 Hambling Court 42 Southampton
 Way
 Flat 2 Leigh Court 1 Sam King Walk
 Flat 13 Barrett Court 1 Dobson Walk
 Flat 8 Leigh Court 1 Sam King Walk
 9 Parkhouse Street London Southwark
 Flat 9 23 Chiswell Street London
 Flat 3 23 Chiswell Street London
 Ground Floor Flat 103 Southampton
 Way London
 Ground Floor Rear Flat 4E 79
 Southampton Way London
 17 Chiswell Street London Southwark
 12 Chiswell Street London Southwark
 96 Southampton Way London Southwark
 88 Southampton Way London Southwark
 82 Southampton Way London Southwark
 52 Southampton Way London Southwark
 44 Southampton Way London Southwark
 Flat 1 119 Southampton Way London
 Flat 1 45 Southampton Way London
 Flat 2 119 Southampton Way London
 1 Cottage Green London Southwark
 Part Ground Floor 9-11 Cottage Green
 London
 Maisonette Basement And Ground
 Floors 73B Southampton Way London
 Maisonette First And Second Floors 73A
 Southampton Way London
 Flat 10 23 Chiswell Street London
 Flat 5 23 Chiswell Street London
 Flat 2 23 Chiswell Street London
 8 Cottage Green London Southwark
 Flat 1 14 Coleman Road London
 Flat 2 73 Wells Way London
 Flat 9 8 Benhill Road London
 Flat 5 8 Benhill Road London
 Flat 5 63 Wells Way London
 Flat 1 8 Benhill Road London
 10 Chiswell Street London Southwark
 79B Southampton Way London
 Southwark
 Flat 10 Mori Court 61 Edmund Street
 14 Cottage Green London Southwark
 Flat 15 Mori Court 61 Edmund Street
 Flat 14 Mori Court 61 Edmund Street
 Flat 11 Mori Court 61 Edmund Street
 Flat 3 Mori Court 61 Edmund Street
 15 Edmund Street London Southwark
 34 Southampton Way London Southwark
 111 Wells Way London Southwark
 85 Wells Way London Southwark
 39 Parkhouse Street London Southwark
 Flat 2 8 Benhill Road London
 71 Wells Way London Southwark
 46 Southampton Way London Southwark
 38 Rainbow Street London Southwark
 22 Rainbow Street London Southwark
 Flat A 54 Rainbow Street London
 15A Southampton Way London
 Southwark
 105 Southampton Way London
 Southwark
 First Floor Flat 5 Claremont Villas
 Southampton Way
 6 Cottage Green London Southwark
 Flat 30 Hodgkin Court 2 Dobson Walk
 5-7 Southampton Way London
 Southwark
 Flat A 25 Southampton Way London
 2 Dowlas Street London Southwark
 139 Wells Way London Southwark
 50 Rainbow Street London Southwark
 107 Southampton Way London
 Southwark
 125 Wells Way London Southwark
 37 Southampton Way London Southwark
 15B Southampton Way London
 Southwark
 Unit 9 Burgess Industrial Park
 Parkhouse Street
 Flat 5 113 Wells Way London
 Flat B 56 Rainbow Street London
 43B Southampton Way London
 Southwark
 Flat 1 Newman House Southampton
 Way
 33B Southampton Way London
 Southwark
 Flat 2 83 Tower Mill Road London
 Flat 5 83 Tower Mill Road London
 Flat 6 Hambling Court 42 Southampton
 Way
 Flat 16 Leigh Court 1 Sam King Walk
 3 Sam King Walk London Southwark

Flat 16 Hambling Court 42 Southampton Way
 Flat 22 Hambling Court 42 Southampton Way
 Flat 26 Hodgkin Court 2 Dobson Walk
 Flat 14 Hambling Court 42 Southampton Way
 6 Sam King Walk London Southwark
 Flat 11 Hambling Court 42 Southampton Way
 Flat 15 Hodgkin Court 2 Dobson Walk
 Flat 7 Hodgkin Court 2 Dobson Walk
 Flat 10 Hodgkin Court 2 Dobson Walk
 Flat 1 Kitaj Court 59 Edmund Street
 Flat 13 Hodgkin Court 2 Dobson Walk
 Flat 5 Hodgkin Court 2 Dobson Walk
 Flat 3 Barrett Court 1 Dobson Walk
 Flat 20 Hogan Court 57 Edmund Street
 Flat 12 Hogan Court 57 Edmund Street
 79A Southampton Way London Southwark
 Room 5 75-77 Southampton Way London
 12 Cottage Green London Southwark
 Flat 9 60 Southampton Way London
 Flat 3 47 Southampton Way London
 Flat 1 63 Wells Way London
 Flat 4 8 Benhill Road London
 98 Southampton Way London Southwark
 75 Wells Way London Southwark
 Flat B 133 Wells Way London
 Flat 21 Leigh Court 1 Sam King Walk
 Flat 2 Newman House Southampton Way
 Flat B 54 Rainbow Street London
 4 Coleman Road London Southwark
 32 Rainbow Street London Southwark
 99 Wells Way London Southwark
 Ground Floor Flat 5 Claremont Villas Southampton Way
 41 Southampton Way London Southwark
 91 Wells Way London Southwark
 Flat 6 54 Southampton Way London
 Flat 11 Leigh Court 1 Sam King Walk
 Flat 5 Leigh Court 1 Sam King Walk
 Flat 4 Leigh Court 1 Sam King Walk
 Flat 3 Kitaj Court 59 Edmund Street
 Flat 18 Hambling Court 42 Southampton Way
 Flat 3 60 Southampton Way London
 Flat 12 60 Southampton Way London
 62 Southampton Way London Southwark
 84 Southampton Way London Southwark
 37A Parkhouse Street London Southwark
 Flat B 16 Coleman Road London
 19B Southampton Way London Southwark
 28 Rainbow Street London Southwark
 5 Dowlas Street London Southwark
 143 Wells Way London Southwark
 123 Wells Way London Southwark
 95 Southampton Way London Southwark
 31 Southampton Way London Southwark
 17 Southampton Way London Southwark
 43 Parkhouse Street London Southwark
 10 Parkhouse Street London Southwark
 21-23 Parkhouse Street London Southwark
 Flat 23 Leigh Court 1 Sam King Walk
 Flat 31 Hodgkin Court 2 Dobson Walk
 Flat 20 Hodgkin Court 2 Dobson Walk
 Flat 17 Hodgkin Court 2 Dobson Walk
 Flat 16 Hodgkin Court 2 Dobson Walk
 Flat 9 Hodgkin Court 2 Dobson Walk
 Flat 8 Hodgkin Court 2 Dobson Walk
 Flat 14 Barrett Court 1 Dobson Walk
 Flat 2 Barrett Court 1 Dobson Walk
 Flat 14 Hogan Court 57 Edmund Street
 Flat 23 Hambling Court 42 Southampton Way
 Flat 8 Hambling Court 42 Southampton Way
 Flat 6 60 Southampton Way London
 Flat 6 73 Wells Way London
 90 Southampton Way London Southwark
 7A Parkhouse Street London Southwark
 Flat B 52 Rainbow Street London
 39B Southampton Way London Southwark
 3 Parkhouse Street London Southwark
 1 Parkhouse Street London Southwark
 4 Dowlas Street London Southwark
 89 Wells Way London Southwark
 Flat 19 Leigh Court 1 Sam King Walk
 Flat 17 Leigh Court 1 Sam King Walk
 Flat 14 Hodgkin Court 2 Dobson Walk
 Flat 6 Hodgkin Court 2 Dobson Walk
 Flat 4 Barrett Court 1 Dobson Walk
 Flat 26 Hogan Court 57 Edmund Street
 Flat 22 Hogan Court 57 Edmund Street
 Flat 16 Hogan Court 57 Edmund Street
 Flat 15 Hambling Court 42 Southampton Way

Flat 1A 60 Southampton Way London
 16 Chiswell Street London Southwark
 Flat 8 63 Wells Way London
 9A Parkhouse Street London Southwark
 31A Southampton Way London
 Southwark
 15C Southampton Way London
 Southwark
 37 Parkhouse Street London Southwark
 3A Parkhouse Street London Southwark
 26 Rainbow Street London Southwark
 85 Southampton Way London Southwark
 35 Southampton Way London Southwark
 75-77 Southampton Way London
 Southwark
 Flat 5 54 Southampton Way London
 Flat 2 54 Southampton Way London
 The Well Community Church Wells Way
 London
 10 Cottage Green London Southwark
 Flat 12 Leigh Court 1 Sam King Walk
 Flat 7 Leigh Court 1 Sam King Walk
 Flat 10 Barrett Court 1 Dobson Walk
 46 Rainbow Street London Southwark
 Flat 21 Hambling Court 42 Southampton
 Way
 Flat 5 Hambling Court 42 Southampton
 Way
 Flat 3 Hambling Court 42 Southampton
 Way
 Flat 4 47 Southampton Way London
 Flat A 133 Wells Way London
 Flat 2 47 Southampton Way London
 Flat 1 60 Southampton Way London
 Flat 5 60 Southampton Way London
 Flat 28 Hambling Court 42 Southampton
 Way
 Flat 5 73 Wells Way London
 65 Wells Way London Southwark
 86 Southampton Way London Southwark
 80 Southampton Way London Southwark
 107 Wells Way London SE5 7SZ
 103 Wells Way London SE5 7SZ
 111 Wells Way London SE5 7SZ
 119 Wells Way London SE5 7SZ
 Flat 1 113 Wells Way London
 30 Rainbow Street London SE5 7TD
 18 Rainbow Street London SE5 7TD
 16 Rainbow Street London SE5 7TD
 Flat 23 Leigh Court 1 Sam King Walk
 Flat 9 Evison House 3 Benhill Road
 Flat 3 Evison House 3 Benhill Road
 109 Wells Way London SE5 7SZ
 58 Coleman Road London SE5 7TG
 6 Coleman Road London SE5 7TG
 22 Coleman Road London SE5 7TG
 30 Coleman Road London SE5 7TG
 2 Coleman Road London SE5 7TG
 Flat B 32 Coleman Road London
 143 Southampton Way London SE5
 7EW
 41 Southampton Way London SE5 7SW
 27 Rainbow Street London SE5 7TB
 25 Rainbow Street London SE5 7TB
 29 Rainbow Street London SE5 7TB
 37 Rainbow Street London SE5 7TB
 33 Rainbow Street London SE5 7TB
 97 Wells Way London SE5 7SZ
 4 Dowlas Street London SE5 7TA
 6 Dowlas Street London SE5 7TA
 Flat 11 Leigh Court 1 Sam King Walk
 12 Cottage Green London SE5 7ST
 Flat 28 Hodgkin Court 2 Dobson Walk
 Flat 21 Hodgkin Court 2 Dobson Walk
 Flat 23 Hodgkin Court 2 Dobson Walk
 14 Barrett Court 1 Dobson Walk London
 9 Palfrey Court 74 Edmund Street
 London
 109 Wells Way London SE5 7SZ
 Flat 14 Sunset Buildings London SE5
 7NR
 38A Coleman Road Camberwell London
 6 Claremont Villas Southampton Way
 London
 Flat B 32 Coleman Road London
 107 Wells Way London SE5 7SZ
 30 Hambling Court 42 Southampton Way
 London
 101 Wells Way London SE5 7SZ
 13 Barrett Court 1 Dobson Walk London
 128 Benhill Road London SE5 7LZ
 3A Parkhouse Street London SE5 7TQ
 117 Coleman Road London SE5 7TF
 91 Coleman Road London SE5 7TF
 91 Coleman Road London SE5 7TF
 13 Parkhouse Street London SE5 7TQ
 Flat 11 Evison House 3 Benhill Road
 16 Lamb House London SE5 7JF
 5 Lamb House London SE5 7JF
 6 Lamb House London SE5 7JF
 20 Keats House London SE5 7JA
 Flat 26 Keats House Ellington Estate
 London
 31 Keats House London SE5 7JA

34 Gateley London SE15 6FB
 20 Gately Court London SE15 6FB
 44 Gateley Court London SE15 6FB
 23 Gately Court London SE15 6FB
 75 Cronin Street London SE15 7JG
 79 Cronin Street London SE15 6JG
 101 London SE15 6JD
 3 Cronin Street London SE15 6JJ
 30 Cronin Street London SE15 6JJ
 144 Benhill Road Camberwell London
 42 Southampton Way London SE5 7TT
 Flat 4, 129 Southampton Way London
 SE5 7EW
 First Floor Flat 4 Claremont Villas
 Southampton Way
 Flat 5 113 Wells Way London
 Flat 4 113 Wells Way London
 Flat 2 113 Wells Way London
 15 Rowan Court Southwark SE15 6PE
 4 Rowan Court Southwark SE15 6PE
 3 Garnies Close Southwark SE15 6HW
 13 Amstel Court Southwark SE15 6LN
 8 Amstel Court Southwark SE15 6LN
 7 Amstel Court Southwark SE15 6LN
 79 Coleman Rd London SE5 7TF
 1 Chamberlain Court, Silwood Street
 London SE16 2AZ
 67A Trinity Church Square London SE1
 4HT
 8 Omega Gate London SE16 7PR
 16 Putney Park Lane London SW15 5HD
 185 New Kings Road London SW6 4SW
 56 Culverden Rd London SW12 9LS
 15 Sutherland Square London SE17
 3EQ
 5 Soane House Roland Way London
 33 Hawkslade Rd London SE15 3DQ
 31 Portland Street London SE17 2PG
 Unit 4 First Floor Burgess Industrial
 Estate Parkhouse Street
 Hanover Park Houe 14-16 Hanover Park
 Peckham
 50 Coleman Road London SE5 7TG
 13 Parkhouse Street London SE5 7TQ
 6 Claremont Villas Southampton Way
 London
 3 Parkhouse Street London SE5 7TQ
 9 Parkhouse Street London SE5 7TQ
 7 Parkhouse Street London SE5 7TQ
 5 Parkhouse Street London SE5 7TQ
 50 Rainbow Street London SE5 7TD
 38 Rainbow Street London SE5 7TD
 36 Rainbow Street London SE5 7TD
 44 Rainbow Street London SE5 7TD
 Flat A 38 Coleman Road London
 Flat A 36 Coleman Road London
 3A Parkhouse Street London SE5 7TQ
 13A Parkhouse Street London SE5 7TQ
 11A Parkhouse Street London SE5 7TQ
 7A Parkhouse Street London SE5 7TQ
 5A Parkhouse Street London SE5 7TQ
 Flat 6 56 Coleman Road London
 86 Tower Mill Road London SE15 6BP
 Flat 24 60 St Georges Way London
 Flat 10 Ayres Court 74 New Church
 Road
 95 Southampton Way London SE5 7SX
 107 Southampton Way London SE5 7SX
 113 Southampton Way London SE5 7SX
 101 Wells Way London SE5 7SZ
 Flat 30 Hambling Court 42 Southampton
 Way
 Park Office Chumleigh Gardens London
 Flat 3 133 Southampton Way London
 7 Parkhouse Street London SE5 7TQ
 Wells Way Camberwell Southwark
 133 A Wells Way London SE5 7SZ
 69 Coleman Road London SE5 7TF
 Flat 11 Leigh Court 1 Sam King Walk
 London
 133A Wells Way London SE5 7SZ
 14 Addington Square London SE5 7JZ
 47 Southampton Way London SE5 7SW
 3 Tilson Close London SE5 7TZ
 41A Southampton Way London SE5
 7SW
 68 Coleman Road London SE5 7TG
 18 Rainbow St London SE5 7TD
 34 Kemerton Road London
 52 Vicarage Grove London SE5 7LP
 58 Colman Road London SE5 7TG
 5 Claremont Villas Southampton Way
 London
 2 Coleman Road London SE5 7TG
 109 Wells Way London
 13 Leigh Court 1 Sam King Walk London
 3A Parkhouse Street London SE5 7TQ
 Flat 53 Andoversford Court London
 42 Camberwell Grove London SE5 8RE
 Flat 5, Goschen House, 68 Peckham
 Road London
 13 Addington Square London SE5 7JZ
 19 Addington Square London SE5 7JZ
 Flat 6 Malswick Court Tower Mill Road

London
 47 Arments Court 392 Albany Road
 London
 2 Horsley Street Walworth SE17 2AU
 44 Rainbow Street London SE5 7TD
 6 Claremont Villas Southampton Way
 London
 23 Hodgkin Court 2 Dobson Walk
 London
 Maisonette On Ground And Lower
 Ground Floors 97 Camberwell Grove
 London
 78 Coleman Road Camberwell SE5 7TG
 29 Rainbow Street London SE5 7TB
 37 Rainbow Street Camberwell London
 62 Coleman Road London SE5 7TG
 Flat 1, 113 Wells Way London SE5 7SZ
 104 Havil Street Camberwell
 6 Tilson Close Coleman Road London
 Camberwell 4 Brunswick Villas London
 12A St Giles Road Camberwell London
 Upper Flat, 45 Crofton Road London
 SE5 8LY
 38 Addington Square London SE5 7LB
 20 Marvell House London SE5 7JD
 26 Landor House London SE5 7JE
 29 Lamb House London SE5 7JF
 18 Lamb House London SE5 7JF
 54 Pentridge Street London SE15 6JE
 119 Coleman Road London SE5 7TF
 Top Flat, 3 Claremont Villas
 Southampton Way London
 3 Claremont Villas Southampton Way
 Camberwell
 52 Pentridge Street London SE15 6JE
 31 Pentridge Street Southwark SE1 6JN
 31 Pentridge Street Southwark SE15
 6JF
 35 Pentridge Street Southwark SE15
 6JF
 40 Pentridge Street Southwark SE15
 6JE
 48 East Surrey Grove Peckham London
 41 East Surrey Grove Southwark SE15
 6EB
 29 East Surrey Grove London SE15 6EX
 30 Blackthorne Court Southwark SE15
 6PD
 97 Axminster Road London N7 6BS
 On Behalf Of Wwtra London SE5 7TQ
 22 Ada Road London
 131 Benhill Road London SE5 7LZ
 34 Grove Lane London SE5 8ST
 125 Benhill Road C London
 5A Parkhouse Street Camberwell
 London
 Flat 2 113 Wells Way London
 79 Coleman Road London SE5 7TF
 16 Garnies Close Southwark SE15 6HW
 32 Garnies Close Southwark SE15 6HW
 Garnies Close Southwark SE15 6HW
 42 Garnies Close Southwark SE15 6HW
 49 Rowan Court Southwark SE15 6PE
 33 Rowan Court Southwark SE16 6HI
 16 Rowan Court Southwark SE15 6PE
 50 Coleman Rd Camberwell London
 24 Pullens Buildings London SE17 3SJ
 47 Bellwood Road London SE15 3DE
 249 Underhill Rd London SE22 0PB
 17 Sturdy Road London SE15 3RH
 London House 7 Chapel St Probus
 129 Southampton Way London SE5
 7EW
 2 Delft Way London SE22 8TR
 6 Claremont Villas Southampton Way
 London
 81A Grove Park London SE5 8LE
 70 Sedgmoor Place London SE5 7SE
 127 Havil Street London SE57RU
 19 Stanswood Gardens London SE5
 7SQ
 39 Stanswood Gardens London SE5
 7SQ
 South Dock Marina Rope Street
 C/O Members' Room 160 Tooley Street
 London
 Cabinet Office 160 Tooley Street London
 C/O Members' Room 160 Tooley Street
 London
 C/O Members' Room 160 Tooley Street
 London
 C/O Members' Room 160 Tooley Street
 London
 C/O Members' Room 160 Tooley Street
 London
 C/O Members' Room 160 Tooley Street
 London
 C/O Members' Room 160 Tooley Street
 London
 C/O Members' Room 160 Tooley Street
 London
 15 Drinkwater House Picton Street
 Camberwell London
 16 Drinkwater House Picton Street
 Camberwell
 2 Proctor House Picton Street

Camberwell
9 Bridges House Picton Street
Camberwell
47 Nash Road Brockley London
Flat 9 59 Wells Way London
Flat 6 Hodgkin Court 2 Dobson Walk
Flat 7 Hodgkin Court 2 Dobson Walk
41A Southampton Way London SE5
7SW
39B Southampton Way London SE5
7SW
23B Southampton Way London SE5
7SW
56 Southampton Way London SE5 7TT
65 Wells Way London SE5 7GA
Flat 2 56 Coleman Road London
Flat 1 56 Coleman Road London
Flat 8 8 Benhill Road London
18 Chiswell Street London Southwark
Flat 7 Hogan Court 57 Edmund Street
86 Tower Mill Road London Southwark
Ground Floor Flat 39 Parkhouse Street
London
Flat Above 101 Southampton Way
London
9-11 Southampton Way London
Southwark
Flat 3 83 Tower Mill Road London
21 Chiswell Street London Southwark
81 Tower Mill Road London Southwark
First Floor Flat 117 Southampton Way
London
Flat 3 45 Southampton Way London
15-19 Parkhouse Street London
Southwark
109-111 Southampton Way London
Southwark
Unit 7 Burgess Industrial Park
Parkhouse Street
41 Parkhouse Street London Southwark
Flat 31 Hogan Court 57 Edmund Street
Flat 7 54 Southampton Way London
First Floor Flat 79 Southampton Way
London
Flat 4 63 Wells Way London
Ground Floor Front Flat 3C 79
Southampton Way London
Ground Floor And First Floor Flat 1
Cottage Green London
90 Tower Mill Road London Southwark
Second And Third Floor Flat 79
Southampton Way London

Flat B 25 Southampton Way London
Flat 2 45 Southampton Way London
Flat 3 Collingwood House 3 Cottage
Green
Flat 7 63 Wells Way London
Flat 6 63 Wells Way London
Flat 1 Evison House 3 Benhill Road
25 Chiswell Street London Southwark
Ground Floor Flat 87 Southampton Way
London
64 Southampton Way London Southwark
Ground Floor Rear Flat 4D 79
Southampton Way London
First Floor Flat 103 Southampton Way
London
Flat 6 Mori Court 61 Edmund Street
Flat 4 Mori Court 61 Edmund Street
29 Southampton Way London Southwark
Flat 7 Barrett Court 1 Dobson Walk
Flat 24 Hogan Court 57 Edmund Street
Flat 7 23 Chiswell Street London
Flat 3 Newman House Southampton
Way
39A Southampton Way London
Southwark
Flat 22 Leigh Court 1 Sam King Walk
Flat 2 Kitaj Court 59 Edmund Street
Flat 2 Hambling Court 42 Southampton
Way
Room 7 75-77 Southampton Way
London
Unit 9 2-10 Parkhouse Street London
119 Wells Way London Southwark
The Flying Dutchman 156 Wells Way
London
93 Southampton Way London Southwark
101 Southampton Way London
Southwark
25-33 Parkhouse Street London
Southwark
First Floor Flat 1 Claremont Villas
Southampton Way
Flat 6 Newman House Southampton
Way
5A Parkhouse Street London Southwark
16A Coleman Road London Southwark
109 Wells Way London Southwark
85 Tower Mill Road London Southwark
Flat 10 Leigh Court 1 Sam King Walk
Flat 2 Hodgkin Court 2 Dobson Walk
Flat 8 Barrett Court 1 Dobson Walk
Flat 17 Hogan Court 57 Edmund Street

Flat 3 63 Wells Way London
14 Chiswell Street London Southwark
Unit 2 Burgess Industrial Estate
Parkhouse Street
Unit 6 Ground Floor Burgess Industrial
Estate Parkhouse Street
115 Wells Way London Southwark
87A Southampton Way London
Southwark
29A Southampton Way London
Southwark
23A Southampton Way London
Southwark
6 Claremont Villas Southampton Way
London
Ground Floor Flat 2 Claremont Villas
Southampton Way
11 Parkhouse Street London Southwark
6 Coleman Road London Southwark
12 Coleman Road London Southwark
14 Rainbow Street London Southwark
7 Dowlas Street London Southwark
103 Wells Way London Southwark
91 Southampton Way London Southwark
47 Southampton Way London Southwark
81 Wells Way London Southwark
3 Coleman Road London Southwark
Unit 1 Burgess Industrial Park
Parkhouse Street
5 Sam King Walk London Southwark
Flat 28 Hodgkin Court 2 Dobson Walk
Flat 27 Hodgkin Court 2 Dobson Walk
Flat 3 Hodgkin Court 2 Dobson Walk
Flat 1 Barrett Court 1 Dobson Walk
Flat 16 Mori Court 61 Edmund Street
Flat 30 Hogan Court 57 Edmund Street
Flat 27 Hogan Court 57 Edmund Street

Re-consultation:

10th, 11th and 24th February 2022

Consultation responses received

Internal services

Community Infrastructure Levy Team
Environmental Protection
Transport Policy
Archaeology
Design and Conservation Team [Formal]
Local Economy
Ecology
Highways Development and Management
Flood Risk Management & Urban Drainage
Urban Forester
Waste Management

Statutory and non-statutory organisations

Great London Authority
Transport for London Borough of Southwark
Health & Safety Executive
Network Rail
Historic England
London Underground
Natural England - London & South East Region
Metropolitan Police Service (Designing Out Crime)
Thames Water
Environment Agency
Aqiva

Design Review Panel Report

SOUTHWARK DESIGN REVIEW PANEL REPORT 12 OCTOBER 2021

Chair: Hilary Satchwell

Panel Members: Katharine Barber; Shi Qi Tu; Adrian Wikeley; Oskar Wokowu;

BURGESS BUSINESS PARK

Architects: HTA

Clients: Peachtree

Planning Consultants: DP9

The Panel welcomed the opportunity to review this important proposal and thanked the Applicant for their clear and detailed presentation. The presentation and the Design and Access Statement had been sent to the Panel in advance. The Panel recognised that the application has now been submitted to the council and noted the Chair's involvement in the original LDS but felt this did not constitute a conflict of interests.

The Panel investigated further:

- The historic development of the area
- The current character of the at the moment
- The views from Cottage Green, from the Park and from Parkhouse Street
- How visible the chimney is from various locations
- Noise profile of the site
- How pedestrian and vehicular traffic will use the 'mews'
- The projected use of the 'mews' for traffic
- The gallery access flats and bedroom windows
- The potential for overlooking from one building to the next
- The quality of the public space
- Play space provision
- Energy use and sustainability
- The mix of uses – timing and noise separation
- Mobile phone antennae currently on the chimney
- The southern edge of the site and adjacent plots – issues of overlooking
- The vacant neighbouring sites to the south
- How the space around the chimney will be landscaped and utilised
- The potential for mature planting on Parkhouse Street
- The location of main entrances to the residential block
- Why the existing warehouse was to be removed

The Panel recognised that the form and massing approach was set out in the documents and presentation and whilst not discussed in the questions they highlighted that it was consistent with the aspirations in the LDS. They also noted the findings of the Inspector on the Appeal Scheme and the LDS.

Whilst they generally endorsed the design they highlighted a number of questions and observations that they felt the scheme should resolve before the council makes a recommendation to the Planning Committee.

Form, massing and arrangement

The Panel were generally satisfied with the proposed form and massing and recognised that this was not a normal in-fill site but a site in an area undergoing wider transformation. Overall, they welcomed the reduction in height and density when compared with the Appeal scheme and felt the layout balanced the mix of uses appropriately.

They recognised that the architects trying to fit a lot on the site and this was alleviated to a degree by the permeability achieved across the site. They understood the concentration of uses around distinct zones, for example the commercial space around the 'mews' and the residential areas around the play space. They wanted to see visualisations and cross sections of the routes and the 'square' in order to be reassured that these would not feel overbearing or claustrophobic.

The curve of Parkhouse Street and its shoulder height were well handled. However, when they considered the wider layout some Panel Members felt the relationship between the central tower/podium and the perimeter blocks was slightly uncomfortable and the access from Wells Way a little abrupt. These areas could benefit from a review of the detailed design approach and in terms of Wells Way potentially some opening up of views in order to improve sightlines from the tower and into the site.

The Panel wanted to be reassured that the overlap of cycling with pedestrians in the new pedestrian priority routes proposed would work. They encouraged the designers to overlay the routes for various modes of movement across the site linked to the cycle provision for residents, visitors and business occupants.

They also agreed that whilst it was not possible to provide direct access to the Park from the site, it appeared logical to retain the option to link up to the park in future and via the adjacent site.

Historic townscape

The Panel recognised how the principles of the LDS had helped define the height and massing around the site. They also noted how the wider views of the church and the chimney from Burgess Park and from Coleman Road had shaped the design. However, they questioned how it would appear when viewed from Cottage Green and how it would affect the setting of the Grade II Listed property in that location.

They wanted to know more about the existing warehouse on the site and to understand why it was to be removed. In conclusion, they felt there was

adequate justification for its removal if the proposal is able to deliver the wider aspirations of the LDS.

Public realm

The arrangement of streets and spaces places a great deal of emphasis on the public realm which could benefit from further development. They felt that the public realm appeared narrow in parts and in some places planting was shown on drawings without it being clear that there is sufficient space. It also felt a bit overcomplicated with a lot of overlapping uses and materials.

The Panel stressed the importance of simplicity in the public realm with simpler hard landscaping and more mature trees and planting in order to ensure that the public realm felt softer and more generous. They encouraged more mature planting especially in the new play space and the 'square' and they felt more mature planting should also be provided on Parkhouse Street to give it some gravitas and complement the TPO tree on that street.

The Panel highlighted the current appearance of the chimney – at the moment covered in mobile phone antennae. This needs to be improved if it is to take up its position at the centre of the site and the new 'square'. They encouraged a clear strategy for its resolution as part of the application.

Workspace

The concentration of workspace around the 'mews' and in No 15-19 appears sound and the provision of affordable workspace is welcomed. The strength of this concept in design terms is that, if handled well, it could be evocative of the industrial heritage of the site. This strong character approach is encouraged and the Panel felt this might help attract businesses to this location.

For the workspace to be successful it is essential that the design is aimed at small and medium-sized enterprises (SMEs) that would bring activity and interest to the site and help bring it to life. The Panel were keen to ensure that the affordable workspace was accessible to SMEs and designed to encourage them to the area. They wanted to ensure this was locked into the permission.

Architectural expression

The Panel wanted a clear idea of the elevational strategies for the development. They felt the buildings generally landed well in the street but that the upper floors could benefit from some further refinement and consistency. Some of the buildings were successful including the terrace of houses on Wells Way, the mews houses at the northern end of the site and the Parkhouse Street blocks. The Panel did not discuss the mews to the north of Parkhouse Street on the linked site.

The Panel encouraged the designers to simplify and rationalise the palette of materials overall in order to give the design a more consistent character.

Sunlight/daylight and outlook

The Panel were not able to investigate the effect of the revised massing on the daylight in the proposed apartments. They were concerned that the

narrow gaps between blocks could result in challenging results and asked the Applicants to reassure the council on this matter.

The outlook from some of the single aspect apartments on the south-eastern edge of the site was discussed and the Panel wanted to make sure that these would work both now and in the future if the adjacent sites should be redeveloped. The Panel asked that the Council are reassured on this matter.

Sustainability

The Panel had not been able to review the sustainability strategy in detail. They noted the council's declaration of a climate emergency and wanted to stress the importance of developing a comprehensive sustainability strategy across the site including the more recent guidance in the London Plan for the circular economy and whole-life costing. They suggested that the design team explore every new technology for on-site resources like rainwater harvesting.

Conclusion

In conclusion the Panel generally supported the scheme and felt the site had been planned in a logical way that worked well with the plans for the wider area. They felt it was a good example of integrated development. They raised a number of detailed questions about the proximity of blocks and the generosity of the spaces and public realm as well as the potential harm to the setting of the listed building on Cottage Green. They encouraged the designers to address these issues before the Planners make a recommendation to the Committee.



Ministry of Housing,
Communities &
Local Government

Marlon Deam
Dp9 Ltd
100 Pall Mall
London
SW1Y 5NQ

Our ref: APP/A5840/W/19/3225548
Your ref:

29 April 2020

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78
APPEAL MADE BY PEACHTREE SERVICES LTD
LAND AT BURGESS BUSINESS PARK, PARKHOUSE STREET, LONDON SE5 7TJ
APPLICATION REF: 17/AP/4797**

1. I am directed by the Secretary of State to say that consideration has been given to the report of Christina Downes BSc DipTP MRTPI, who held a public local inquiry starting on 21 August 2019 into your client's appeal against the decision of the London Borough of Southwark to refuse your client's application for planning permission for demolition of the existing buildings and redevelopment of the site to provide 499 residential units, up to 3,725m² (GIA) of Class B1 commercial floorspace, up to 128m² (GIA) of Class D2 leisure floorspace and up to 551m² of Class A1-A3 floorspace within 13 blocks of between 2-12 storeys (max AOD height 41.95m), with car and cycle parking and associated hard and soft landscaping, in accordance with application ref: 17/AP/4797, dated 21 December 2017.
2. On 24 April 2019, this appeal was recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act 1990

Inspector's recommendation and summary of the decision

3. The Inspector recommended that the appeal be dismissed.
4. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions and agrees with her recommendation. He has decided to dismiss the appeal. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

Environmental Statement

5. In reaching this position, the Secretary of State has taken into account the Environmental Statement which was submitted under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. Having taken account of the Inspector's

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Jean Nowak, Decision Officer
Planning Casework Unit
3rd Floor Fry Building
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comments at IR4 and IR500, the Secretary of State is satisfied that the Environmental Statement complies with the above Regulations and that sufficient information has been provided for him to assess the environmental impact of the proposal.

Matters arising since the close of the Inquiry

6. In December 2019, the Mayor issued the “Intend to Publish” version of the emerging London Plan. After considering that Plan, on 13 March 2020 the Secretary of State for Housing, Communities and Local Government wrote to the Mayor making a series of eleven Directions to the Plan. The Mayor cannot publish the London Plan until the Directions have been incorporated, or until alternative changes to policy to address identified concerns have been agreed.
7. The New Southwark Plan was submitted to the Secretary of State on 16 January 2020 for examination. As this draft of the revised plan was not substantially materially different from the version of the plan available to the Inspector and parties at the Inquiry and may be subject to further change, the Secretary of State is satisfied that this does not affect his decision, and does not warrant further investigation or a referral back to parties. The Secretary of State also received a representation on behalf of the appellant on 28 April 2020 which refers to the draft New Southwark Plan and its submission for examination. The Secretary of State is satisfied that the issues raised in the letter do not affect his decision, and no other new issues were raised in this correspondence to warrant further investigation or necessitate additional referrals back to parties. A copy of letter of 28 April 2020 may be obtained on written request to the address at the foot of the first page of this letter.
8. The 2019 Housing Delivery Test results were published on 13 February 2020. LB Southwark’s score changed from 80% (2018 measurement) to 93% (2019 measurement). As this would not represent a material change to any calculation of LB Southwark’s housing land supply and there was no dispute between parties that the Council could demonstrate a 5 year housing land supply, the Secretary of State is satisfied that this does not affect his decision, and does not warrant further investigation or a referral back to parties.

Policy and statutory considerations

9. In reaching his decision, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
10. In this case the development plan includes the London Plan (2016) (LonP), London Borough of Southwark Core Strategy (2011) (CS) and saved policies of the Southwark Plan (2007) (SP). The Secretary of State considers that relevant development plan policies include those set out at IR341-346.
11. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework (‘the Framework’) and associated planning guidance (‘the Guidance’), as well as the Council’s Residential Design Standards and Technical Update Supplementary Planning Document (2015) (RDS SPD) and the Mayor’s Greater London Authority Housing Supplementary Planning Guidance (2016) (Housing SPG). The revised National Planning Policy Framework was published on 24

July 2018 and further revised in February 2019. Unless otherwise specified, any references to the Framework in this letter are to the 2019 Framework.

12. In accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the LBCA Act), the Secretary of State has paid special regard to the desirability of preserving those listed buildings potentially affected by the proposals, or their settings or any features of special architectural or historic interest which they may possess.
13. In accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the LBCA Act), the Secretary of State has paid special attention to the desirability of preserving or enhancing the character or appearance of conservation areas

Emerging plan

14. The emerging plan comprises the draft New London Plan (NLoP) and draft New Southwark Plan (NSP). The emerging London Plan is at an advanced stage of preparation, and the Secretary of State has directed the areas where changes must be made. The policies which are relevant to this case where changes must be made include policy D3 (density). However, details of the way in which the Plan will deliver the aims set out in the Secretary of State's directions are not yet finalised. The Secretary of State therefore considers that these policies in the emerging Plan carry moderate weight. Other policies in the emerging Plan which are relevant to this case and where no modifications have been directed include D9 Tall Buildings (referred to as policy D8 in IR406) and policy H1 (Increasing housing supply). The Secretary of State considers that these policies carry significant weight.
15. The NSP was submitted to the Secretary of State on 16 January 2020 for examination. The Secretary of State considers that the emerging policies of most relevance to this case include those identified in IR345, IR348 and IR349. However, the Secretary of State also notes that there have been amendments to the NSP since the end of the Inquiry and some references to emerging policies in the IR are now incorrect. Namely, draft policy P9 (now revised to P14 – Residential Design); draft policy P26 (now revised to P29 – Office and business development) and draft allocation NSP 23 (now revised to NSP22 – Burgess Business Park). The Secretary of State has inserted the amended references in this letter where relevant.
16. Paragraph 48 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to: (1) the stage of preparation of the emerging plan; (2) the extent to which there are unresolved objections to relevant policies in the emerging plan; and (3) the degree of consistency of relevant policies to the policies in the Framework. The Secretary of State acknowledges that the draft NSP has been submitted for examination but considers that it may still be subject to change and agrees with the Inspector that relevant policies should carry limited weight (IR348-349).

Main issues

Approach to Decision Making

17. The Secretary of State has noted that there is no dispute that the Council can demonstrate a 5-year supply of deliverable housing and agrees with the Inspector that the presumption in favour of sustainable development does not apply in this case (IR347).

Density and exemplary standard of accommodation

18. The Secretary of State agrees with the Inspector's approach in IR350-353 to considering whether an exemplary standard of design would be achieved.
19. For the reasons given in IR353-377 the Secretary of State agrees with the Inspector that, looked at in the round, there have been too many compromises in this case and that the size of a significant proportion of the residential units and wheelchair housing is of particular concern (IR378). The Secretary of State also agrees that the quantum of amenity space being proposed would not meet, let alone exceed, the standards in the RDS SPD (IR379).
20. The Secretary of State agrees with the Inspector's conclusions in IR381 that the compromises that have been made in the design of the development have been at the expense of the overall quality of the living environment. He also agrees with the Inspector that the nature of accommodation overall is less than exemplary and shares the Inspector's concerns over the quality of accommodation (IR502 and IR507). He further agrees with the Inspector that, even if the scheme could be considered acceptable or satisfactory in the round this would not be sufficient to justify a density that would be 40% above the accepted range in local and strategic planning policy. The Secretary of State agrees that the proposal would conflict with Strategic Policy 5 in the CS. The Secretary of State affords the harm significant weight against the proposal.

Employment land and premises

21. For the reasons given in IR382-400 the Secretary of State agrees with the Inspector that the proposal would not comply with saved policy 1.2 in the SP or Strategic Policy 10 in the CS because it would introduce housing into land that is protected for industrial uses. However, he also agrees with the Inspector that the proposal would not result in a detrimental effect on the Borough's stock of employment land and premises (IR401-402). The Secretary of State further agrees that the appeal scheme would provide new and good quality Class B premises and there would be a significant increase in number of available jobs relative to what currently exists at the site (IR501). The Secretary of State agrees with the Inspector that the benefits should be afforded significant weight.

Design quality, character and appearance

22. For the reasons given in IR 404-414 the Secretary of State agrees with the Inspector that the proposed development would cause some harm to the character and appearance of the area and fail to relate successfully to the existing townscape (IR419). The Secretary of State also agrees with the Inspector that the brick chimney would be diminished and rather overwhelmed by the scale and proximity of its new neighbours (IR412). Whilst the proposal would provide a vibrant public realm and introduce permeability and routes through from Wells Way and Parkhouse Street where none exist now (IR413 and IR503), benefits which the Secretary of State agrees should be afforded significant weight, the Secretary of State also agrees with the Inspector that the design overall would not be exemplary (IR419, IR507 and IR508). The Secretary of State affords this harm significant weight against the proposal.
23. The Secretary of State also agrees with the Inspector for the reasons in IR415-418 that there would be a small degree of harm to the significance of the former Church of St George. He further agrees that this be at the low end of the scale of less than substantial harm in terms of paragraph 196 of the Framework.

24. The Secretary of State agrees with the Inspector that the proposed development would conflict with policy 7.7 in the LonP, Strategic Policy 12 in the CS and saved policy 3.20 in the SP (IR419).

Accessibility and transport

25. For the reasons given in IR420-432 the Secretary of State agrees with the Inspector that the proposal would be in accordance with saved policy 5.3 in the SP concerning walking and cycling. The Secretary of State is also satisfied that the development would not have an unacceptable impact on highway safety (IR433).

Living conditions of existing residents

26. For the reasons given in IR434-455 the Secretary of State agrees with the Inspector that in many ways the proposed development would be able to successfully integrate with the existing residential uses on adjoining land. However, he shares the Inspector's concerns about the effect on the daylight of some properties in Parkhouse Street and Wells Way which would result in unacceptable harm to those residents (IR456 and IR508). The Secretary of State affords this harm significant weight against the proposal. The Secretary of State agrees with the Inspector that there would be conflict with policy 7.6 in the LonP and saved policy 3.11 in the SP.

Other issues

27. The Secretary of State notes that the flood risk assessment recommends that floor levels should be 300mm above existing ground levels in the parts of the northern and eastern parts of the site that are at medium or high risk of surface water flooding or at risk of groundwater flooding. He agrees with the Inspector that this could be controlled through a planning condition (IR457-459).

28. For the reasons given in IR460-461 the Secretary of State is satisfied that the ecological interest and biodiversity value of Burgess Park would not be compromised by the appeal development.

29. The Secretary of State agrees with the Inspector that the significance and the contribution made by the settings of listed buildings and structures within the vicinity of the appeal site would be preserved if the appeal development were to go ahead (IR463). The Secretary of State has considered the former Church of St George and the chimney of the former confectionary factory in paras 22 and 23 of this letter.

Planning conditions

30. The Secretary of State has given consideration to the Inspector's analysis at IR286-312 and IR466-467, the recommended conditions set out in Annex Three of the IR and the reasons for them, and to national policy in paragraph 55 of the Framework and the relevant Guidance. He is satisfied that the conditions recommended by the Inspector comply with the policy test set out at paragraph 55 of the Framework. However, he does not consider that the imposition of these conditions would overcome his reasons for dismissing this appeal and refusing planning permission.

Planning obligations

31. Having had regard to the Inspector's analysis at IR313-339 and IR468-497, the planning obligation by Unilateral Undertaking dated 29 October 2019, paragraph 56 of the

Framework, the Guidance and the Community Infrastructure Levy Regulations 2010, as amended, the Secretary of State agrees with the Inspector's conclusion in IR498 that the obligation by Unilateral Undertaking, other than those obligations specifically referred to and listed in IR499, complies with Regulation 122 of the CIL Regulations and the tests at paragraph 56 of the Framework. However, the Secretary of State does not consider that the obligation overcomes his reasons for dismissing this appeal and refusing planning permission.

Planning balance and overall conclusion

32. For the reasons given above, the Secretary of State considers that the appeal scheme is not in accordance with Strategic Policies 5, 10 and 12 in the CS; saved policies 1.2, 3.11 and 3.20 in the SP and policies 7.6 and 7.7 in the LonP, and is not in accordance with the development plan overall. He has gone on to consider whether there are material considerations which indicate that the proposal should be determined other than in accordance with the development plan.
33. The Secretary of State considers the scheme would regenerate a brownfield site and would provide new, good quality Class B premises. He further considers there would be a significant increase in the number of available jobs relative to what currently exists at the site. This would also exceed the jobs that could reasonably be provided if it were to be redeveloped for industrial uses. He affords these benefits significant weight.
34. The proposal would also provide 35% of homes as affordable and the Secretary of State affords this benefit significant weight. While the provision of 499 homes in general would also be a benefit, the Secretary of State affords this moderate weight due to the less than exemplary nature of the accommodation overall.
35. The Secretary of State also considers that the benefits of a vibrant public realm and permeability and routes through should attract significant weight. The Secretary of State considers the refurbishment of the existing chimney should be given limited weight as it would, to some degree be overwhelmed by its neighbours. The Secretary of State gives moderate weight to the jobs generated during construction as well as increased spending in the local and wider London economy.
36. Weighing against the proposal, the Secretary of State has great concerns about the quality of accommodation it would offer and affords this significant weight. The Secretary of State also considers that rather than optimising the use of the land resource the scheme has sought to maximise it and this has resulted in a quality of development that at several levels would not be satisfactory. He considers that design, overall, would not be exemplary and affords this significant weight. The Secretary of State also affords significant weight to the unacceptable harm caused to some existing residents by the loss of daylight.
37. The Secretary of State has considered whether the identified 'less than substantial' harm to the significance of the Church of St George is outweighed by the public benefits of the proposal. In accordance with the s.66 duty, he attributes considerable weight to the harm. Overall the Secretary of State agrees with the Inspector at IR505 that the benefits of the appeal scheme, identified in paragraphs 33-35 of this letter, are collectively sufficient to outweigh the identified 'less than substantial' harm to the significance of the heritage asset. He considers that the balancing exercise under paragraph 196 of the Framework is therefore favourable to the proposal.

38. Overall the Secretary of State considers that the material considerations in this case indicate a decision in line with the development plan i.e. a refusal of permission.

39. The Secretary of State therefore concludes that the appeal should be dismissed and planning permission refused.

Formal decision

40. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby dismisses your client's appeal and refuses planning permission

Right to challenge the decision

41. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged. This must be done by making an application to the High Court within 6 weeks from the day after the date of this letter for leave to bring a statutory review under section 288 of the Town and Country Planning Act 1990.

42. A copy of this letter has been sent to London Borough of Southwark Council and The Local Group, and notification has been sent to others who asked to be informed of the decision.

Yours faithfully

Jean Nowak

Jean Nowak
Authorised by the Secretary of State to sign in that behalf



Report to the Secretary of State for Housing, Communities and Local Government

by Christina Downes BSc DipTP MRTPI

an Inspector appointed by the Secretary of State

Date: 7 November 2019

TOWN AND COUNTRY PLANNING ACT 1990
COUNCIL OF THE LONDON BOROUGH OF SOUTHWARK

Appeal made by
PEACHTREE SERVICES LTD

Inquiry Held: 21-23 August, 27-30 August, 23, 24 September 2019
Site visit held: 3 September 2019

Burgess Business Park, Parkhouse Street, London SE5 7TJ
File Ref: APP/A5840/W/19/3225548

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ABBREVIATIONS LIST

Term	Acronym
Affordable Housing Supplementary Planning Document	AH SPD
Average Daylight Factor	ADF
Controlled Parking Zone	CPZ
Community Infrastructure Levy Regulations	CIL Regs
Section 106 Planning Obligations and Community Infrastructure Levy Supplementary Planning Document	S106 SPD
Council of the London Borough of Southwark	The Council
Local Preferred Industrial Location	PIL
Public Transport Accessibility Level	PTAL
Development Viability Supplementary Planning Document	DV SPD
Statement of Common Ground	SCG
Vertical Sky Component	VSC
Environmental Statement	ES
Transport for London	TfL
Greater London Authority Housing Supplementary Planning Guidance	Housing SPG
Habitable rooms per hectare	hrpha
London Borough of Southwark Core Strategy	CS
National Planning Policy Framework	the Framework
New Southwark Plan	NSP
No Sky Line	NSL
Peachtree Services Ltd	Peachtree
Planning Obligation by Agreement	the S106 Agreement
Planning Obligation by Unilateral Undertaking	UU
Residential Design Standards Supplementary Planning Document with Technical Update	RDS SPD
Section 106 Planning Obligations and Community Infrastructure Levy Supplementary Planning Document	S106 SPD
Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice	BRE Guidelines
Southwark Council Core Strategy (2011)	CS

File Ref: APP/A5840/W/19/3225548

Burgess Business Park, Parkhouse Street, London SE5 7TJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Peachtree Services Ltd against the decision of the Council of the London Borough of Southwark.
- The application Ref 17/AP/4797, dated 21 December 2017, was refused by notice dated 31 January 2019.
- The development proposed is demolition of the existing buildings and redevelopment of the site to provide 499 residential units, up to 3,725m² (GIA) of Class B1 commercial floorspace, up to 128m² (GIA) of Class D2 leisure floorspace and up to 551m² of Class A1-A3 floorspace within 13 blocks of between 2-12 storeys (max AOD height 41.95m), with car and cycle parking and associated hard and soft landscaping.

Summary of Recommendation: That the appeal be dismissed

PROCEDURAL MATTERS

1. The original planning application was for demolition of the existing buildings and redevelopment of the site to provide 505 residential units, up to 3,375m² (GIA) of Class B1 commercial floorspace, up to 117m² (GIA) of Class D2 leisure floorspace and up to 570m² of Class A1-A3 floorspace within 13 blocks of between 3-14 storeys with basement, car and cycle parking and associated hard and soft landscaping. Following various discussions with the Council revisions were made and its decision was based on the amended scheme as described in the banner heading above.
2. The inquiry was conducted in accordance with the recommendations of Bridget Rosewell OBE. I undertook a telephone case conference with the 3 main parties on 5 June 2019. It was agreed that the inquiry would be held on a topic-led approach and some topics were considered by round table sessions, which were informed by dedicated statements of common ground (*Document CD J10*).
3. The Local Group was granted Rule 6 status and played a full part in the inquiry process. It comprised a number of local organisations, residents and local businesses within the local area. These included the Friends of Burgess Park, Wells Way Triangle Association, 35% Campaign, the Camberwell Society, Brunswick Park TRA and Vital OKR. Following discussions with the Appellant during the course of the inquiry, the Local Group did not present evidence on transport, which particularly related to accessibility and on-street car parking. Its concerns were addressed through the proposed planning conditions and planning obligations, which are considered later in the Report (*Document CD H4, paragraph 2*).
4. There is no dispute that the application proposal is Environmental Impact Development. An Environmental Statement (ES) was submitted in December 2017. Following the revisions to the scheme referred to above, a revised ES was submitted in August 2018. This has been taken into account in my consideration of the appeal proposal (*Documents CD A23-26; CD B19-22*).
5. As the proposal is for full planning permission, I queried why the commercial floorspace was not definitive. The response confirmed that the total amount of commercial floorspace stated in bullet 4 above could be accommodated at ground floor level. It is proposed that a minimum level of Class B1c floorspace

would be secured by condition. In such circumstances the terminology seems acceptable in order to maintain flexibility (*Document INQ 35*)

6. During the conditions and planning obligations round table discussions towards the end of the inquiry, I requested that further information should be provided on a number of relevant matters and allowed a short time after I had closed the proceedings for this to be done. It had originally been proposed to submit a Planning Obligation by Agreement. However, following discussions with the Council of the London Borough of Southwark (the Council) the Appellant decided that it would not be possible to reach agreement and that a Planning Obligation by Unilateral Undertaking (UU) would be submitted instead. I agreed to allow a short time after the close of the inquiry for this to be finalised. The fully executed document is date 29 October 2019 and is considered later in my Report (*Documents INQ 40-INQ 47*).

THE SITE AND SURROUNDINGS

7. There is a comprehensive description of the site and its surrounding area in the Statement of Common Ground (SCG) on planning matters and also some useful commentary and photographs in the Appellant's heritage and townscape proof of evidence (*Documents CD H3, section 3; POE 10, section 5*). There is an aerial photograph and plans showing the various surrounding land uses and building heights in the Design and Access Statement (*Document CD A5, pages 20, 21, 23*). The relationship of the appeal site to Burgess Park and the part that is designated Metropolitan Open Land is also found in the Design and Access Statement (*Document CD A5, page 41*).
8. Photographs of the existing site and a plan of its layout is at *Document POE 1, pages 15, 16*. Heritage assets in the vicinity and their location are shown in *Document POE 11, Appendix B*. An aerial photograph showing existing and proposed buildings over 12-storeys in height and a plan showing regeneration sites in the vicinity is at *Document INQ 2*, pages 5, 6. The site in relation to surrounding roads, railway stations, bus stops and facilities is at *Document POE 8, Appendices MT1, MT3*.

The main points are:

9. The appeal site is located on the southern and eastern side of Parkhouse Street, which has an arced configuration and has junctions with Southampton Street to the south and Wells Way to the east. The latter road runs along the eastern site boundary where there is a high brick wall reducing to a lower wall topped with railings.
10. The existing site is in two sections and the main part comprises a number of one, two and three-storey industrial buildings with a large communal yard and parking area adjacent to Parkhouse Street, from where the site draws access at the front. Unit 1 is particularly dilapidated but most of the other buildings have been re-clad with a red brickwork skin and are mainly in meanwhile uses. A tall chimney is a particular feature, which rises high above the roofline and is clad in an array of telecommunications equipment. 10-12 Parkhouse Street is a three-storey vacant office building that fronts onto that road. To the south of it is a low-lying brick Victorian building with openings on to the street that is in use as a car-wash. 45 Southampton Way is half of a pair of three-storey houses in the south-western corner of the site at the junction with Parkhouse Street. The

smaller part of the site is on the western side of Parkhouse Street and includes a three-storey commercial building with a large open yard to its south.

11. The appeal site is part of a larger industrial area. On the northern side of Parkhouse Street there are a variety of buildings of different shapes and sizes. These include traditional brick-built industrial buildings as well as large modern warehouses such as the Babcock Depot and the PHS waste transfer station. On the southern side of the appeal site is the Big Yellow self-storage depot, which is a large modern building under construction at the time of writing. Adjacent to this is a scaffolding yard that wraps around a church and recording studio.
12. The surrounding area is typified by Victorian terraced housing along with modern infill development. On the southern side of Southampton Way are the higher density residential regeneration projects of Elmington Green and Camberwell Fields. The buildings here are typically three to four storeys in height with some blocks rising to between five and seven storeys. The nearest housing to the appeal site is 1-13 (odd) Parkhouse Street, which is a two-storey Victorian terrace with small gardens to the rear. These properties all appear to have been subdivided horizontally into two flats. On the eastern side of Wells Way Nos 97-111 is a traditional terrace of town houses. No 113 is a former listed vicarage that has been subdivided into flats. To the north of the terrace beyond Coleman Road is a residential estate with a modern terrace fronting onto Wells Way.
13. To the north-west of the appeal site at the junction of New Church Road and Edmund Street, is Evelina Mansions. This is a large, six-storey red-brick Victorian mansion block built round a central courtyard garden. On the opposite side of New Church Road is the Addington Square Conservation Area. This is an enclave of elegant Georgian town houses built around green spaces which provide a sylvan setting. To the east of the Conservation Area is Burgess Park. This is a very large green amenity space that runs up to the Old Kent Road at its eastern end. It is crossed by Wells Way, where the Grade II listed former Church of St George is situated. This building has a prominent and distinctive tower that can be seen in many views from the park as well as within the surrounding townscape. On the northern side of Burgess Park is Albany Road, adjacent to which the Aylesbury Estate regeneration is taking place.

PLANNING POLICY

14. The development plan includes the **London Plan** (2016), **London Borough of Southwark Core Strategy** (2011) (CS) and saved policies of the **Southwark Plan** (2007) (*Documents CD C3; CD C8; CD C9*).
15. The **draft New London Plan** is at an advanced stage and the Mayor is considering the Inspectors' Report following the examination. The **draft New Southwark Plan** (NSP) is expected to be submitted for examination in late 2019. It will eventually replace the CS and saved policies in the Southwark Plan (*Documents CD C7; CD C22*).
16. There are various non statutory documents of relevance to the appeal. In particular, the Council's **Residential Design Standards and Technical Update Supplementary Planning Document** (2015) (RDS SPD) and the Mayor's **Greater London Authority Housing Supplementary Planning Guidance** (2016) (Housing SPG) (*Documents CD C12; CD C4*).

17. The **National Planning Policy Framework** (2019) (the Framework) establishes that the purpose of the planning system is to achieve sustainable development. Of particular relevance in this case is section 5 concerning the delivery of sufficient homes; section 6 seeking to build a strong, competitive economy; section 9 aiming to promote sustainable transport; section 11, regarding making effective use of land; and section 12, achieving well-designed places. The **Planning Practice Guidance** is a web-based resource and provides further relevant advice in respect of the above matters.

THE CASE FOR PEACHTREE SERVICES LTD

The Appellant's case is fully set out in its evidence, including its opening and closing submissions (Document INQ 38). The main points are:

INTRODUCTION

18. The context in which this appeal has come forward is important. The potential for a mixed-use residential-led scheme has long been recognised, for example in the *Southwark Employment Land Study* (2016). There has been close collaboration with, and encouragement by, the Council's officers for 3 years prior to submission of the application. An architectural practice favoured by the Council in development of their own sites was instructed to design the development¹. The pressing need for affordable housing was recognised and 35% provision maintained, despite the adverse impact on viability. Amendments were made, including reducing the height. The desire to improve permeability in the emerging local plan was accommodated. There is little more that could have been done in order to comply with the indications given by the Council's officers who, in turn, commended the scheme to members. (**Documents CD A6, paragraph 5.4; CD D1, Table 4.2**).
19. The members rejected the views of their officers but did so on limited grounds. However, the first reason for refusal focuses on minimum unit sizes and amenity space and was based upon a "tick box" approach to appraising design rather than looking at the overall quality of the scheme. There is no policy or other support for such an approach. The second reason relies on policies for the protection of employment land, but the Council no longer wishes to maintain this site in purely industrial use. Its emerging local plan allocates the site for mixed-use development and no realistic alternative means of achieving this aspiration is available. Indeed, on its own adjacent site at 21-23 Parkhouse Street it is also promoting a mixed-use scheme.
20. The evidence shows that these issues are overstated. But even if they were not, the development is exemplary in a number of other respects which have not been challenged. The decision must take the whole of the picture into account, including the numerous undisputed benefits. Policies and standards are to guide decisions, but each decision must be considered on its own merits and the aims and the aspirations for the benefit of the community which lie behind the policies must be considered. The evidence as it has emerged has not revealed any good reason to turn away the benefits that the proposal will provide.

¹ HTA Design LLP, who are working on the Aylesbury Estate regeneration on the northern side of Burgess Park, amongst other projects (**Document POE 1, section 1**).

DENSITY AND STANDARD OF ACCOMMODATION

21. In assessing the standard of accommodation to be provided, a holistic approach must be taken which balances the positives and negatives of the scheme. It is common ground that none of the relevant policies requires a "tick box" exercise. In designing the proposal, the policy requirements were treated as recommendations and a bespoke view was taken of the best provision to make for each dwelling in the context of the scheme as a whole. The role of an architect is not to tick boxes from a list, but to produce a design that responds to context and produces the high-quality buildings and places, as sought by paragraph 124 of the Framework. This scheme would soon be recognised as a vibrant and attractive new mixed-use quarter which makes a very positive addition to the area (*CD H3, paragraph 6.12*).
22. The Council wrongly suggested that minimum space standards were not subject to the principle that the best and most appropriate design solution should be devised. This has no support in policy. The correct approach is that even if minimum space standards were to be breached, the scheme could still be exemplary if it is outweighed by other factors in the balance.

Development plan policy

23. Strategic Policy 5 of the CS reflects the Council's general objective to secure as much housing as possible. It had no issues in respect of the effect on the character and appearance of the area, heritage or the principle of residential development at this location. The only basis on which there was an objection in terms of this policy related to the quality of accommodation. The applicable density range here relates to the Urban Zone, which is 200-700 habitable rooms per hectare (hrpha). The proposal would provide 984 hrpha. The language of the policy is clear that these ranges are an expectation, not a requirement (*Document CD C8, page 78-9 and paragraph 5.58*).
24. Strategic Policy 5 provides that within opportunity areas and action area cores, the maximum densities may be exceeded where developments are of exemplary design or standard. It does not though say that these are the only circumstances when such variation could occur. The Council's own practice is to regard exemplary schemes as complying with the policy even if they are not in opportunity areas or action area cores. The policy creates a general expectation as to density levels and is neither a floor nor a cap. It would not be breached by the bare fact of exceedance. In those circumstances the debate about whether or not the policy applies an exemplary design exemption outside of opportunity areas and area action cores is thus largely arid (*Document POE 3 paragraphs 6.9, 6.16*).
25. The reason for refusal relies on saved policy 4.2² in the Southwark Plan, which refers amongst other things to achieving good quality living conditions and high standards of space including outdoor/green space. In assessing whether these standards would be met an overall view must be taken and the appeal scheme would comply with its requirements. In any event, this is a permissive policy, but it does not say that a failure to meet the provisions is a reason for resisting

² Inspector's Note: It was agreed that the reference to saved policy 4.3 in the first reason for refusal was incorrect. The correct reference was to saved policy 4.2.

- a proposal. On its words, saved policy 4.2 does not provide a basis for refusal even if its provisos are not met. The Council's reliance on the Gladman judgement³ is misplaced. It concerned policies that gave effect to site allocations as components of a complete spatial strategy for the location of housing. The context of the policies considered by the Court of Appeal was thus very different and cannot be applied without modification to Saved Policy 4.2 (*Documents CD C9, page 60; INQ 1, paragraphs 28-31*).
26. The Council does not allege a breach in saved Policy 3.11 in the Southwark Plan. All of the factors that should be achieved whilst securing the efficient use of land would be complied with (*Document CD 9, page 45*).
27. The Council does not allege a breach of policy 3.4 in the London Plan. This requires development to optimise housing output within the density ranges shown in table 3.2. Again, however, Policy 3.4 does not limit permissible development to those within the density ranges. It says that only developments which compromise the policy should be resisted. No such compromise has been alleged. The supporting text indicates that table 3.2 is not to be applied mechanistically and the proposal's exceedance of the specified density range does not therefore give rise to any conflict with this policy. Table 3.2 is not applied mechanistically by the Council in practice, as is shown by a number of examples. The reference in paragraph 3.28A of the supporting text to exceptional circumstances relates to those developments that comply with criteria in the Mayor's Housing SPG. It does not introduce any extra policy test (*Documents CD C3, page 100 and paragraph 3.28; POE 3, paragraph 6,7 and table 6.1*).
28. Where a proposal exceeds the London Plan's density ranges, guidance on the factors to be considered is contained in the Mayor's Housing SPG. This also makes clear that table 3.2 is not to be applied mechanistically but is a starting point for consideration. It provides its own list of considerations for whether a development is of "high quality design", and thus supportable despite exceeding the density range. There is no mention of a need for exemplary design in the Housing SPG (*Document CD C4, paragraph 1.3.50*).
29. Policy 3.5 in the London Plan concerns the quality and design of housing developments. Where a development is of exemplary design it is capable of being permissible even where it would compromise the delivery of elements of the policy. It follows that compliance with the elements of policy 3.5 is not a prerequisite of exemplary design. Policy 3.5 thus requires a balanced assessment and the positives of a development need to be weighed against its shortcomings to decide whether it is exemplary⁴. There is nothing in the policy to justify elevating space standards to a non-negotiable requirement. It treats them in exactly the same way as the other identified characteristics (*Document CD C3, page 102*).

Emerging policy and national policy

30. The use of crude density tables and ranges is contrary to the direction in which planning policy is evolving, both at the local and strategic level. Emerging policy is moving towards a requirement for the quality of a development to be

³ *Gladman Developments v Canterbury CC* [2019] EWCA Civ 669.

⁴ This was accepted by Ms Crosby in cross-examination by Mr Cameron.

commensurate with its density, so that applications are judged on their merits. Draft Policy D1 in the emerging New London Plan does not repeat the density table from Policy 3.4. Draft policy CG2 takes a similar approach. The aim is to create successful, high-density, sustainable, mixed-use places that make the best use of land. That aim is to be achieved by applying a set of criteria the application of which requires an exercise of planning judgement.

31. Similarly, the density table which was contained in earlier drafts of policy P9 in the emerging New Southwark Plan has been removed. It provides the Council's latest thinking on what amounts to exemplary development. The draft policy requires all development, large and small, to be of an exemplary standard of residential design. That suggests that development need not be exceptional in order to be exemplary. It does not create a checklist but rather a number of factors to be considered. It indicates that a proposal that meets national space standards, but does not exceed them, can still be exemplary⁵. Although it requires private and communal space standards to be exceeded, there is the proviso that shortfalls in private amenity space can be made up for in additional communal provision, as is proposed in this case. It requires the provision of "acceptable" levels of natural daylight (*Document CD C21, page 16*).

The Council's position before and at the inquiry

32. The view of the Council's planning officers, including the Director of Planning, was that the scheme was of a high enough quality to warrant the grant of planning permission. The recommendation was on the understanding that the density of the scheme was 1,415 hrpha, which is considerably higher than the correct figure of 984 hrpha. The Council at appeal has adopted a tick-box approach, which contrasts to the holistic approach taken by the planning officers in this case and also in relation to other schemes, including the Dockley Road proposal. This is not only contrary to the language of the policies themselves but also contrary to the Council's own past practice (*Documents CD E1, paragraphs 174-195; CD H3 Appendix B, paragraph 2.2; INQ 7, paragraphs 61-65*).
33. The Council's decision notice is required, as a matter of law⁶ to specify not only the full reasons for refusal, but also all the policies in the development plan which the Council regarded as relevant to its decision. In the first reason for refusal, the decision notice only specifies saved policy 4.2 in the Southwark Plan, policy 3.5 in the London Plan and the RDS SPD. There is no mention of Strategic Policy 5 in the CS or policy 3.4 in the London Plan. The Council does not allege that exceedance of density ranges in those policies is itself a reason for refusal. Also, the only basis advanced against the proposal's exemplary nature is insufficient amenity space and a failure to exceed minimum space standards. There is no criticism about outlook, privacy, or sunlight and daylight, save as a component of living standards.

Design of the appeal proposal

34. Many of the design characteristics that are relevant to an assessment of overall quality have not been criticised by the Council. The design evolution had the twin aims of optimising the housing output of the site and providing excellent

⁵ This was accepted by Ms Crosby in cross-examination by Mr Cameron.

⁶ Article 35(1)(b) of the Development Management Procedure Order.

standards of accommodation. There was wide consultation and close collaboration with the Council's officers (*Document POE 1, section 4*).

35. The site as it stands is of low quality. Much of it comprises car parking and is fenced off with poor permeability and few trees. By contrast, the proposal would introduce a vibrant mix of uses. There would be a high-quality public realm with the potential for a variety of flexible uses and activated frontages for Parkhouse Street and Wells Way. The ground floor levels have been designed with a view to clustering different types of uses together to enable a critical mass of uses. The entire proposal would be tenure blind. The height profile of the scheme has been carefully designed so that the tallest buildings would be at the centre of the site, tapering down towards the site boundaries. The scheme is sensitive to the site's historic context and has been designed to incorporate and celebrate the former sweet factory's chimney. It would also facilitate the redevelopment of the wider area, by providing potential connections to Southampton Way, as well as to the south-east of the site as a strip of land beside the Big Yellow storage building has been safeguarded for future access (*Document POE 1, section 5*).
36. As to the standard of accommodation provided, all of the dwellings would meet or exceed the minimum space standard for internal accommodation. Each dwelling was considered individually with a balance between the provision of internal space, external private amenity and outlook. In every case where a unit had a shortfall in external private amenity space, it exceeded the national space standard for its internal space. Such a bespoke approach is a hallmark of an exemplary design. The result is a scheme which was led by design, with a focus on providing homes in which people wish to live, rather than by ticking the Council's boxes. For example (*Document POE 1, Appendix 10.3*):
- Single aspect units would, on average, be 4m² larger than dual aspect units;
 - In Block B, the aesthetic demands of the overall scheme meant that balconies would not be provided. In such cases, units would on average be 16m² larger than they would otherwise have been;
 - In Block I, balconies have been removed to ensure a high standard of daylight to the units. To balance the effect of the loss of 5m² balconies, each of these units would be provided with an 7m² more internal floorspace.
 - In Block E, where a unit has a balcony which was 1.4m² smaller than expected, it was given an additional 13m² of additional floorspace, as well as a triple aspect.

There is a very high level of adherence of the proposal to the guidance for exemplary status in the Housing SPG and the RDS SPD (*Document POE 3, tables 6.3 and 6.5*).

Minimum space standards

37. The Council was wrong to conclude that the proposal could not be exemplary because some rooms were below the minimum space standards in the RDS SPD. There is nothing in the development plan to support such a contention, particularly where the identified shortfalls were only between 0.1m² and 0.2m². There was no dispute that the partition walls between rooms within properties were drawn at the planning stage as 400mm thick. However, these would inevitably be reduced to either 350mm or 300mm at the construction stage. The

effect of the reduced partition thicknesses would be to remove the identified shortfalls. If the concern remains, a condition could be imposed to require all rooms within the proposal to comply with minimum space standards at the construction stage (*Documents POE 2, pages 6-11; POE 15, paragraph 7.15-20*).

38. The concern was that certain of the bedrooms within the proposal were undersized for the purposes of wheelchair accessibility. However, that essentially related to labelling and if the relevant dwellings were described as 2 bed 3 person units rather than 2 bed 4 person units, the bedroom sizes would be acceptable⁷. The RDS SPD sets out minima for rooms. There is nothing to support the Council's approach that once a room reaches the minimum size for a double bedroom it can no longer be treated as a single bedroom, for example. The minima are recommended rather than required, which indicates a more flexible approach is required, rather than the tick-box, mechanistic approach taken by the Council. (*Documents CD C12, page 14; POE 15, paragraph 7.18*).

Private amenity space

39. It was agreed that the standards for amenity space in saved policy 4.2 are those in the RDS SPD⁸. For units with two beds or fewer there is no absolute requirement for private amenity space to be provided for each individual unit. If there is less than 10m² for a particular unit, the deficit is to be made up in additional communal amenity space. The Council sought to test each unit against the private amenity space standard individually, notwithstanding that the planning officers had agreed to adopt a global approach to this calculation at application stage. They had also agreed that where there was a shortfall in private outdoor amenity space, it could also be compensated for by the provision of extra internal space. It is regrettable that the Council now adopts a different approach. (*Document CD C12, paragraph 3.2; CD E1, paragraphs 189-190*).
40. The nature of design is such that, in many cases, to achieve one standard involves compromising another. For example, providing balconies in some cases compromises internal daylight or outlook. Similarly, whilst additional amenity space could have been provided on rooftops, the result would have been the reduction in the number of photovoltaic panels provided, with resultant adverse impact on the energy sustainability of the scheme. The approach seeks to balance these factors in a sensitive manner rather than apply a tick-box approach that results in criticism of the proposal on an unrealistic and pedantic basis (*Document POE 2, pages 14-25*).
41. 87% of the proposed development would meet the RDS SPD standard and only 8% of units would not have any private amenity space at all. Whilst the RDS SPD seeks 10m² as the ideal size of balcony for flats of two or less bedrooms, it recognises this is not always possible. In such circumstances a minimum of 3m² should be provided with the shortfall made up in the provision of communal amenity space. This was the sensible approach taken in the private amenity space assessment (*Documents CD C 12, paragraph 3.2; POE 3, table 6.4*).

⁷ This was accepted by Ms Crosby in cross-examination by Mr Cameron. She also agreed that such an amendment would have no impact on unit mix, which is dictated by the number of bedrooms not the number of person which those bedrooms can accommodate.

⁸ This was agreed by Ms Crosby in cross-examination by Mr Cameron.

Communal amenity space and children's play space

42. The RDS SPG sets out a formula for the calculation of children's play space. It was agreed that each of the proposed blocks should be considered individually⁹. The total requirement for play space for 0-5 years old children would be 810m² and the provision on-site would be 918m². In terms of the provision for older children, it is relevant that the appeal site is located so close to Burgess Park. In those circumstances, it is clearly reasonable for the proposal to provide less communal amenity space than would otherwise be the case. Indeed, the RDS SPD itself recognises the validity of such an approach. A tick-box exercise in terms of provision of each type of open space is unrealistic. It fails to recognise the physical reality of the availability of Burgess Park to the residents of the proposal and its impact on what is needed to ensure a high standard of amenity (**Document POE 1, pages 63-64**).

Sunlight

43. Saved policy 4.2 in the Southwark Plan requires high standards of natural daylight and sunlight. It makes no reference to the good practice guide: *Site layout planning for daylight and sunlight* (the BRE Guidelines) although this is referred to in the RDS SPD (**Document CD C12, paragraph 2.7**).
44. The guidance recommends that at least half of an open amenity area should receive at least 2 hours of sunlight on 21 March. However, the guidance makes clear that there is no hard and fast rule for the assessment of sunlight on open spaces. This is not a test nor a requirement, but a recommendation and a check. Applying that check, it was met for each of Blocks A, B, D, E, J and K. Block M shares amenity space with Block L and so is acceptable on that basis¹⁰ (**Document POE 5, page 53**).
45. The podium courtyards between and serving Blocks F, G, H and I would not receive 2 hours sunlight on the spring equinox. However, that would not be unusual and there are a number of courtyards in London with similar sunlight levels, which had won awards for their design quality. Indeed, courtyards of this kind are a classic example of why the BRE approach is a check to be applied flexibly, rather than a standard to be met. It is also highly relevant that in summer, when residents are likely to be using the outdoor amenity space, that part of the courtyard adjacent to Blocks F and G, which would be accessible to residents of Blocks H and I across the connecting bridge, would receive sunlight. The quality of the courtyard as an open space is not linked to its sunlight levels in March in the same way as is the case for other kinds of open space (**Document POE 7, section 5**).
46. The Council has suggested that a gap could have been left in the structure of Block I to allow sunlight to reach the courtyard. This would not be an appropriate design response and would involve a really significant design alteration. The proposal would clearly provide the high standard of sunlight referred to in saved policy 4.2.

⁹ This was agreed by Ms Crosby in cross-examination by Mr Cameron.

¹⁰ This was agreed by Ms Crosby in cross-examination by Mr Cameron.

Daylight

47. The assessment of daylight levels is dealt with, in policy terms, by the Mayor's Housing SPG. It concerns the satisfactoriness of the amenity levels provided. It is also necessary to assess the daylight target of a scheme against broadly comparable residential typologies from across London. The Planning Practice Guidance on effective use of land adopts a similar approach and also sets the standard for daylight provision as satisfactory (*Document CD 4, paragraph 1.3.46*).
48. The saved policies of the Southwark Plan show some confusion on the requisite standard. Saved policy 3.11 refers to satisfactory levels of daylight, whereas saved policy 4.2 refers to high standards. The Framework, Housing SPG and draft London Plan all support a requirement for satisfactory or adequate levels, not high ones. The Council agreed that the approach of satisfactoriness was an appropriate standard to apply in this case¹¹.
49. In any event, there would be very good levels of daylight provided for the proposed dwellings in the scheme. In almost all cases, those units that failed to provide requisite standards of Average Daylight Factor (ADF) was due to the decision to provide balconies to the units directly above. Daylight and outdoor amenity space are often in conflict and require a design judgment to be made. The rooms that failed ADF were all bedrooms, which require less natural daylight than other living rooms. The daylight assessment included a representative selection of units across the scheme. The scheme's quality would remain valid and unaltered even if individual rooms or units could be identified that showed worse ADF levels than those tested (*Documents INQ 3A, pages 35-47; POE 5, pages 32-33*).
50. The Planning Practice Guidance and Mayor's Housing SPG indicates that developments should maintain acceptable living standards. What that means in practice will be heavily dependent on context and requires a comparison with similar properties. Criticism that these lie within opportunity areas or action areas misses the point. The Mayor's Housing SPG refers to comparable residential typologies, which in this case means residential flats. The planning status of the areas is not relevant to the acceptability of daylight within the units themselves. The appeal proposal achieves higher levels of ADF and No Sky Line (NSL) compliance than the comparable sites. Of those rooms that fall below the recommended ADF figures, the majority do so marginally (*POE 5, pages 28-30; paragraphs 5.2.1-5.2.36*).
51. All of the relevant policy tests would be met. The standard of daylight and sunlight in the proposed development would be similar to, or better than, that found in comparable developments in the area. The 87% compliance with ADF recommendations is high in this urban context. The scheme should be applauded for the way in which housing output has been optimised whilst overall achieving satisfactory levels of daylight and sunlight.

Proximity to the Big Yellow storage facility

52. The rear elevations of Blocks D and E would in some places be relatively close to

¹¹ This was agreed by Ms Crosby in cross-examination by Mr Cameron.

the newly erected storage building. However, the habitable rooms concerned would be 4 single bedrooms within four separate three bedroom flats. Those bedrooms would be located in triple aspect homes that would exceed minimum space standards by 16m². This provides another example of how carefully the scheme has been designed so that other factors outweigh the relative proximity so as to maintain an exemplary standard (*Document POE 2, section 7.54*).

Noise

53. Many of the balconies, roof terraces and podium areas would meet the World Health Organisation *Guidelines for Community Noise* for external amenity areas of 55 decibels. The concerns of the Local Group related to those proposed residential units and amenity areas that would be close to the BCM scaffolding yard and Babcock depot. The latter site at 25-33 Parkhouse Street, is the subject of pre-application enquiries for mixed use development promoted by Joseph Homes. (*Documents CD B19, chapter 8, paragraphs 8.59-8.665 8.65; POE 16, appendix 1; INQ 5; INQ 25*).
54. The Planning Practice Guidance indicates that external noise impacts can be partially offset where residents have access to alternative relatively quiet amenity space, including a nearby tranquil public park or local greenspace¹². Burgess Park, which is in the immediate vicinity of the appeal site, clearly meets the final bullet of the guidance. It is clear that the approach taken in the ES, although it pre-dated the current version of the Planning Practice Guidance, is entirely consistent with it and that its conclusions are justified.
55. Paragraph 182 of the Framework sets out “agent of change” principle. The inclusion of mitigation measures makes the likelihood of complaints by future residents negligible. There is no evidence that any existing business would have any unreasonable restriction imposed on it as a result of the mixed-use development (*Document INQ 5*).

EMPLOYMENT LAND

56. The site is designated as a Local Preferred Industrial Location (PIL) in the development plan. However, it is common ground with the Council that the appeal site is appropriate for a mixed-use and there is no reliance placed on saved policy 1.2 in the Southwark Plan, which restricts development on such sites to B Class uses. The basis of the dispute relates to the quantum, and the appropriateness, of the employment space actually offered (*Document POE 15, paragraph 7.93*).

Development plan policy

57. Policy 4.4 in the London Plan seeks to protect a sufficient stock of employment land. Compliance with this policy will thus turn on whether the stock of such land would be sufficient if the proposal were to be permitted (*Document CD 3, page 151*).
58. The proposal would be contrary to Strategic Policy 10 in the CS, which protects industrial floorspace in the Parkhouse Street PIL. This does not however reflect the Council’s current aspirations or the general direction of travel. That is

¹² Planning Practice Guidance Paragraph: 011 Reference ID: 30-011-20190722.

demonstrated by the draft site allocation NSP23 in the emerging New Southwark Plan, which allocates land including the appeal site for mixed-use redevelopment (*Documents CD C8, page 94; CD C20, page 167*).

59. Amongst other things draft policy P26 in the emerging New Southwark Plan requires that the amount of employment floorspace should be retained or increased where specified in site allocations. However, draft allocation NSP23 applies its criteria not to individual proposals within the allocation area, but to the allocated area as a whole, which is larger than the appeal site (*Documents CD C20, page 54; CD E1, plan after paragraph 9*).
60. Draft allocation NSP23 includes a number of criteria divided into 3 categories. The first category are those things that “must” be provided. In terms of employment space there is no requirement that this should be the higher of the two options¹³. The type of Class B use is not specified and so Class B2 or B8 space would comply¹⁴. The Council did not dispute that the other three requirements in the “must” category would be met¹⁵. The second category relates to those things which “should” be provided and includes things which are desirable but not essential¹⁶. The provision of Class B2 or B8 space is included in this category but the Council recognised that Class B2 provision would not be suitable for this particular site¹⁷.
61. Draft policy P28 (as proposed to be modified) in the emerging New Southwark Plan requires provision of 10% affordable workspace. It is concerned with relative provision, and in those terms the proposal would be compliant (*Document CD C21, page 25*).

The existing site

62. As a generality, the appeal site’s current buildings are in a deteriorating condition¹⁸. Some parts of the site are being used by meanwhile uses. However, such uses are not representative of what the commercial market regards as acceptable. Someone can almost inevitably be found to occupy any land or building, if the terms are sufficiently favourable (*Document POE 13, paragraph 2.2*).
63. The Local Group expressed a number of views about the condition of the site, and about its potential for refurbishment or reuse. However, no internal inspection of any of the buildings had been carried out and there had been no assessment of the viability or feasibility of refurbishing any of them¹⁹. Given those limitations, and the lack of professional experience or expertise in these matters, the views of the Local Group on this point must carry limited weight.

¹³ Ms Hills accepted that the words in the policy did not require that the proposal should provide at least the amount of employment floorspace currently on the site or at least 50% of the development as employment floorspace whichever was the greater, but she considered this was the intention of the policy.

¹⁴ This was agreed by Ms Hills in cross-examination by Mr Cameron.

¹⁵ This was agreed by Hills in cross-examination by Mr Cameron.

¹⁶ This was agreed by Ms Hills in cross-examination by Mr Cameron.

¹⁷ This was agreed by Ms Hills in answer to my question.

¹⁸ This was agreed by Ms Hills in cross-examination by Mr Cameron although she pointed out that some parts were suitable for meanwhile uses.

¹⁹ This was agreed by Professor Brearley in cross-examination by Mr Cameron.

Job numbers

64. There are 57 jobs currently supported by the appeal site. This excludes meanwhile uses, which is the correct approach because such uses by their nature are temporary. Arbeit, the curator, occupies the premises rent-free. There is thus no basis for assuming that meanwhile users would take space and thus create jobs on a commercial basis. The Council has not disputed the estimated generation of 255 jobs in the appeal development (*Core Documents B2, pages 6-7; POE 13, paragraph 2.3.2-2.3.4; POE 14, paragraph 9*).
65. There was considerable debate about the number of jobs that the appeal site could generate if its current buildings were fully occupied. The Council's figure was up to 636 jobs on the basis of one job per 20m² of employment space, but this was not based on any a consideration of what the space could actually be used for²⁰. It included the meanwhile uses, which are not representative of use in a commercial scheme. It was also not based on any experience of actually letting space in the market²¹. However, The Homes and Communities Agency *Employment Densities Guide* indicates a standard of 47m² per employee for B1c use and 75m² per employee for B8 use²². Whilst those indications are general, the Council's estimate is far removed from them (*Document POE 14, paragraph 5*).
66. The 255 jobs that would be facilitated by the appeal proposal would exceed the current 57 jobs and the 137 jobs that were based at the site when Fruitful Office Ltd were in occupation. It also exceeds the potential for 82 jobs were the site to be redeveloped for B1c and B8 purposes and the 147 jobs in the unlikely and unrealistic event that the current premises were to be re-furnished (*Document POE 14, paragraphs 5, 7*).

Plot ratio

67. On the basis of market experience, a plot ratio of 40% would be appropriate for the employment space on-site to meet market demand. On that basis the replacement floorspace for the appeal site would be 5,232 m². If calculated using the highly contested 65% plot ratio figure currently contained in the draft London Plan, the re-provision of employment space on-site would be 8,502m² (*Document POE 13, paragraph 2.1.12*).
68. These calculations excluded the 2,104m² floorspace of 10-12 Parkhouse Street, which currently benefits from prior approval to convert into residential units. It is included in the Council's housing land supply not merely because of the existence of the extant approval but also because it was considered deliverable within the terms of the Framework. At this time the Council considered that the permitted development rights would be implemented if a mixed-use scheme was not secured. If a fresh prior approval application were made on expiry in 2020, it would very likely be granted. There has been no relevant change in fact or law to justify a different decision being made. This is supported by the agreed viability position, which calculated 10-12 Parkhouse St on an alternative use basis (*CD C7, paragraph 6.4.5; CD D4, appendix 1, page 12; INQ 8, paragraph 5.5*).

²⁰ This was agreed by Ms Hills in cross-examination by Mr Cameron.

²¹ Ms Hills accepted that she had no experience in this regard.

²² See *Employment Densities Guide* (second edition) 2010 Housing and Communities Agency

69. The suggestions made by the Local Group that the appeal site could be re-developed at a higher density failed to recognise commercial realities. It is right to say that existing businesses in London operate in premises with high plot ratios. However, were the appeal site to be re-developed, modern standards would be applicable in order to respond to market demand. The Local Group provided no evidence based on expertise and experience in the industrial property market. To achieve modern standards and meet market demand, a 40% plot ratio would be appropriate.

Demand

70. Demand for a certain kind of employment floorspace does not mean that the development of such accommodation can or will come forward. It will only occur if a reasonable commercial developer is able and willing to develop. This also depends on the deliverability of the proposed space and the nature of any alternative investment options for the same funds. Investment does not simply follow demand²³. It will not be provided if the capital and continuing revenue costs exceed the price that those who are seeking the accommodation are willing or able to pay. Demand and deliverability would be required before a scheme offering full commercial re-provision of the site could be assumed to come forward²⁴.
71. The Council has not at any point commissioned an agent to analyse the market for a mixed-use scheme on the appeal site itself²⁵. Amongst other things it relied on responses achieved in relation to the redevelopment of its own site at 21-23 Parkhouse Street. The fact that all the workspace providers responded promptly gives, at best, an indication of a general expression of interest, but little more. The scheme being proposed there would be primarily for flexible B1 use and would most likely comprise hybrid office space rather than the kind of flexible industrial spaces envisaged on the appeal site. This is not therefore a valid comparison. In addition, this scheme would not be viable and thus unlikely to be delivered even if permission were obtained. The scheme would involve a loss of B class floorspace from 1,467 m² at present to the proposal for 1,089 m². It seems that the Council cannot design a viable scheme that achieves full re-provision, even for its own site (*Document INQ 19*).
72. The same point emerged from the history of the Dockley Road site. The Local Group relied on a planning application made in 2015 that showed how industrial co-location could be carried out. It is significant though that after the site had been transferred to a developer, permission was granted for a scheme that did not retain the same level of employment floorspace. This is a good example of the difference between a local authority's aspirations, and what can actually be delivered in the real world (*Document INQ 7*).
73. The *Southwark Council Industrial and Warehousing Land Study* (2014) does not

²³ This point was agreed by Professor Brearley in cross-examination by Mr Cameron.

²⁴ This was agreed by Ms Hills in cross-examination by Mr Cameron. She accepted that the existence of demand was not, of itself, sufficient to justify the refusal of planning permission on the ground of inadequate re-provision of commercial space.

²⁵ Ms Hills confirmed that, while she is a chartered town planner, she has neither professional qualifications nor direct experience in the sale, letting or management of industrial premises in London.

purport to forecast likely future demand for industrial floorspace and so is not evidence of the existence or otherwise of demand at present. It proceeds on the basis that much of the stock in the Parkhouse Street employment area is of poor quality. The presence of residential uses and on-street car parking is a barrier to attracting B class uses and is only partially addressed by Parkhouse Street being one-way. These barriers apply to the current appeal site and would be a potential issue even if the site was redeveloped²⁶. Further, the study advised that some employment capacity could be retained on the site, rather than all of it. This is the basis on which the draft allocation NSP23 is being progressed by the Council (*Documents CD D3, paragraphs 3.15, 3.16, 3.22, 5.23*).

74. The *Southwark Employment Land Study* (2016) recognises that the Parkhouse Street industrial area is "off-pitch" and may find it problematic to attract investment in B class uses. The mixed-use of the site was recommended by the study although it is silent on the quantum of employment floorspace to be retained (*Document CD D1, page 51 and table 4.2*).
75. The *Old Kent Road Workspace Demand Study* (2019) actively supports the creation of improved connectivity for pedestrians and cyclists at the appeal site. There is no viability analysis for the recommended full re-provision of employment space. Large scale employment uses are not envisaged (*Document CD D2, paragraphs 4.46, 4.48*).
76. The Local Group objects to the draft allocation NSP23 on the grounds that the land should be retained in pure industrial use. This is contrary to the above evidence base, and to the Council's clear view on the direction of policy travel.

Overall supply of employment land

77. One of the objectives of policy 4.4 in the London Plan is to ensure sufficient stock of land and premises to meet the future needs of different types of industrial and related uses in different parts of London. To achieve this objective, boroughs are placed into different categories. Southwark is identified as falling within the *limited transfer (with exceptional planned release)* category. In the emerging New London Plan it falls within the *retain capacity* category (*Documents CD C3, map 4.1; CD C7, table 6.2*).
78. Policy 4.4 requires a judgement to be made as to whether it is necessary to retain a particular site in industrial use in order to achieve the policy objective. That is not an exercise that can be conducted solely on the basis of examining trends relating to changes of use of employment land against some benchmark, as the Local Group have done. In order to make an informed judgement it is necessary to consider the specific circumstances of the appeal site, the market area, the land available and the likely demand (*Document POE 13, paragraph 6.3.3*).
79. The overall stock position of the draft allocation NSP23 would remain largely unchanged after development of the appeal proposal. On the basis of current known changes there would be a reduction of 2,870m² of B class floorspace if the appeal development were to go ahead. However, this includes 10-12 Parkhouse Street within the existing floorspace figure. If this were to be

²⁶ This was agreed by Ms Hills in cross-examination by Mr Cameron.

excluded on account of its present residential extant approval, the difference would be 766m² reduction in employment floorspace. If account were also to be taken of the Class D2 and Class A uses in the proposed development, the overall loss would be 87m². This quantum of loss could not be sufficient to find conflict with policy 4.4 in the London Plan (*Documents POE 13, table 1, appendix 8*).

Deliverability

80. There is no dispute with the Council about the viability position. There was no evidence at all to indicate that the Council's aspiration for the site of a mixed-use development with a greater level of employment floorspace than that proposed would be viable or deliverable. On the contrary the Council's own advisers, GVA, indicated that an increase in the level of commercial provision on the site would result in even less profit than that calculated for the appeal scheme itself. GVA tested 4 scenarios with different densities and mix of residential and commercial uses. As the density of the scheme decreases or the level of commercial use increases there would be a detrimental impact on profit. Although scenario 4, which has the most commercial floorspace has a higher profit this is because of the higher level of risk and therefore higher profit target (*Documents INQ 8; POE 3, appendix B, appendix 4, table 1, scenario 4; INQ 12, GVA letter of 22/5/18*).
81. A notional scheme that would fully meet the Council's aspirations could not be delivered. A judgment has to be made as to whether the benefits of the appeal proposal would outweigh the fact that it could not viably fully re-provide the employment floorspace²⁷. The Council suggested that the most likely outcome if the appeal were dismissed would be a reworked scheme with a greater quantum of employment floorspace. That is unrealistic and fails to acknowledge the reality that the Council's aspirations are simply not deliverable. The true choice is between the appeal scheme or leaving the site as it is. The latter is hard to reconcile with economic reality and policy objectives, including the pressing need for housing identified in policy 3.3 of the London Plan.
82. The Local Group considers that the existing buildings could be refurbished and re-used. There is unlikely to be demand for large scale B8, or for any B2 use. Any demand for B1c use would be likely to come from small occupiers, and the buildings would have to be adapted to meet their requirements. It is highly improbable that the owners would do so.

Servicing

83. The Local Group suggested that the servicing arrangements for the appeal site were unsuitable. There was particular concern about the impracticality of unscheduled van deliveries of the kind that clean Class B1c users might rely on, having to utilise either a concierge service or a pre-booked delivery system. This misunderstands the proposal because what is actually envisaged is that deliveries of the kind in question would park in the three service yards provided on-site. Those yards will be accessible directly from the highway network and would not be controlled either by bollards or by a concierge. The concierge and booking arrangements would only be needed to admit refuse vehicles and essential deliveries that need to use the central street (*Document CD B21, Traffic*

²⁷ This was agreed by Ms Hills in cross-examination by Mr Cameron.

and Transport, annex 1, appendix I, section 2.1).

ACCESSIBILITY AND TRANSPORT

84. The Council has no objections on these grounds. Following discussions at the inquiry, it became clear that the Local Group was satisfied that its concerns could be met by way of mitigation. The UU, if found to comply with Regulation 122 of the Community Infrastructure Regulations (CIL Regs) would meet all of these concerns as follows:

- Funding would be provided for a study to consider whether the current Controlled Parking Zone would be adequate.
- Funding would be provided to cover the costs of re-surfacing Parkhouse Street, which would be capped at £50,000.
- A Travel Plan would be provided.
- The operation of the Parkhouse Street/Wells Way junction would be reviewed at the same time as the Stage 2 safety audit.
- The inclusion of permissive rights over the public realm would be included.
- As all the concerns raised have been addressed, this issue no longer remains in dispute between the Appellant and the Local Group. It follows that there is no reason to refuse the application on transport related grounds.

DESIGN, CHARACTER AND APPEARANCE AND HERITAGE

85. The Council has no objections on these grounds. It has agreed that the architectural aesthetic is well thought out and of high quality, and that by introducing routes into and across the site the proposal would transform it into a vibrant and attractive mixed-use quarter (*CD H3, paragraphs 6.11 and 6.12*).

Tall Buildings

86. The Council considers that the tall buildings at the centre of the appeal site would comply with its tall buildings policies. The guidance on location given in policy 7.7 of the London Plan is qualified by the use of the word "generally", which contemplates that tall buildings need not be limited to the locations referred to. Strategic Policy 12 in the CS provides that tall buildings "could go" in specified areas in the north of the Borough and saved policy 3.20 in the Southwark Plan says they "may" be permitted in the Central Activities Zone. (*Documents CD H3, paragraph 6.11; CD C3, page 293; CD C8, page 105; CD C9, page 52*).

87. The emerging policy takes a different approach. The draft London Plan contemplates that suitable locations for tall buildings will be identified in local plans. The emerging New Southwark Plan identifies such sites and draft policy P14 (as proposed to be modified) refers to areas where tall buildings would be acceptable, including reference to site allocations. Draft allocation NSP23 is one of those sites where tall buildings could be located, subject to considering impacts on existing character, heritage and townscape (*Documents CD C21, page 22; CD C20, page 168*).

88. If the site is to be developed in accordance with the aspirations of the Council,

tall buildings would be appropriate as part of that redevelopment. The tall buildings at the centre of the site would comply with the Council's tall buildings policies. They would be at the focus of the proposed new routes. They would be elegant in design and would contribute positively to the local skyline and the surrounding streets (*Documents CD E1, paragraph 131; POE 10, paragraphs 6.12-6.20; POE 12, paragraphs 1.6-1.20*).

Townscape

89. There is little or no dispute that, in its current state, the site is unattractive and detracts from the townscape. Redevelopment and regeneration would offer the opportunity to introduce buildings which would make a positive contribution to the townscape.
90. The Built Heritage, Townscape and Visual Impact assessment contained within the ES was carried out in accordance with the Landscape Institute's *Guidelines for Landscape and Visual Impact Assessment 3rd Edition*. That assessment concluded that the proposed development would facilitate the optimisation of adjacent sites and would result in a demonstrable improvement to the appearance, character and function of the townscape. The Council does not dispute those conclusions. The Local Group agree that regeneration would bring benefits but argue that it is not necessary to redevelop for mixed uses of the kind proposed in order to achieve those benefits. This is based upon the false premise that regeneration through refurbishment would be a realistic alternative. It would not.
91. Two differently constituted meetings of the Design Review Panel met to consider the scheme in July and October 2017. Its recommendations were discussed with the Council's Design Officer with whom there was close collaboration. In response to the July 2017 meeting of the panel, significant changes to the scheme were made. These included the introduction of service yards, and changes to the layout and diversity of public spaces, resulting in considerable enhancement of permeability. The width of the central street was increased between Blocks H and I, J and K. In response to the October 2017 meeting, the Council's Design Officer did not indicate that further changes should be made. However, further changes were made following submission of the planning application, including changes to the houses in Block A, the retention and adaptation of Block B and the reduction in height of the central blocks. At the planning committee meeting in November 2018 the Council's Design Officer gave fulsome support to the scheme. (*Documents INQ15; CD I3; POE 2, page 53, paragraph 3.11.2; POE 1, paragraph 9.9*).
92. The design has responded with aplomb to the challenges of creating a new urban quarter whilst respecting the existing context. A new route has been created, opening up the site to the public. Lower buildings address the existing smaller scale existing development at 1-13 Parkhouse Street (Blocks A and C) and Wells Way (Block M). The views from Burgess Park have been considered with great care. The taller buildings (Blocks I and J) mark the square and signal the presence of the new quarter. The scheme is the result of close collaboration with the Council's design advisers. It is a scheme that reconciles competing interests, and would, if permitted, result in a very high-quality addition to the townscape (*Document POE 1, section 8.3*).

Heritage

93. No party suggests that there would be harm to the significance of any designated heritage asset other than the former Church of St George, which is Grade II listed. The proposed development would not affect the ability to appreciate the heritage significance of this building and there would be no harm. The Council's view is there would be less than substantial harm to significance and that such harm would be of the lowest order. It does not raise a heritage objection as it is considered that the public benefits would outweigh that harm. The Council called no expert heritage evidence in support of its view that the proposal would give rise to harm (**Documents CD H3, paragraphs 6.13-6.16; POE 10, paragraphs 7.6-7.13**).
94. The Local Group did not call any expert heritage evidence. It refers the impact of the proposal on the views of the lantern of the church but does so in the context of tall building policies. There is no assessment of significance or the impact of the development upon it. In the circumstances, the only proper conclusion to come to is that the ability to appreciate the significance of the former church, whether in views from the park or elsewhere, would not be affected. The finding should be that there would be no harm. Nevertheless, in order to assist the decision-making process a balancing exercise has been undertaken and this concludes that the public benefits would outweigh the harm, having regard to the need to give considerable importance and weight to the desirability of preserving the setting of listed building²⁸ when carrying out the balancing exercise (**Documents POE 21, paragraph 1.2, 3.14, 3.78; POE 3, paragraphs 7.14, 8.6**).

LIVING CONDITIONS OF EXISTING OCCUPIERS

95. The Council does not object on these grounds and agree that the benefits of the proposed development outweigh any harm caused by overlooking, reduced daylight and sunlight, noise and disturbance (**Document CD H3, paragraph 6.22**).

Daylight and Sunlight

96. The Local Group agreed that relevant policy, including Policy 7.6 in the London Plan, requires a two-stage approach. This involves considering whether harm would occur and, if so, whether it would be acceptable or not. That two-stage approach was recognised and applied in the Buckle Street appeal decision²⁹. The Mayor's Housing SPG provides further guidance on the application of part B(d) in policy 7.6. It indicates that the degree of harm on adjacent properties should be addressed drawing on broadly comparable residential typologies within the area (**Documents CD C3, page 291; CD J12, paragraph 15; CD C4, paragraph 1.3.46**).
97. Saved policy 3.11 in the Southwark Local Plan provides that amenity of neighbouring occupiers should be protected. To the extent that this sets a higher standard than the London Plan, the latter more recent document should prevail. The RDS SPD is consistent with the London Plan in setting a standard of

²⁸ *Barnwell Manor Wind Energy v. SSCLG* [2014] EWCA Civ 137 at paragraph 29

²⁹ The Buckle Street appeal decision relies on *Rainbird v The Council of the London Borough of Tower Hamlets* [2018] EWHC 657 (Admin) at paragraphs 83-84. This judgement is attached to the Appellant's closing submissions (**Document INQ 38B**).

unacceptable loss of daylight or sunlight and in seeking to guard against *excessive* overshadowing (**Documents CD C9, page 45; CD C12, pages 19-20**).

98. In order to encourage the effective use of land, the Planning Practice Guidance looks to see whether there would be an unreasonable impact on the daylight and sunlight levels enjoyed by neighbouring occupiers. Draft policy D4 in the emerging New London Plan seeks to ensure that surrounding housing enjoys sufficient daylight and sunlight appropriate for its context. Draft policy P12 in the emerging New Southwark Plan seeks adequate daylight and sunlight for new and existing occupiers. The consistent theme of the relevant policies is that it is not appropriate to judge the acceptability of impact on sunlight and daylight by rigid application of standards or guidelines. A balanced approach must be taken to ensure that adequate or sufficient levels of amenity are enjoyed and that any impact is not unreasonable (**Documents CD C7; CD C20, page 38**).
99. This can be approached by applying the BRE Guidelines. This includes a number of different tests to determine impact. In relation to daylight an adverse effect will occur if either the Vertical Sky Component (VSC) or NSL test is failed³⁰. However, it is also important to recognise that the BRE Guidelines are not intended to be applied rigidly or inflexibly. They are more suited to lower density suburban type housing than to an inner-city environment. In the latter context, particularly in London, VSC values in the mid-teens are generally considered to be acceptable. The figures VSC, NSL and Annual Probable Sunlight Hours (APSH) are not in dispute. The dispute turns on whether overall the impact would be acceptable (**Documents POE 5, pages 28-31, 34; CD J5, paragraphs 1.6, 2.2.21; CD J11, paragraph 112; CD J14, paragraph 120**).
100. The Local Group identified properties in Southampton Way, Parkhouse Street, and Wells Way where BRE Guidelines would not be satisfied. However, it has not applied the two-stage test and it has considered whether harm would be significant. This is not the approach which the relevant policies indicate should be taken. If the Local Group's approach were to be adopted and only stage one considered, the objective of optimising potential and delivering housing to meet the pressing need would be defeated (**Document POE 24, paragraphs 1.1.2, 2.3.1, 3.3.1, 3.3.9; POE 7, paragraph 4.2; INQ 16, paragraph 4.2**).
101. The assessment on 1-13 (odd), Parkhouse Street showed that there would be a high degree of compliance in terms of VSC, NSL and APSH. There would be no additional overshadowing on the gardens of 1-11 Parkhouse Street. The main impact would be on 13 Parkhouse Street and would arise predominantly from the Block B proposal. That impact is to be considered in context, and with account being taken of the overall improvement to amenity arising as a result of the redevelopment of the appeal site (**Documents INQ 18, page 20; POE 5, 6.2.1-6.2.9, 6.3.8-6.3.16**).
102. The assessment on 77-113 (odd), Wells Way showed that all windows retain a mid-teen value or higher for VSC. There would be a lower level of compliance

³⁰ See *Rainbird v The Council of the London Borough of Tower Hamlets* [2018] EWHC 657 (Admin) at paragraph 93. Also, *R (Guerry) v LB of Hammersmith and Fulham* [2018] EWHC 2889 (Admin) at paragraph 41. These judgements are attached to the Appellant's closing submissions (Document INQ 38B).

with regard to NSL and 56 of 60 windows would meet the APSH test. However, at present many of the houses in Wells Way have a view of a brick wall on the opposite side of the road. Redevelopment would be achieved with some impact but retaining mid teen values for VSC provides a clear indication that the impact would be acceptable in this context. The rear gardens would not experience additional overshadowing (*Document INQ 18, pages 22-23; POE 5, 6.2.31-6.2.46, 6.3.17*).

103. The assessment of 45-47 (odd) Southampton Way indicates compliance with VSC but that only 4 of the 7 rooms comply with NSL, although one of these is a bedroom. None of the windows are relevant to sunlight analysis. The ground floor windows in the rear unit at No 47 already have very low levels of VSC and NSL, and as a result even a small increase in building mass on the appeal site would result in a large percentage change. At first floor the changes would be more meaningful. Given the improvements that would ensue to the amenity of the area, the impacts could not be categorised as unacceptable (*Documents INQ 18, pages 23-24; POE 5, paragraphs 6.2.55-6.2.64*).
104. Any impact on 37-39 Parkhouse Street would be likely to be academic as a planning application has been made for redevelopment of this and land to the rear. In terms of the existing houses, all VSCs would remain in the mid-teens or above. Of those rooms where the NSL test would not be met the pool of light in the front part of the living rooms would remain good. The two windows that would not meet the numerical criteria for APSH serve a first-floor bedroom (*Documents INQ 25; POE 5, paragraphs 6.2.17-6.2.30*).
105. The assessment on 56 and 60-64 (even), Southampton Way indicates that all would be compliant in terms of sunlight. In terms of daylight there would be some infringements to 60 and 62 in terms of VSC but these would be because of overhanging balconies (*Document POE 5, paragraphs 6.2.65-6.2.75*).
106. When the details are considered, and the correct policy test is applied, it is clear that the Council was right not to object on this ground.

Overlooking, privacy and loss of outlook

107. Policy 7.6 in the London Plan establishes that the policy test to be applied is whether unacceptable harm would be caused. The RDS SPD includes guidance on separation distances to prevent unnecessary overlooking and loss of privacy (*Documents CD C3, page 291; CD C12, paragraph 2.8*).
108. The Local Group argued that where there is contravention of the BRE Guidelines, outlook should be considered unacceptable. However, the guidelines do not purport to provide tests or checks to judge such matters and using them is not a rational approach. The concern relates to the relationship between the proposed development and existing homes in Wells Way and Parkhouse Street.
109. The buildings in Block A have been designed with windows which would not look towards Parkhouse Street, a design feature that would avoid unacceptable impact on privacy. The existing Block B building already contains commercial floorspace with windows facing the side elevation of 13, Parkhouse Street. There would be no directly facing windows in residential units between Block B and 13 Parkhouse Street. In order to ensure privacy, screening could be provided and secured by condition. It should though be borne in mind that an unattractive

yard with parked vans would be replaced with an attractive high-quality development. The distance from Block C to 1-13 (odd) Parkhouse Street and from Block M to Wells Way would exceed the 12m guideline referred to in the RDS SPD. In addition, the brick piers on the access deck to Block C would provide screening for the existing residential units in the extension to the rear of 45 Southampton Way (*Document POE 1, paragraphs 7.2.21, 8.4.4, 8.4.7 and figures 122, 125, 161; POE 2, figure 48; CD E1, paragraph 210*).

110. Attractive modern buildings with high quality materials and detailing would replace decaying industrial buildings. There would be a considerable improvement to outlook and no unacceptable impact on privacy.

OTHER MATTER

111. The Local Group is concerned that overshadowing of Burgess Park would give rise to adverse impacts on biodiversity and wildlife. This would not be materially different to what occurs at present. In any event, the area of the park adjacent to the appeal site is already shaded owing to the dense tree cover. There is no evidence that there would be any adverse impact on wildlife. The records for protected species in Burgess Park are for birds and bats, neither of which would be directly impacted by shading. The Local Group argues that buildings adjacent to Burgess Park should be set back and their height should be no more than five stories. The buildings in Block A would be set back and would be 1-2 storeys in height. Block B would re-use the existing building and would be no more than 5 storeys high (*Document POE 5, paragraph 6.3.29; POE 3, appendix c, page 2; POE 1, figure 78*).

THE PLANNING BALANCE

112. The proposal is not a scheme which has been promoted entirely at the developer's initiative. The Council's aspiration is that the area be transformed, and in support of that aspiration it is promoting a policy that encourages regeneration of the wider area. The appeal site lies at the centre of the wider area and, if the Council's ambitions are to be achieved, this site must come forward. It must create routes that allow the public to enjoy this island site, which has been closed off for so many years.
113. The real issue to be determined is whether the inability to re-provide the existing quantum of employment floorspace on the appeal site is sufficient reason to turn away a beneficial regeneration proposal that would provide much needed homes, enhance permeability and create new public spaces.
114. The overall impact on employment generating floorspace in the draft NSP23 allocation would not be significant. In addition, the number of jobs on the appeal site would increase. There would be no point in refusing permission on the grounds of an inadequate quantum of employment floorspace if there is no realistic prospect of a scheme being delivered to provide that quantum and realize the Council's other aspirations for the site. There is no realistic prospect that an alternative developer would deliver a mixed-use scheme that would provide an increased quantum of employment floorspace.
115. The choice is either to approve this scheme or to condemn the appeal site to continuing decay and to impede the desired regeneration of the area. Other sites to the north of Parkhouse Street may come forward but the central site

required to deliver the Council's vision for the area would continue to be an under-used and unattractive neighbour. Movement across and through the site would, as now, not be possible.

116. It is accepted that the proposal conflicts with policy 1.2 in the Southwark Plan and Strategic Policy 10 in the Core Strategy. However, it accords with many other policies in the development plan. This is a case where there are some points in the plan that support it and others that do not³¹. It is not possible, for example, to have full provision of employment floorspace and 35% affordable housing. Both of these land uses are promoted by the development plan, but on the facts of this case the policies pull in opposite directions. If the development plan is considered as a whole, the appeal scheme would comply with it.
117. However, if the Secretary of State does not agree with that conclusion, there are very strong reasons why the decision should be made otherwise than in accordance with the development plan. The scheme would provide 499 homes and 173 affordable dwellings, 119 of which would be social rent and 54 intermediate. This would make a very significant contribution in a borough with a record of providing 260 affordable units a year against an assessed need of 799 units a year (*Documents CD H3, paragraph 2.2; CD D5, page 17; CD D16, table 6.10*).
118. However, this is not a case where sole reliance is placed on the benefits of providing additional housing. The scheme would also advance the aspirations of the Council to regenerate the wider draft allocation NSP23 site, whilst providing enhanced permeability and public realm, in a vibrant new urban quarter, signalled by exemplary architecture. The overall loss of B class employment floorspace on the draft allocated NSP23 site would be about 766m². The 4,404m² of flexible commercial, retail and leisure floorspace would include affordable workspace and result in an increase in jobs. It would meet the needs of potential occupiers, particularly those looking for maker spaces, and co-working spaces.
119. In the Chiswick Curve appeal, the Secretary of State gave moderate weight to the provision of additional housing and affordable housing in an area where the Council could demonstrate a five-year housing land supply. In the present appeal the Council does not consider that to be an appropriate approach given the circumstances that exist in Southwark. The Council has reduced the weight given to the provision of the proposed 499 units to moderate on account of the contention that the design would not be exemplary. If the Secretary of State considers that the quality would be exemplary, then that attribution of weight cannot be sustained (*Document INQ 33, paragraph 35*).
120. It is abundantly clear that benefits of the scheme far outweigh any detrimental effects, in particular those arising from failure to comply with policies relating to employment land. The Secretary of State is urged to allow the appeal and grant planning permission for a deliverable regeneration scheme which meets almost all of the Council's aspirations.

³¹ *City of Edinburgh v. Secretary of State* [1997] 1 WLR 1447 at page 1459 E-G. This judgement is attached to the Appellant's closing submissions (*Document INQ 38B*).

THE CASE FOR THE COUNCIL OF THE LONDON BOROUGH OF SOUTHWARK

The Council's case is fully set out in its evidence, including its opening and closing submissions (**Document INQ 37**). The main points are:

INTRODUCTION

121. Granting planning permission for the appeal proposal would flout the plan-led approach at the heart of the planning system and would critically undermine the objective of achieving sustainable development for the two reasons on which the proposal was refused planning permission. All parties agree that the relevant adopted development plan policies are up to date.
122. The Appellant now accepts that the scheme would not accord with the relevant strategic employment land use policies and would conflict with the adopted strategy for bringing land forward at a sufficient rate to address objectively assessed need over the plan period³². In such circumstances it would clearly not accord with the development plan when read as a whole. This development would represent a departure from what the Appellant agreed was an effective strategy for achieving sustainable development.
123. There is therefore a presumption against the grant of planning permission. Indeed, as a matter of national policy, planning permission should not usually be granted. No material considerations sufficient to outweigh the accepted policy conflict have been identified. The Appellant's position was that emerging policy attracted only limited weight and certainly less weight than the adopted development plan³³. As was accepted³⁴, the proposed development would not accord with draft Policy P26 in the emerging New Southwark Plan nor with the proposed site allocation NSP23 (**Document CD C20, pages 54, 117**).
124. In the end, it was conceded that the main material consideration, which was relied upon to outweigh conflict with the development plan, was the delivery of housing³⁵. This exposes the fundamental paradox in the Appellant's case. It accepts that the Council has a five-year supply of housing land and that it passes the Housing Delivery Test. It accepts that the up-to-date policies in the adopted development plan are an effective strategy for meeting the objectively assessed need for different land uses across the Borough, including housing. In those circumstances, the provision of housing cannot justify the loss of employment land, in admitted conflict with the strategy in the Plan (**Document POE 3, paragraph 7.2**).
125. The position worsens when the quality of the proposed housing accommodation is taken into account. It is a requirement of Strategic Policy 5 in the CS that development substantially in excess of the relevant density standard be exemplary. The accommodation would fail to provide an exemplar both in terms of internal space and the quality and quantity of external amenity space. The effect of this is that the proposal would also conflict with the relevant strategic

³² These points were agreed by Mr Marginson in cross-examination by Mr Streeten.

³³ This point was agreed by Mr Marginson in cross-examination by Mr Streeten.

³⁴ These points were agreed by Mr Marginson in cross-examination by Mr Streeten.

³⁵ This point was agreed by Mr Marginson in cross-examination by Mr Streeten.

housing policy (*Document CD C 8, page 78*).

THE SCHEME

126. The site is approximately 1.59 hectares of land known as Burgess Business Park and is located adjacent to Burgess Park in Camberwell. It is some considerable distance from the nearest underground stations at Oval and Elephant and Castle and for the most part has a public transport accessibility level (PTAL) of 2, although the western end of Parkhouse Street and Southampton Way has a better PTAL of 4 (*Documents INQ 2, page 4; CD H3, paragraph 3.13*).
127. The Site forms part of the Parkhouse Street PIL, which is the only PIL outside the Old Kent Road Action Area. Within the PIL, Strategic Policy 10 in the CS and policy 1.2 in the Southwark Plan expressly prohibits the grant of planning permission other than for a Class B use. In terms of context, the appeal site is adjacent to other land in industrial uses. These include the recently redeveloped PHS site at 41-43 Parkhouse Street, a scaffolding yard and the Big Yellow storage redevelopment at 39-65 Southampton Way. In addition, the Council has itself recently applied to redevelop land at 21-23 Parkhouse Street. This proposal involves re-provision of employment floorspace, including 10% affordable workspace, in a "stacked" configuration, together with residential units and 48% affordable housing (*Documents CD C8, pages 29; 94; CD C9, page 28; POE 13, appendix 8; POE 16, paragraph 4.53*).
128. The buildings presently on the site are between one and three storeys high and are in office, light industrial, and storage use. It was not disputed that 3,398m² are currently occupied. This includes 1,581m² occupied by Arbeit, a meanwhile curator providing affordable, creative studio space for artists, designers, small businesses and start-ups. The Appellant indicated that its own experience with Arbeit had been very positive³⁶, suggesting high demand for this sort of light industrial use in the area such that it could be a suitable workspace provider in the proposed development³⁷. Until recently Fruitful Office Ltd also operated from the site. At this point the site was supporting a total of 137 employees, with additional capacity in the other units (*Documents CD H3, paragraph 3.2; POE 16, paragraphs 4.47-4.49, table 1, appendix 1*).
129. Some units on the site are a bit dilapidated and could use refurbishment. This though is in the context that the Appellant has held the site for a considerable period of time and has chosen to allow the buildings to deteriorate. Even so, many of the units are suitable for immediate occupation by viable businesses. The *Southwark Employment Land Study* (2016) describes the quality of the stock as generally fair. Apart from Unit 1, the majority of buildings are capable of refurbishment, including 10-12 Parkhouse Street³⁸. It is agreed that, on the above basis, the scheme would result in a loss of 70% of the employment floorspace presently on site, which would be an important loss of industrial employment land³⁹ (*Document POE 16, paragraph 4.50; CD D1, page 51*).

³⁶ This was confirmed by Mr Ainger in examination-in-chief.

³⁷ This point was agreed by Mr Stephenson in cross-examination by Mr Streeten.

³⁸ Mr Stephenson agreed that this building could be refurbished in cross-examination by Mr Streeten.

³⁹ This point was agreed by Stephenson in cross-examination by Mr Streeten.

130. In place of the existing B class uses, the scheme proposes 13 blocks with 4,404m² of ground floor space for commercial uses of which 3,725m² would be Class B uses and the remainder a gym and A Class uses. This would result in a total loss of 8,834m² of Class B employment floorspace. (*Documents POE 16, table 2; POE 13, appendix 8*).
131. The Appellant confirmed that the appeal scheme design was not driven by the policy context but by other factors, although it was not made clear what those might have been. There had been no requirement to achieve a particular quantum of employment floorspace⁴⁰. This seems to be the reason why this is a residential-led scheme with constrained commercial layouts and unsuitable, irregular shaped floor plans poorly configured. Only the microbrewery unit would be double height. Otherwise the units would be generic, with little difference between the maker spaces and the units proposed as creative offices with target occupiers being tech, PR, media and architectural firms (*Document POE 16, paragraphs 4.67-4.70*).
132. The same issues are evident from the approach to servicing the commercial units. The yard concept was an afterthought, introduced late in the design evolution. A part of the yard to the rear of Blocks C and D was also identified as a potential location for a courtyard garden. The central street has been described as being a traffic-free area of public realm made up of outdoor rooms populated by food-carts and pavement seating adjacent to a play area for young children aged 0-5. In truth it was identified on the swept path analysis as being required to service some of the commercial units, including 10 daily MGW or HGV movements between 7.00 and 19.00 to the microbrewery alone (*Documents POE 1, paragraphs 4.4.5, 7.2.36; INQ 2, pages 15, 33; CD B21, Traffic and Transport, annex 2, appendix B, section 2.1; CD B21, Traffic and Transport, annex 2, paragraph 3.5.2*).
133. The design of the residential accommodation can only be considered on the basis of the submitted plans referred to in the SCG on planning matters. The Appellant sought to tinker with those plans. It cannot do that as the plans are the plans that have been drawn and submitted on the Appellant's behalf (*Document CD H3 paragraph 6.2*).

DENSITY AND STANDARD OF ACCOMMODATION

Density

134. The Greater London Authority referred, in both its Stage I and Stage II reports, to the proposal displaying the symptoms of overdevelopment. This is not surprising as it would involve a density of 984 hrpha and be approximately 40% in excess of the upper limit of the relevant development plan policy density standard (*Documents CD I1, paragraph 28; CD I2, paragraph 24*).
135. Strategic Policy 5 in the Southwark Core Strategy sets density ranges with which residential developments will be expected to comply. The site is located in the Urban Zone where the density range is 200-700 hrph. By providing a broad range of appropriate densities the policy provides flexibility in determining what the appropriate development density in any given location should be (*Document CD C8, page 78*).

⁴⁰ These matters were agreed by Mr Ainger in cross-examination by Mr Streeten.

136. The policy also allows an exception to those density ranges in Opportunities Areas and Action Area Cores, which are the areas earmarked as being the most sustainable locations for a substantial level of development. Here the maximum densities may be exceeded when developments are of an exemplary standard of design. The negative corollary is a clear implication that other exceptions are not permitted. It would be nonsensical if development in excess of the appropriate density range in those most sustainable locations were required to be of an exemplary standard to accordance with the policy, but development elsewhere was not (*Document INQ 1, paragraphs 22, 23*).

Standard of Accommodation

137. The Appellant accepted that it is particularly important to scrutinise the qualitative aspects of the design of the development proposal because of the density exceedance. It was agreed that the yardstick for the acceptability of the scheme was an "exemplary" standard, which should be measured with reference to the criteria set out in the RDS SPD. It was further accepted that meeting a minimum standard was not exemplary design. The provision of a tenure blind policy-compliant mix of housing was agreed to be something expected of any development and not be an indicator of exemplary design. Finally, the Appellant agreed that the fact that a few units may be very large and have large private outdoor spaces did not mean that the overall standard of accommodation would be exemplary. Overprovision for those units could not make up for a lack of provision elsewhere⁴¹ (*Document CD C12, bullets at pages 8-9*).

Unit Sizes

138. To be regarded as exemplary, the proposed development must significantly exceed the minimum floorspace standards in the RDS SPD. The Appellant's evidence on this matter was not given by a chartered architect and does not include an expert's declaration. Its witness was not an expert but rather managed the project team designing the development from the start. He is not therefore able to approach the design of the scheme objectively. This reduces the weight given to his evidence, which is more a sales pitch for the design of the development than an objective evaluation of its merits (*Document CD C12, table 1, page 12*).

139. It was agreed that the assertion in the Appellant's evidence that all the new homes met or exceeded the minimum floorspace standards in the RDS SPD was incorrect⁴². The Appellant's solution was to thin the walls of the units in order to increase their gross internal area. Furthermore, the affordable wheelchair units in Block M would be undersized for 3-bedroom, 5-person homes. The bedroom sizes on the unit area schedule would comply with the size for single and double bedrooms in the RDS SPD. In those circumstances, the units would fall to be considered against the space standard for a 5-person dwelling. Otherwise, the larger space standard would never apply and it would always be possible to describe what is in real terms a double bedroom as one for single occupancy. The Appellant cannot simply re-badge a unit having realised that it would not meet the applicable space standard in the guidance (*CD B14, drawing number*

⁴¹ All of these points were agreed by Mr Ainger in cross-examination by Mr Streeten.

⁴² On the basis of the submitted plans, this was agreed by Mr Ainger in cross-examination by Mr Streeten.

0231; CD B23; CD C12, table 3, page 22; POE 1, paragraph 7.2.5; POE 2, section 7.16, paragraph 7; POE 15, paragraph 7.19).

140. To be exemplary, the development must significantly exceed the relevant minimum space standards. Of the proposed units, 44 would not meet, let alone exceed, the minimum floorspace requirements set out in the RDS SPD⁴³. It is therefore extremely surprising that in a development that purports to be exemplary, there are a considerable number of units that do not meet even the minimum standards. It should not be necessary to fiddle with wall thicknesses to resolve undersized units. 187 residential units (37.5%) would be below, at or within 1m² of the minimum space standard. This would be a maximum of 2.5% exceedance and was agreed not to be significant⁴⁴ (**Document POE 15, paragraph 7.21-7.22**).
141. Even taking an average, which would be skewed by the small number of units that would considerably exceed the relevant space standard, any exceedance would still be only 2.58m² per unit. This would be between 2.8% and 6.6% above the relevant minimum, depending on the type of unit. On any view such exceedances would not be significant. The development simply does not satisfy an important criterion for the assessment of whether or not the development would be exemplary⁴⁵.

Daylight and Sunlight to residential units

142. The original author of the daylight and sunlight assessment submitted with the planning application did not give evidence at the inquiry. Although the witness that the Appellant called had considerable experience in giving expert evidence and was a Member of the Royal Institute of Chartered Surveyors, he did not include an expert's declaration. This should have been done if it was intended to be objective. The changes that were made to the original assessment were not fair. For example, the worst performing unit in terms of ADF on every floor of Blocks D, E, and F had been omitted. It is difficult to see how this was coincidental when it was confirmed that the original assessment had been carefully scrutinised (**Documents CD B7; POE 5, paragraph 1.6**).
143. The RDS SPD requires that exemplary development meets good daylight and sunlight standards. However, the Appellant's conclusion was that living conditions in these terms would be satisfactory. This would be worse than good (**Documents CD C12, page 8, bullet 7; POE 7, paragraph 5.17**).

Outdoor amenity space

144. Different types of outdoor amenity space perform different functions and are qualitatively different. The provision of one sort of outdoor space therefore cannot properly compensate for under-provision of another. The RDS SPD sets minimum private amenity space standards for residential developments. In order to be considered exemplary, it says that a development should exceed those standards. Many of the proposed units would not even meet them. The

⁴³ Mr Ainger agreed that 38 of the units would not meet the minimum floorspace standard in cross-examination by Mr Streeten.

⁴⁴ These matters were agreed by Mr Marginson in cross-examination by Mr Streeten.

⁴⁵ Mr Marginson accepted that significantly exceeding floorspace standards was an important criterion for exemplary design to meet along with all the other criteria in the RDS SPD.

Appellant accepted that 79% of the units would fail to exceed the minimum standard⁴⁶. This was a significant failing in the proposal's design (**Documents CD C12, page 8, bullet 6; POE 15, paragraph 7.30**).

145. The Appellant sought to twist the policy so as to apply a lower standard of 3m² for studios, one-bed, and 2-bed flats. The RDS SPD makes clear that the appropriate standard is 10m². It was agreed that the 3m² referred to was a minimum unit of measurement and not a minimum space standard⁴⁷.
146. There would be 30 units with large private outdoor spaces of more than 20m². These do not include the houses in Block A, 3 of which would fail to meet the relevant standard. These very large private amenity spaces must be viewed in the context of outdoor amenity space provision across the scheme as a whole. The private amenity space of 78m² provided for 3 flats in Blocks G and I would exceed the total communal amenity space provision for those living in Blocks B, C, D, E, J, and K. The provision of such large private areas for a very few units cannot compensate for under-provision to other units. It would be no consolation to residents in units with little or no access to outside space that those lucky enough to live in the large units above them have the luxury of an enormous private terrace. If the private outdoor amenity space standards are properly applied, there would be an under provision of 1,581m² (**Document POE 15, paragraphs 7.28-7.31**).
147. The correct approach to the provision of communal amenity space would be to provide 50m² of communal amenity space per block in addition to making up for any shortfall in private amenity space provision. This would result in a total requirement of 1,931m². The proposed scheme would provide just 871m², which would result in an under provision of 1,060m². This would plainly be significant (**Documents CD C12, paragraph 3.2; POE 15, paragraph 7.33; POE 2, paragraph 7.33.1**).
148. It is of particular concern that the affordable housing in Block C would have no direct access to communal amenity space whatsoever. The Appellant proposed a courtyard garden to remedy this. However, the location of that garden would be within one of the delivery yards and it was agreed that such amenity provision would not be realistic⁴⁸. No good reason was given why Block C should not also have a roof garden. There would be photo-voltaic panels on every roof not in use as a terrace. If the inclusion of photovoltaics was the objective, the larger private amenity spaces could have been marginally reduced to accommodate additional panels, thereby enabling the provision of amenity space for Block C. The limited communal amenity space provision for the affordable blocks would mean that the proposed scheme would not be truly tenure blind and would not be indicative of exemplary design (**Document POE 1, page 91**).
149. The quantum of outdoor amenity space provided for private sector Blocks F and G would be adequate. However, the quality of the podium terrace provided for those blocks would fail to meet the relevant BRE Guidelines on sunlight. No consideration had been given to redesigning the layout or orientation of the

⁴⁶ This point was agreed by Mr Ainger in cross-examination by Mr Streeten.

⁴⁷ This point was agreed by Mr Ainger in cross-examination by Mr Streeten.

⁴⁸ In cross-examination by Mr Streeten, Mr Ainger agreed that such a solution would be sub-optimal.

buildings to minimise such effects, as suggested in the guidance⁴⁹. For example, introducing a break in the built form on the upper levels of the buildings could have drastically improved the quality of this outdoor amenity space (*Document CD J5, page 18*).

150. Overall, both quantitatively and qualitatively, the proposed scheme would fail to meet the requisite standard by 1,060m². Furthermore, many of the proposed gardens and communal amenity spaces would fail to achieve good levels of sunlight. Proximity to Burgess Park would be no panacea. There is a qualitative difference between public amenity space like a park, and communal amenity space. The former is a destination, where people may go for a run or a family outing. The latter is a more intimate environment, where neighbours can socialise with one-another and where children can be left to play in relative safety, close to home and without the need to cross a road. Ultimately, the serious under-provision in outdoor amenity space cannot be justified by the location of the site in relatively close proximity to Burgess Park (*Document POE 15, paragraph 7.39*).

Children's play space

151. There is no dispute that the scheme would fail to provide sufficient space to meet the standard for all age groups required in the RDS SPD by 640m²⁵⁰. Most of the play space for 0-5 years old children would be located on the roofs of disparate blocks, such that it could not be accessed by residents from other blocks. The only generally accessible play space, and the only space accessible to residents of Block C, would be a strip located on the central route through the scheme. That area is, as already noted, directly adjacent to the space where large vehicle movements to service units such as the microbrewery would take place (*Documents CD C12, page 24; INQ 2, page 33; POE 15, paragraphs 7.41-7.48*).

Other Matters

152. Some of the units in the proposed development would have a very poor outlook. In particular residents of the first and second floors of the affordable units in Blocks D and E would look from their bedrooms directly onto the wall of the new Big Yellow building, at a distance of between 6.3m and 8m. On any view, it is not an acceptable outlook in a properly planned modern residential unit (*Document POE 15, paragraph 7.54*).
153. The outlook from some residential units would be compromised due to the proximity of neighbouring buildings. They would fail to meet minimum facing distances specified in the RDS SPD. This may necessitate the use of privacy screening but that would further harm the outlook of those properties and reduce their daylight. This is a factor which the Appellant appears to have overlooked (*Documents CD C12, page 20; POE 15, paragraph 7.57-7.59*).
154. Finally, the RDS SPD indicates that in exemplary development, kitchens and bathrooms should have access to natural light and ventilation. In the vast majority of cases, the units in this development would not accord with that

⁴⁹ Both Mr Ainger and Mr Ingram accepted this point in cross-examination by Mr Streeten.

⁵⁰ This point was agreed by Mr Ainger in cross-examination by Mr Streeten.

requirement. Only 18% of the units would have an external window in their main bathroom (*Documents CD C12, page 8; POE 15, paragraph 7.65*).

155. Whether or not the proposed development would be of an “exemplary standard” is ultimately a planning judgement, to be taken with reference to the factors specified in the RDS SPD. However, it is very difficult to see how this could be the case given that it far exceeds the relevant density standard and fails to satisfy a great number of the most important criteria in the RDS SPD.

LOSS OF EMPLOYMENT LAND

156. There is no dispute that the overarching objective is to provide sufficient land to meet the economic needs of the market. Shed developments served by frequent HGV and van movements are no less important than other types of employment use. In fact, the Appellant considered that most industrial users prefer this type of site⁵¹. Southwark has what is accepted to be an up-to-date strategy to meet the need for employment uses, including Strategic Policy 10 in the CS and saved policy 1.2 in the Southwark Plan. As the site is within a PIL, industrial and warehousing floorspace is protected (*Document CD C8, page 94; CD C9, page 28*).
157. The emerging New Southwark Plan proposes to allocate the PIL for mixed-use redevelopment under draft policy NSP23. However, this attracts no more than moderate weight⁵². On any view the emerging policy would not provide a basis for departing from the up-to-date adopted policy. In any event, there was no dispute that the proposal would not accord with the draft allocation in NSP23⁵³. In particular it would not satisfy the mandatory requirement for any scheme to re-provide at least the amount of B Class employment currently on the site and the additional policy objective of providing industrial employment space (*Document CD C20, page 167*).

The market

158. The *Southwark Industrial Warehousing Land Study* (2014) makes clear that Southwark’s industrial sites make an ongoing and important contribution to the local and pan-London economy, with industrial businesses relocating to Southwark from other parts of London. This accords with the more recent findings of the *Southwark Employment Land Study* (2016), which the Appellant accepts is well founded and representative of the local market in Southwark⁵⁴. Subsequent studies include the *Old Kent Road Workspace Demand Study* (2019) (*Documents CD D3, paragraphs 5.1-5.8; CD D1; CD D2*).
159. The evidence does not support a conclusion that demand for industrial uses is limited. On the contrary, demand for certain industrial uses in Southwark is strong, with a high demand for uses including maker spaces and creative commercial space.

⁵¹ This point was made by Mr Stephenson in cross-examination by Mr Streeten.

⁵² In cross-examination by Mr Streeten, Mr Marginson considered that the draft policy only attracts limited weight.

⁵³ This point was agreed by Mr Marginson in cross-examination by Mr Streeten.

⁵⁴ This point was agreed by Mr Stephenson based on his own experience, in cross-examination by Mr Streeten.

- Industrial uses make up 25% of the employment base within the Old Kent Road area and 10% of the employment base in Southwark. The percentage of industrial type jobs in Southwark has increased significantly between 2016 and 2019 and this suggests that Southwark is bucking the trend of industrial decline across London (*Document CD D2, paragraph 2.10*).
- Southwark's industrial economy had recovered to pre-recession levels by 2010, following the 2007-2008 financial crisis. New "industrial service" uses have emerged for which there is strong demand (*Document CD D1, pages 33-34*).

160. There are relevant recent examples of development in the area around the appeal site that support the existence of demand for industrial uses in this location (*Document POE 16, appendix 1*):

- The new warehouse at 41-43 Parkhouse Street, approved in February 2018 for B2/B8 use and now occupied by PHS.
- The Big Yellow storage redevelopment at 49-65 Southampton Way.
- The Council's proposed redevelopment at 21-23 Parkhouse Street. The Council approached its Workspace Provider List and received 6 expressions of interest within a day.
- The Appellant's own experience with Arbeit who have been marketing space on the appeal site at a cost of £14 per ft². They have indicated interest in taking space in the proposed development on a commercial basis.

161. Having accepted the above, the Appellant conceded that demand was not in itself an impediment to the re-provision of employment floorspace on the site⁵⁵.

The impact

162. The effect of the proposed scheme would be the loss of 8,834sqm of employment floorspace, which is 70% of the existing provision. This would be a clear conflict with both adopted and emerging development plan policy and would represent a very significant loss of employment floorspace, which the Appellant accepted was "important"⁵⁶ (*Document POE 16, page 22, table 3 and paragraph 4.39*).

163. The Appellant sought to down-play the impact of the proposal and relied on a number of other existing industrial estates within what is defined as the "market area". However, a great number of the sites identified in Southwark were agreed to be mixed use allocations in the Old Kent Road Area Action Plan or the New Southwark Plan, or subject to planning applications for mixed use development⁵⁷ (*Document POE 13, paragraph 2.6.5 and appendix 5*).

164. Nos 10-12 Parkhouse Street was not included by the Appellant as employment land on the site because of the existing prior approval for residential use. However, it was agreed⁵⁸ that whether such a change of use would occur would

⁵⁵ This point was accepted by Mr Stephenson in cross-examination by Mr Streeten.

⁵⁶ This point was accepted by Mr Stephenson in cross-examination by Mr Streeten.

⁵⁷ This point was conceded by Mr Stephenson in cross-examination by Mr Streeten.

⁵⁸ These factors were agreed by Mr Stephenson in cross-examination by Mr Streeten.

have regard to the fact that the prior approval is soon to expire and that the units require refurbishment. It is much more likely that whoever owns the site will seek to bring forward some form of mixed-use development than implement their permitted development rights.

165. The Appellant sought to suggest that a reduction in the level of employment space provided could be justified by applying what was contended to be a market-appropriate plot ratio of 40%. This was said to be justifiable because of policy requirements for public realm in new developments and requirements for lorry handling on large distribution and logistics sites. However, it became clear that such a figure was inappropriate for the following reasons, which the Appellant accepted⁵⁹:
- There is not any policy, guidance or other industry document to support the 40% figure.
 - No policy requirement for public realm improvements on industrial sites in London generally and Southwark in particular could be identified.
 - The servicing requirements for lorry handling being referred to do not apply to the sorts of use that would take place on the appeal site. The example of a 7-acre site in Croydon is different to a much smaller site in Camberwell (*Document POE 13, appendix 2*).
 - The emerging New London Plan proposes a 65% plot ratio. It is not uncommon for smaller scale B2, B8, and B1(c) uses to be built on that plot ratio in London and the market will accept such developments.
166. Finally, the Appellant contended that the new development would have the potential to generate 255 jobs, which was significantly more than the 57 that existed at present. However, that figure is not representative as it does not take account of the 80 jobs provided by Fruitful Office Ltd up to 2018 or the meanwhile uses currently present on the site. The latter demonstrate that the site can be used even in its present condition and are indicative of a level of market demand for the space (*Document POE 13, paragraph 6.1.2; POE 16, paragraphs 4.46-4.49*).
167. One of the main reasons given for the acceptability of the nature and quantum of floorspace in the proposed development was that the co-location of B8 and B1(c) uses with residential uses was considered undesirable. This is based on an antiquated approach to land use policy. Some light industrial users prefer to co-locate with residential properties because they provide a ready market. Draft policies E7 and D3 in the emerging New London Plan specifically encourage co-location and the emerging New Southwark Plan encourages mixed use neighbourhoods, including as part of the draft allocation NSP23. The independent advice of Avison Young in the *Old Kent Road Workspace Demand Study* suggests that relevant industrial uses can be mixed with residential accommodation (*Documents POE 13, paragraph 2.4.4; CD C7, paragraph 6.7.1; CD C20, page 54, page 168; CD D2, paragraph 4.48*).
168. The other main reason given for the acceptability of the nature and quantum of floorspace in the proposed development was that stacked or multi-storey light

⁵⁹ These points were agreed by Mr Stephenson in cross-examination by Mr Streeten.

industrial floorspace was considered to be unsuitable. However, again this position is contrary to the independent professional opinion of Avison Young in the *Old Kent Road Workspace Demand Study*. Furthermore, the Appellant's own evidence is that those who have enquired regarding light industrial accommodation sometimes specify a requirement for a goods lift, which would only be relevant in a multi-storey space. The scheme proposed at 21-23 Parkhouse Street includes a 5-storey block of employment uses, which generated six expressions of interest in its first day of advertising. This indicates demand for such space (**Documents POE 13, paragraphs 4.2.9, 5.3.4; CD D2, page 59; POE 16, paragraphs 4.52-4.53**).

169. The Appellant's evidence did not identify a single credible justification for the loss of 70% of the employment floorspace on the site. On the contrary, it was very fairly admitted that if the demand exists the possibility of working up a different and viable scheme that provided more employment floorspace could not be ruled out⁶⁰.

Viability

170. There is no dispute that the appeal scheme would not be viable⁶¹. However, there is no direct correlation between the provision of employment floorspace and the percentage profit on value. This much is apparent from the scenarios prepared by GVA, all of which include 35% affordable housing, but where scenario 4, which incorporates the most commercial floorspace is significantly more viable than scenarios 2 and 3, which propose more residential units but less commercial floorspace. Insofar as the issue of risk is engaged, there has been no analysis of the different risk profiles of other developments. The nature of the risk and its acceptability to investors will turn, amongst other things, on the level of demand for employment floorspace⁶² (**Document INQ 12, GVA letter of 22/5/18**).
171. The Appellant has not looked at the viability of scenarios other than the proposed development. It is not possible to say what the viability position would be for a different scheme, including one involving a greater level of employment floorspace⁶³. The position in relation to viability is in fact better for the Council's scheme at 21-23 Parkhouse Street than the Appellant's proposal (**Document INQ 19**).
172. The viability position does not therefore weigh in favour of the proposal. The Appellant has asserted that if this scheme does not come forward then the site would not be put to any other use. That is not plausible. The Appellant has not conducted the marketing exercise required by development plan policy to establish that the site is no longer viable in its present industrial use⁶⁴. The site has been held by the Appellant for many years and the chance of allowing its investment to dwindle would be remote. If this scheme did not come forward it

⁶⁰ In answer to cross-examination by Mr Streeten, Mr Stephenson said that if the demand existed a different scheme with more employment floorspace would be unlikely, but he wouldn't rule it out.

⁶¹ This was agreed by Mr Fourt in cross-examination by Mr Streeten.

⁶² This was accepted by Mr Fourt in cross-examination by Mr Streeten.

⁶³ This was accepted by Mr Fourt in cross-examination by Mr Streeten.

⁶⁴ This was accepted by Mr Stephenson in cross-examination by Mr Streeten.

is most likely that a better scheme, which accords with what may in future be a new adopted development plan, would be brought forward.

PLANNING BALANCE

The development plan

173. This is the statutory starting point and the presumption is that a proposal that does not accord with the development plan will be refused planning permission. That presumption is stronger when, as in this case, the development plan is up-to-date. Whether or not a proposal accords with the development plan depends on reading it as a whole. Sometimes policies will pull in different directions. However, it is important not to lose sight of the purpose of having a plan-led system of development management. Development plans are prepared with the objective of achieving sustainable development. Strategic policies in particular are designed to address priorities for the development and use of land in the Borough. They set an overall strategy for the pattern, scale and quality of development required to meet objectively assessed development needs.
174. The Appellant accepts that the proposed development would not accord with Strategic Policy 10 in the Southwark CS, saved policy 1.2 in the Southwark Plan, and policy 4.4 in the London Plan. As a consequence, it was agreed that the proposed development would not accord with the relevant strategic employment land use policies and the up-to-date strategy for bringing land forward to address the objectively assessed need for different types of development. That being so, the conclusion that this development would not accord with the up-to-date development plan read as a whole is unavoidable.

Other material considerations

175. Draft policies E4, E6, and E7 in the emerging New London Plan carry moderate weight. The proposal would result in a loss of important employment space within a locally designated industrial site. It would fail to take appropriate advantage of any opportunity for intensification, for example through the 'stacking' of employment uses.
176. Draft allocation NSP23 in the emerging New Southwark Plan also attracts moderate weight and proposes to allocate the appeal site and the wider PIL for redevelopment. The draft allocation includes requirements about re-provision of B Class employment floorspace, provision of new homes, enhanced permeability and public realm. The Appellant agreed⁶⁵ that the proposed development would not accord with this emerging policy. Draft policy P26 is the relevant employment land use policy. Where retention of employment floorspace is specified in the site allocation, its loss will only be permitted in exceptional circumstances. The proposed development would conflict with this draft policy⁶⁶.
177. The benefits were agreed by the Appellant to be ancillary to the delivery of housing land. They were essentially the benefits of any scheme which may come forward under the proposed allocation in NSP23. They are not said together to carry sufficient weight to merit departing from the development plan.

⁶⁵ This was agreed by Mr Marginson in cross-examination by Mr Streeten.

⁶⁶ This was agreed by Mr Marginson in cross-examination by Mr Streeten.

178. The appeal therefore comes down to a simple question of whether the housing provision proposed as part of the scheme would merit departing from the land use strategy in the development plan. It would not for the following reasons:

- There is a 5-year housing land supply and the Housing Delivery Test is passed. In such circumstances, in accordance with the Chiswick Curve appeal, the provision of housing should only attract moderate weight (*Document INQ 33, paragraph 35*).
- In this case the proposed accommodation would be of unsatisfactory quality. This means that it conflicts with Strategic Policy 5 in the CS, which further reduces the weight to be attributed to the delivery of housing.

179. Other material considerations are matters that go beyond the remit of the strategy in the adopted development plan and might therefore provide a reason to depart from it. Matters encompassed in that strategy are not properly to be regarded as other material considerations. The adopted development plan sets out an effective strategy for meeting the objectively assessed needs for different types of development, including housing and employment. The balance between the provision of housing and employment land required to achieve sustainable development is therefore struck by the development plan.

180. In those circumstances, it is impossible to rely on the delivery of housing as a justification for departing from the land use strategy in the development plan. The loss of important employment space, contrary to the development plan, cannot be justified by the provision of housing in circumstances where the Council has met the housing delivery test and has a 5-year supply of housing land. To hold otherwise would be to rip up the plan-led system. The proposed development would not be sustainable development.

THE CASE FOR THE LOCAL GROUP

The Local Group's case is fully set out in its evidence, including its opening and closing submissions (Document INQ 36). The main points are:

181. Subject to appropriate planning obligations being agreed, it is accepted that there would be no severe residual impact on the road network and as such there is no longer an objection on accessibility grounds.

DENSITY AND STANDARD OF ACCOMMODATION

182. There has been a breach of the relevant adopted development plan policies on density and the proposed development would not provide the exemplary standard of accommodation necessary to outweigh this breach.

Density

183. Both the London Plan and the CS adopt an approach of setting out expected densities for particular areas. The density of the proposed development would be significantly higher than the maximum density indicated for its location. There is therefore a conflict with policy, but other material considerations may justify granting planning permission nonetheless. It is necessary to consider whether the increased housing levels strike the appropriate balance between the number of housing units and residential quality (*Documents CD C3, page 100; CD C8, page 78*).

184. This is underpinned by the emphasis in policy 3.4 in the London Plan on flexibility within the density ranges, and the indication that they should only be exceeded in exceptional circumstances. The instruction not to apply density ranges mechanistically must be considered in the context of the policy as a whole. This indicates that a higher or lower density within the range may be applied depending on local circumstances but does not generally advocate flexibility outside the ranges (*Document CD C3, page 100 and paragraphs 3.28, 3.30*).
185. It should also be emphasised that the policies that govern density of development are about optimising rather than maximising housing density in absolute terms. In Strategic Policy 5 in the CS, the goal of maximising housing is not unrestricted. It must be viewed alongside other policy restrictions on development, for example those that seek to concentrate housing density or taller buildings in certain locations.
186. This approach is reflected in saved policy 3.11 of the Southwark Plan, which lists six factors that developments must achieve whilst maximising the efficient use of land. These are broad principles that reflect a number of other policies in the development plan. It is agreed with the Council that a development proposal which fails to accord with these principles cannot accord with the development plan as a whole (*Document CD C9, page 45*).
187. Emerging policy does not contain numerical density ranges. However, there is a continued emphasis on development that is proportionate to the accessibility of its location and building at a density that permits a commensurate quality of accommodation. Broad principles against which the efficient use of land should be tested, similar to those in saved policy 3.11, are set out in the emerging New London Plan draft policies D1B and GG2. These also emphasise the importance of good public transport connections, design-led development and understanding existing context. In any case, it is common ground between all the main parties that the emerging development plan does not carry sufficient weight to outweigh the adopted development plan, or the adopted RDS SPD⁶⁷ (*Documents CD C7, below paragraph 1.2.8 and below paragraph 3.1A.6*).

Exemplary design

188. The density of the proposed development conflicts with the adopted development plan. However, it is accepted that such conflict could be outweighed if the development was of exemplary design. In this regard Strategic Policy 5 in the CS, when read as a whole, cannot be correctly interpreted as providing that exemplary design is not required where the expected density for sites in the Urban Density Zone which are not in Opportunities Areas and Action Area Cores is exceeded.
189. There are two elements to the requirement for exemplary design. One is design in a qualitative sense, of the order considered by the Design Review Panel in its second report on the proposed development. The other is exemplary design in a more quantitative sense, as assessed against the requirements set out in the RDS SPD (*Documents CD C12, bullets in section 2.2; CD I3*).

⁶⁷ This point was accepted by Mr Marginson in cross-examination by Mr Streeten.

190. In relation to the standard of design of the proposed development in a qualitative sense, limited weight should be given to the Appellant's evidence. It was accepted that the Design Review Panel were better qualified in professional terms to assess the design quality of the scheme⁶⁸. It could also offer a more objective view of the design quality of the scheme as it was not so closely connected with the project and did not have an interest in trying to promote the proposed development. The Panel's role and the weight to be given to its views is a matter specifically dealt with in Strategic Policy 12 in the CS and its supporting text (*Document CD C8, pages 104, 106*).
191. The second Design Review Panel report criticised a more advanced iteration of the proposed development as overly repetitive, without distinction and lacking architectural identity. These are all factors indicative of a design that is not exemplary. The Appellant accepted there had been only modest changes to the design of the proposed development following that report⁶⁹.
192. With regard to the more quantitative element of exemplary design, again some caution must be adopted in attributing weight to the Appellant's evidence as there were a number of mistakes and inconsistencies. For example, failing to take account of the correct minimum floorspace requirements for wheelchair and studio units in calculating exceedance per unit⁷⁰. This also limits the confidence to be had that the development has truly been considered on a dwelling-by-dwelling basis to achieve the best possible overall amenity for each of the 499 units. The Planning Officer's report only assessed the quality of accommodation as good in contrast to the Cantium Retail Park redevelopment, which was said to deliver a very high standard of accommodation. It is agreed with the Council that the quality of the proposed development would be at a level below good⁷¹ (*Documents CD E1, paragraph 195; INQ 11, paragraph 662*).
193. It is accepted that considering whether a scheme is exemplary pursuant to the RDS SPD is not a tick-box exercise. However, there must come a point where, looked at in the round, a scheme fails to accord with so many of the indices that it cannot be exemplary. This is the case here.

Standard of accommodation

Unit sizes

194. The rooms do not significantly exceed minimum space standards. Even where it has been suggested that unit layouts could be adjusted to meet recommended room sizes, they would still only provide a minimum.
195. It is agreed with the Council that it is inappropriate to take an average across all units when considering whether units significantly exceed space standards. However, even if this approach were adopted, the average exceedance per unit was overestimated when the correct space standards for wheelchair units and studios with bathrooms were taken into account.

⁶⁸ Mr Ainger accepted that he was not a qualified architect in cross-examination by Ms Drabkin-Reiter.

⁶⁹ This was agreed by Mr Ainger in cross-examination by Ms Drabkin-Reiter.

⁷⁰ See Ms Drabkin-Reiter's closing submissions (*Document INQ 36B, footnote 15*).

⁷¹ This was the conclusion of Ms Crosby in re-examination by Mr Streeten.

Daylight and sunlight to residential units

196. It is common ground that the starting point for assessment of daylight and sunlight within the proposed development is the BRE Guidelines and that these are incorporated in policy through the RDS SPD. In order to demonstrate exemplary design, new development should meet good daylight and sunlight standards. (*Documents CD J5; CD C12, page 8*).
197. The daylight and sunlight assessment submitted with the planning application indicates that a number of rooms would not meet the BRE recommended values for ADF. There is a further risk that the number of rooms not meeting the BRE recommended guidelines has been underestimated, since neither analysis tested all the units in the scheme. In particular, the approach taken in the appeal assessment tested half of each block. However, this risks a situation where the worst affected rooms or units fall in the half of the block which was not tested as happened in this case⁷². For example, the worst performing unit in terms of ADF on every floor of Blocks D, E, and F was omitted in the appeal assessment (*Documents CD B7, paragraph 3.1; POE 6, appendix 1, page 139*).
198. Around half of those rooms not complying with the BRE Guidelines may only have marginal shortfalls. However, even marginal shortfalls would make the room look dull and electric lighting is likely to be required⁷³. It should also be noted that screening and other privacy devices required to prevent overlooking would also reduce the amount of light received by certain rooms in the proposed development (*Document PoE, paragraph 5.1.13-5.1.14; CD J5, paragraph 2.1.8*).
199. The Appellant relied on the proposed development being located in the Urban Density Zone to justify a lesser expectation of daylight. However, the use of the word "density" does not indicate a policy designation for a particularly dense or more dense area. The Suburban Density Zone also includes the same word. When the detail of Strategic Policy 5 in the CS is considered it is clear that there would be no lesser expectation of daylight in relation to the proposed development where the proposed density would be 40% higher than that recommended for the Urban Density Zone. The Planning Practice Guidance recognises the relevance of context⁷⁴ and in this case the area around the appeal site is largely low rise with an industrial core. Even though the Appellant was relying on the direction of travel in emerging policy, this must be given limited weight as the policy has not yet been adopted (*Document CD C8, page 78*).
200. The comparators put forward by the Appellant to demonstrate that the proposed development would provide a commensurate level of daylight and sunlight were all located in either the Central Activities Zone or in designated Action Area Cores or Opportunities Areas. These are places in need of regeneration where higher density and correspondingly lower levels of daylight to rooms are expected because of their good transport links and proximity to the central London. As the Appeal Site is outside these areas it should be performing much

⁷² This point was made by Mr Streeten in cross-examination of Mr Ingram.

⁷³ In answer to cross-examination by Ms Drabkin-Reiter, Mr Ingram said that a room may look dull and may need electric lighting, but that is not uncommon in London and in the case of bedrooms there would be lower expectations.

⁷⁴ Planning Practice Guidance chapter on effective use of land (22 July 2019). Paragraph: 007 Reference ID: 66-007-20190722

better in terms of compliance with BRE recommended daylight levels, rather than at a similar level to the comparator sites.

201. The BRE Guidelines are also relevant when assessing whether outdoor amenity areas receive sufficient sunlight throughout the year. As a check it is recommended that such spaces should receive at least 2 hours of sunshine on 21 March. The proposed development fails this check by a significant margin. All the public realm, the podium garden between Blocks F, G, H and I, which includes children's play space, and the children's play space at ground level would not comply. The more detailed analysis of sun exposure at 21 March shows that most of these areas would have no sun or at most 0.5 hours of sun on the ground on that date. Even if failing the check does not mean that the spaces would be dark or unusable at all times, it is a good indication of the general quality of the space and whether it would be attractive and pleasant for most of the year (*Documents CD J5, paragraphs 3.3.1, 3.3.4, 3.3.7; POE 5, page 53, figures 17, 18*).
202. A large number of the units would have a single aspect, and many of these would face northwest or northeast. This would limit the amount of daylight they would receive.
203. A significant proportion of the bathrooms in the proposed development would be internal and therefore would not have access to natural light or ventilation. The Appellant sought to justify this on the basis that it was normal in new developments in urban locations. However, for a development to be of exemplary design the RDS SPD expects all bathrooms to have natural light and ventilation (*Document CD C12, bullets in paragraph 2.2*).

Outdoor amenity space and children's play space

204. Properly calculated and taking into account the requirements for children's play space, the proposed development would fall short of minimum standards for amenity space in the RDS SPD by a large margin. The inability to provide sufficient private amenity space or offset this with additional communal amenity space as permitted by the RDS SPD without compromising the daylight or sunlight of other properties, reducing the environmental performance of the development or compromising the use of the yard space, was a symptom of overdevelopment. It demonstrated that the proposed density would be inappropriate for its location. The Appellant is not able to rely on the nearby Burgess Park as providing better outlook for the new development, as the suggested planning condition to require a 2.4m boundary fence would restrict the outlook of at least the lower floors of Blocks A and B. (*Documents POE 15, paragraphs 7.34, 7.46; CD C12, page 23*).
205. Again, it is not correct to take an averaging approach in relation to private and communal amenity space, as residents with very limited private amenity space or in blocks with less communal amenity space would not be able to take advantage of the greater private and communal amenity space enjoyed by others.
206. The quality of the children's play space proposed at ground level would be affected by servicing of the central street as service vehicles would travel alongside it. The quality of this space will be further diminished as it would have no sunlight for most of the year (*Documents INQ 2, page 33; POE 5, pages 53-55*).

Noise

207. Saved policy 3.11 of the Southwark Plan makes clear that noise is a matter which is relevant to the efficient use of land and correspondingly the appropriate density of new development. It requires development to ensure that it does not compromise legitimate activities on neighbouring sites. This policy approach is also reflected in the *agent of change* principle in paragraph 182 of the Framework. In addition, any noise impacts of neighbouring uses on the proposed residential accommodation would make them less attractive to prospective residents, a factor which would suggest less than exemplary accommodation (**Documents CD C7, below paragraph 3.11.7; CD C9, page 45; POE 19, paragraphs 115-116**).
208. The Appellant had not carried out any long-term day-time noise monitoring in the vicinity of the Babcock Depot site, a fact borne out in the noise assessment submitted with the application. A noise model was created based on extrapolating the data from the long-term monitors at other locations on the southern and western boundaries of the site. No significant night-time noise was generated at the long-term monitoring locations. This was consistent with the common understanding of all main parties that the BCM Scaffolding use only takes place during daytime hours. However, noisy vehicle movements do take place on Parkhouse Street during the night. Such noise is unpredictable and intermittent and goes on into the early hours of the morning⁷⁵. The results from noise monitoring at other locations around the appeal site cannot therefore give an accurate picture of the noise that may be experienced at the building façades proposed along Parkhouse Street and has the potential to affect the façades of Blocks F and G (**Documents INQ 25; CD B19, paragraph 8.3 and figure 8.1**).
209. The Appellant accepted that where actual noise levels are not known it cannot be certain that mitigation would be effective⁷⁶. It is not sufficient to rely on the detailed design stage to deal with this issue. If any noise nuisance associated with existing uses such as the Babcock Depot could not be mitigated, there would be a real risk that those uses would be forced to curtail their activities.
210. The residual level of noise for balconies and gardens in Block M would be above WHO guidelines, notwithstanding some screening being provided by physical elements of the proposed development⁷⁷. The Appellant relied on the Planning Practice Guidance to justify the acceptability of higher noise levels where there is nearby quieter communal amenity space or a public park nearby⁷⁸. However, it is important to note when considering the planning balance that the guidance indicates that such alternative amenity space is only capable of partially offsetting noise impacts. It must also be viewed in the context of the present case, where the development is required to demonstrate exemplary design, and there is already a shortfall in private and communal amenity space (**Document**

⁷⁵ This information was provided by Ms Stephenson, a resident of Parkhouse Street, at the round table session on living conditions.

⁷⁶ This was agreed by Mr Maclagan in discussion at the round table session on living conditions.

⁷⁷ This was agreed by Mr Maclagan in discussion at the round table session on living conditions

⁷⁸ Planning Practice Guidance chapter on Noise (22 July 2019). Paragraph: 011 Reference ID: 30-011-20190722.

CD B19, paragraph 8.60).

211. There is no assessment of the noise impacts of servicing on residential occupiers. Some bedroom windows, which face onto the yards and central street would be as low as 4m above the ground and could therefore be affected by noise from larger vehicles servicing the light industrial units (**Document POE 19, paragraph 113**).

LOSS OF EMPLOYMENT LAND

212. There is no dispute that the proposed development would not comply with Strategic Policy 10 in the CS and saved policy 1.2 in the Southwark Plan. It is also common ground that if it would harm the quantum or quality of the borough's stock of employment land, there would be conflict with Policy 4.4 of the London Plan. Viewed in the context of a dwindling supply of industrial land in the Borough, and a direction of travel towards retention and greater protection of industrial land in Southwark and across London, this conflict is sufficient to justify refusal of planning permission for the proposed development.

213. The Local Group's assessment of whether the significant loss of employment land would be justified is to be preferred to that of the Appellant. The Local Group's evidence was given by a local industrial business owner⁷⁹ who has practical experience of local demand, the needs of small industrial businesses and the increasing loss of industrial floorspace in the Borough. By contrast the Appellant's evidence was out of touch with the reality of the situation in Southwark for reasons that include:

- Only two of the industrial parks in Southwark relied on to demonstrate sufficient industrial accommodation in the area, Glengall Road and Admiral Hyson, are protected for continued industrial uses. Some of the others have long since lost their industrial accommodation and some have planning permission or are allocated in the emerging New Southwark Plan for residential accommodation (**Document POE 13, paragraph 2.6.5**).
- The analysis of plot ratios sought to demonstrate that replacement floorspace in a pure industrial redevelopment would not be much higher than that in the proposed development. The examples relied on, including a request for 7-acre B8 sites in Croydon and a multi-storey logistics development at Heathrow, are completely different from the kind of industrial spaces available to, and sought by, businesses in inner London.
- The only justification that was given for the proffered 40% plot ratio figure was that funding would not be provided to deliver any higher ratio. However, this failed to appreciate that such plot ratios are commonplace for inner London industry. Similarly, constrained HGV access and older stock are prevalent factors for industrial areas in Southwark, so would not necessarily have the deterrent effect that the Appellant considered they would (**Document POE 13, paragraph 5.2.8**).

214. By contrast there are a number of recent co-located residential and industrial

⁷⁹ Professor Mark Brearley who was also the initiator of the VitalOKR business association and an auditor of industrial stock in Southwark.

schemes with higher plot ratios. Examples are schemes at 2-6 Occupation Road and 227-255 Ilderton Road, which have plot ratios of 115% and 75% respectively. In relation to courier depots providing last mile delivery services in Southwark, the average plot ratio is 65% (*Document POE 20, paragraphs 32, 33*).

Emerging planning policy

215. The only policy support for the introduction of residential accommodation on the appeal site is found in draft policy P26 and draft allocation NSP23 in the emerging New Southwark Plan. Limited weight should be given to these policies, given the scale of loss of industrial land in the Borough, which is not being monitored by the Council and will be a matter raised when these policies are tested at examination. However, it is clear that the proposal would not comply with this emerging policy as it would not retain or increase the amount of employment floorspace on the site. This is an obligatory element of draft site allocation NSP23. The Appellant has also not carried out the two-year marketing exercise required by emerging policy despite relying on a lack of demand to support its case that sufficient employment floorspace would be provided⁸⁰ (*Documents CD C20, pages 54 and 167; POE 20, paragraph 13*).
216. The Appellant's interpretation of the emerging policy is that employment floorspace is to be retained or increased across the whole site allocation. However, the appeal site is in the middle and takes up the majority of the allocation area. If it is more difficult to provide multi-level employment accommodation as the Appellant alleges, it would be harder to compensate for the losses of employment floorspace resulting from the proposed development across other parts of the site allocation. There would be a loss of around 3,000m² of floorspace across the whole site allocation. The floorspace within the allocation as a whole could only succeed if there was a coordinated approach between all landowners. That is not the situation in the present case (*Documents POE 16, appendix 1; POE13, appendix 8*).
217. The Appellant sought to rely on a direction of travel whereby emerging policy removes the protected industrial land designation from the appeal site and seeks to introduce residential accommodation. However, this must be understood in the light of the recent tightening of industrial land release benchmarks. This is in recognition that industrial land is being lost at an unsustainable rate. The corresponding emphasis in draft policy E4 in the emerging New London Plan and draft policy P26 in the emerging New Southwark Plan is of no net loss of industrial floorspace and effective co-location of industrial floorspace and residential accommodation (*Documents CD D13, page 14; CD C7, below paragraph 6.3.4; CD C20, page 54; POE 20*).
218. In practical terms it would be possible to come up with an effective mixed-use scheme on the appeal site. However, the significant loss of employment space which would result from the implementation of the proposed development is concerning given the extreme loss of industrial land across the Borough as a whole.

⁸⁰ In cross-examination by Mr Streeten, Mr Stephenson said that demand for B1c uses was not an impediment to the re-provision proposed. However, if the existing quantum on the site were to be re-provided there would not be sufficient demand to fill it.

Supply of industrial floorspace

219. A growing concern about the scale of the loss of industrial land is evident in recent evidence base studies and emerging policy. It is reflected in the recent lowering of the benchmark for industrial land release in Southwark from 25 ha to 21.5 ha and the revision of the designation of Southwark from the category of *limited transfer* to one where industrial stock should be retained. This benchmark has already been significantly exceeded through recent planning permissions granted by the Council. Far from indicating a managed approach to the release of industrial land, the scale of loss is uncontrolled and unmonitored, with significant negative consequences for the local and wider London economy. When considering the loss of industrial land, the size of sites is irrelevant because a large number of businesses in Southwark and inner London occupy sites that are smaller than 1 hectare (**Documents CD D13, pages 14, 210-215 and table 13.5 and figure 15.1; CD C23, Annex 1; POE 19, paragraphs 60-64; POE 20, paragraphs 5-26**).
220. The importance of a sufficient and suitable stock of industrial land is underpinned by the latest figures that indicate industrial employment makes up 10% of Borough employment as a whole and 25% in areas such as the Old Kent Road Action Area, which falls outside the more office-centric Central Activities Zone. Industrial employment is an important part of the local economy even if it generates fewer jobs than the office-based sector. Industrial businesses locate here because they need to be close to the centre of London. Examples include just-in-time businesses such as food manufacturing, steel fabrication, joinery and bespoke fabrication for arts entertainments. The representation from PHS also indicates that location is key (**Documents CD D2, paragraph 2.10; CD H6**).
221. The increasing scarcity of industrial floorspace is also demonstrated in the very low vacancy rate in the borough. It is well below the frictional vacancy rate for industrial floorspace of 8%. Some industrial land may be occupied by some non-policy compliant businesses such as retail, but in practical terms that land will not be available to industrial businesses seeking floorspace (**Document CD C23, paragraph 37**).
222. It is disputed that the existing buildings on the site are economically and physically obsolete and should be demolished. It is also disputed that this would provide any justification for a reduction in the quantum of employment floorspace. The Council's assessment of the stock in 2016 considered it as being generally fair, although some was aged and deteriorating. The *GVA Viability Report* (2018) indicated that apart from unit 1 and excluding 10-12 Parkhouse Street where there is a prior approval for residential use, parts of the site were in a reasonable condition. It is common ground that the value of the site in its current condition and use is over £15 million. Unit 5 is currently on the market and available for occupation, indicating that it is not at the end of its economic life (**Documents CD D1, page 51; INQ 12, Report page 36; POE 13, appendix 7**).

Demand for industrial floorspace

223. The evidence indicates that there remains strong demand for industrial land in this location. The planning context demonstrates that this vicinity functions well and is in demand as an industrial location. It includes BCM Scaffolding, the PHS waste transfer business and other B2, B8 and sui generis uses. Most industrial businesses looking for space in inner London will be used to working in close

proximity to residential uses. Indeed, they will have little choice but to be in such proximity if they wish to remain. The Appellant claimed that the appeal site would not be attractive to B2 and B8 users due to the preponderance of residential accommodation nearby and restricted HGV access. However, such uses are clearly taking place and thriving in the wider PIL designation. The persistence and expansion of industrial businesses in the area is not necessarily due to their freehold interest, as PHS is not a freehold owner (*Documents POE 15, paragraph 5.3-5.9; CD H6*).

224. The level of interest shown in employment floorspace in the area is an indicator of strong demand and this in itself would not be an impediment to the full re-provision of employment floorspace⁸¹. Demand in this part of Southwark is strong for builder's merchants, couriers, maintenance and cleaning, self-store operators, repairers, catering outlets and manufacturers. Demand remains stable for uses including waste transfer, recycling, passenger transport, vehicle hire and construction⁸². The Appellant considered that there would be an impact on rents as the location was not favoured by the market. However, this was contradicted by the agreed viability position which considered that commercial rents of £22.50-£29.50 per ft² can be achieved in this location. Landlords like Capital Industrial would be able to achieve rents of £15-20 per ft² following refurbishment of the existing stock on the appeal site (*Document INQ 8, paragraph 31*).

Typologies

225. The proposed development would be residential-led and focused on creative office type uses. While described as flexible B1a-B1c they would be most appropriate for B1a type uses, which is reflected in the low levels of servicing expected for the commercial units. This would limit the types of industrial occupier who could realistically use the proposed employment space. Concerns include that the proposed ceiling heights would be too low; that there would be insufficient access for goods due to the absence of goods doors and the limited yard space available for servicing; and that the design includes floor-to-ceiling windows, which would be inappropriate for industrial businesses. These concerns could be addressed by planning conditions (*Document POE 19, paragraphs 105-117; CD D12, pages 6-7, 23; INQ 34*).

Stacking and co-location

226. This would be a site where stacking of commercial uses could be achieved, at least on the first and second floors. There are a number of recent examples of viable schemes delivering multiple levels of industrial floorspace in mixed-use developments in Southwark. These show that multiple levels of industrial accommodation can be delivered in inner London without massive external spiral ramps as claimed by the Appellant. What is required is large goods lifts, generous loading bays, appropriate industrial ceiling heights and sufficient yard space. The Appellant claims that funders are not willing to invest in such schemes. If this is the case, they will have to change their approach in response

⁸¹ This was agreed by Mr Stephenson in cross-examination by Mr Streeten.

⁸² This was oral evidence given by Professor Brearley from his own experience as the initiator of a local business association. For a full list of uses referred to see *Document INQ 36B, footnote 88*.

to the direction of travel and increase in demand. However, it is not consistent with the evidence that such schemes are currently being delivered in the Borough (**Document POE 20, paragraph 32**).

227. The Appellant's approach to stacking and co-location shows that it is out of touch with the situation on the ground in Southwark. It focussed on the stacking of mid to large scale logistics, which is far removed from the appeal scheme. It relied on the fact that industrial business would prefer not to operate near residential accommodation, which is unavoidable in inner London. The Appellant accepted that there would be no in-principle reason why B1c and B8 uses could not be part of a mixed-use development so long as it was appropriately designed⁸³. Whilst the co-location of residential and industrial accommodation is a relatively new development in land use planning in England, it is gaining importance in policy as the pressure on land for both housing and employment uses increases. Draft policy E7 in the emerging New London Plan is an example (**Documents CD C7, below paragraph 6.6.1; CD C22, page 8**).
228. The Appellant asserted that a scheme with multiple levels of light industrial space would have taken up too much space and undermined connectivity⁸⁴. However, no design was ever produced for such a proposal and no detailed consideration was given to the stacking of industrial floorspace. A multi-storey office building was included early in the design process but was rejected on the basis of viability due to insufficient demand. This is unsurprising in an area that is outside the Central Activities Zone and is not characterised by office-type development. On the contrary, it is clear that there is demand for small industrial business floorspace in this location (**Document CD B19, paragraph 3.27 and figure 3.6**).

Servicing

229. The Appellant indicated that refuse would be collected once a week via the central street. However, industrial uses require far more frequent refuse collection than residential accommodation. Even the Appellant's own assessment of servicing considered that a far higher number of servicing trips would be required for the microbrewery. This and the other large maker businesses would not be served by dedicated yards. Deliveries made by larger vehicles would have to take place via the central street even for those businesses that did have yard access. Different maker businesses have different requirements, for example, a stonemason may require an occasional delivery of a very large, heavy lump of stone whilst the microbrewery will require dray deliveries once or twice a week and probably the collection of kegs for bottling and delivery of bottles and cans (**Document POE 19, paragraph 112; CD B 21, Traffic and Transport, annex 1, pages 47-48**).
230. Larger deliveries going through the central street would have an impact on the amenity of local residents, including the children's play space and other social uses proposed by the Appellant in this area. They would be hampered by the moveable furniture of cafés, the microbrewery and regular pop-up events as well as by the envisaged co-working spill-out. The Transport Assessment indicates that vehicles would not be permitted when events were taking place.

⁸³ This was accepted by Mr Stephenson in cross-examination by Mr Streeten.

⁸⁴ This was said by Mr Marginson in evidence-in-chief.

The Appellant accepted that there would need to be restrictions on deliveries and servicing for the commercial businesses to prevent harm to residential occupiers⁸⁵. However, small industrial uses may need to start work early and operate well into the evening and so conditions restricting hours of use may be unacceptable (*Document INQ 2, pages 15-16, 33; CD B21, Traffic and Transport, annex 1, paragraph 4.3.5, POE 19, paragraph 113*).

DESIGN AND TOWNSCAPE

231. The main concern is that the proposed development would be out of character with its existing context. It would introduce tall buildings outside the locations that the development plan considers appropriate. Although there would therefore be a breach of Strategic Policy 12 in this respect, it is possible to go on to consider whether the proposed development would be of exemplary design as part of the planning balance.

Planning policy

232. The relevant policy framework includes policy 7.7 in the London Plan, Strategic Policy 12 in the CS and saved policy 3.20 in the Southwark Plan. The combined effect of these three policies is that tall buildings are only permitted in specified locations within the Borough, and then only where they are of an exemplary standard of design. The London Plan supports this approach by indicating that London boroughs should designate areas that are appropriate and inappropriate for tall buildings in their local plans (*Documents CD C3 page 293; CD C8, page 104; CD C9, page 52*).
233. The policy definition of a tall building is one that is over 30m in height or is significantly taller than its surroundings. On this basis, all blocks in the proposed development apart from A, B, C and M would be tall buildings. Blocks I and J would be over 30m high and so must satisfy the additional requirements set out in saved policy 3.20 in the Southwark Plan (*Documents CD C3, paragraph 7.25; CD C8, page 107*).
234. A similar approach is proposed in emerging policy. Draft policy D8 in the emerging New London Plan requires locations for tall buildings to be identified on policy maps. Draft policy P14 (as proposed to be modified) in the emerging New Southwark Plan indicates that tall buildings may be permissible on sites identified in the site allocations. Draft allocation NSP23 is one such place. However, the emerging plan still requires tall buildings to be of exemplary architectural design. It is relevant that draft policy P14 (as proposed to be modified) has been subject to a large number of objections, including those that relate specifically to the provision for tall buildings on draft allocation NSP23. Since it has also not yet been tested at examination, any policy support for tall buildings on the appeal site should be given very limited weight (*Documents CD C7, under paragraph 3.7.12; CD P21, page 22; INQ 21*).
235. Some of the objections to draft allocation NSP23 relate to the cumulative effect of tall buildings on the local area as there are a number of proposals along Parkhouse Street and the Burgess Park boundary. A solution would be to designate the site as an Action Area Core or Opportunities Area and require

⁸⁵ This was agreed by Mr Maclagan at the living conditions round table session.

master planning to enable taller elements to be delivered in a more coherent way.

Existing character

236. The proposed development would be harmful to the character and appearance of the existing townscape. It would be overbearing and cause harm, of a less than substantial nature, to heritage assets. Whilst the area has a mixed-use character, it is predominantly low rise, with two and three-storey development in the immediately surrounding the appeal site and three to five-storey development along Southampton Way. Whilst there has been some local intensification with new residential developments nearby, this has been of a modest scale, with the tallest elements reaching around seven storeys, for example in the Camberwell Fields and Elmington Green developments on the southern side of Southampton Way (*Documents CD C8, paragraphs 5.106, 5.115; POE 10, figures 1-4; POE 21, figures 16-20*).
237. The Appellant accepted that the appeal site has no landmark significance, as required by saved policy 3.20 in the Southwark Plan for the introduction of buildings over 30m. The Appellant's aim is that the site would create a new landmark or local centre⁸⁶. However, it is not well-connected to public transport and the only attractors to the site for those who would not work or live there would be the café(s) and microbrewery. A true new local centre would potentially undermine the already established local high street on Southampton Way as well as Peckham and Camberwell Town Centres. As indicated by local residents⁸⁷ new local shops have not been successful. This has been recognised by the architects of the proposed development who have not included a great deal of retail or leisure space in the scheme (*Documents POE 10, paragraph 6.15; INQ 2, page 4*).

Exemplary design

238. The points about the lack of exemplary design demonstrated in paragraphs 188-193 above, applies equally as a further reason why tall buildings would be inappropriate on the appeal site. Furthermore, the scale and massing of the proposed development would result in a cluster of chunky buildings. Blocks C and M at the edges would start at the maximum acceptable height for their relationship with the residential properties opposite and the height of the proposed development would rise rapidly to a much taller centre. There would be nothing sculptural about the tallest block, which could not realistically be described as a "pinnacle", unlike for example the planned group of taller elements on the Wyndham and Comber Estates (*Documents POE 10, figure 16; INQ 2, page 6*).
239. The Appellant's analysis of the ratio of building height to street width is only to shoulder height. It fails to take account of the effect of the upper storeys on the streetscape below. Although streets in the Jam Factory development have a similar height to width ratio, that development is within the Central Activities Zone, where there is an expectation of higher density. The Jam Factory reaches a maximum of eight storeys and has straight streets with through views. In

⁸⁶ This was referred to by Mr Bridges at the design and townscape round table session.

⁸⁷ This was said by Dr Lorgelly at the round table session on design and townscape.

contrast, the street in the proposed development would be angled, views would be blocked by buildings at either end and the street would get narrower at pinch points. The airing yard in the centre of the nearby Evelina Mansions is 10m wide and flanked by buildings six storeys high. It is very dark for much of the time, despite a south-facing open-ended gap between the two blocks and is not a pleasant place to sit out in (*Documents CD A5, page 82; POE 21, paragraphs 3.27-3.32, 5.1-5.6 and figures 8, 9, 13*).

240. Neither of the Design Review Panel's two reports was able to support the height of the scheme. The first report questioned whether there was any policy justification for a tall building in this location and considered that the large and bulky residential blocks were an inappropriate typology for this area with its tight and intimate streetscape. It also suggested the existing chimney as a more appropriate focal point. The final design saw an increase in height of many blocks. Also, due to the height of those surrounding the chimney, it would only be visible within the development or when standing directly in front of it at either end of the central street. The development would not deliver a new public square, which is one of the obligatory requirements of draft allocation NSP23 in the New Southwark Plan (*Documents CD 13; INQ 15; POE 21, paragraphs 3.65-3.72*).

Views from Burgess Park

241. Urban development can be seen from the park. However, the southern edge of the park has a different character and is dominated by the tree line, which screens the six-storey buildings along St George's Way that can only be glimpsed through the trees. Taller residential elements in the distance to the southwest, including the Comber and Wyndham towers, come in and out of view. However, the proposed development would appear as a constant presence in the viewer's line of vision when walking along the main north-south axial routes of the park. This is clearly demonstrated by the fact that the only building to the south of the park that is currently persistently in view is St George's Church tower (*Document POE 10, figures 16-20*).
242. The visibility of the proposed development would limit the openness of views to the south and would appear as a discordant element in views of the sky. This is an important part of enjoying the natural environment and green space that the park offers for its visitors. The part of the park opposite which the development would be located is attractive and well-used (*Document POE 22, paragraphs 1.3, 4.6, 5.2, 5.4, 6.4-6.8*).
243. It is agreed that the proposed development would cause less than substantial harm to the setting of the tower of the former St George's Church and that this would be outweighed by the benefits of the scheme. However, the impact of the proposed development is relevant to the appropriateness of the appeal site as a location for tall buildings. Elements of the proposed development, which would be visible above the tree line and next to the tower would not provide a positive contribution to the landscape and skyline. They would have a harmful effect on a nearby heritage asset, even though such harm would be limited. The proposal would thus fail to accord with saved policy 3.20 and the Southwark Plan and Strategic Policy 12 in the CS in this regard (*Documents CD C8, page 104 and paragraph 5.115; CD C9, page 52; POE 21, paragraph 3.14*).

LIVING CONDITIONS OF EXISTING OCCUPIERS

244. It is common ground that development that would cause unacceptable impact on neighbouring properties would be in breach of policy 7.6 in the London Plan (*Document INQ 38A, paragraph 31*).

Daylight and sunlight

245. It is agreed that a two-stage approach should be applied. First, the BRE Guidelines are applied to consider whether any harm would be caused, and second a planning judgement is reached as to whether any identified harm would be unacceptable. There are a number of principles established in the recent *Rainbird High Court judgement* to apply to the two-stage approach⁸⁸:

- If an expert view is formed that, notwithstanding breach of the VSC guideline, rooms would remain appropriately well-lit, the reasons for that view should be given. It is not sufficient to rely on the fact that the rooms would meet the BRE Guidelines on NSL, or come sufficiently close to meeting it, to be acceptable.
- A greater reduction in VSC and NSL may be appropriate or unavoidable if new development on an underdeveloped site is to match surrounding development, but this does not hold where the proposed development is significantly taller than its surroundings.
- The judge was unwilling to express a concluded view on whether the target values in the BRE Guidelines should be different in practice in urban locations generally. He did find favour with an argument that the BRE Guidelines only allow target values to be adjusted if there are special circumstances or special requirements arising from the proposed development or its location. He noted that there is nothing in the BRE Guidelines that states that the 27% value in the VSC guideline is derived from a suburban development or that indicates that its guidelines are only applicable to developments outside an inner-city urban development.

246. The BRE tests must be applied with flexibility but they are an important first stage and are also part of the process of judging whether harm is unacceptable. When applying them, both the VSC and NSL tests are relevant and failing either would result in harm to daylight for neighbouring properties. In addition to the assessment of residual VSC levels it is also relevant to consider the amount by which they have been reduced. Large reductions of up to 55% for VSC and 66% for NSL have been underplayed in the Appellant's assessment because no differentiation has been made between rooms that would experience a percentage change in excess of 40%. The level of change to daylight is relevant to the overall planning balance on amenity impacts (*The Rainbird judgement is attached to Document INQ 38B, paragraphs 47, 93; CD J5, paragraph 2.2.21; POE 5, 6.2.10, 6.2.13*).

247. The Appellant relied on 15% as an alternative value for VSC to judge the

⁸⁸ *Rainbird v London Borough of Tower Hamlets* [2018] EWHC 657 (Admin) at paragraphs 94, 97 and 112-113. This judgement is attached to the Appellant's closing submissions (*Document INQ 38B*).

acceptability of the impacts. However, the Whitechapel and Hackney appeal decisions on which this relies related to sites in a more dense and built-up area than the appeal site. The suburban feel, given by the proximity of the area around the appeal site to Burgess Park, means that the mid-teen approach is not warranted. The Appellant relied on the location of the appeal site in the Urban Density Zone and its allocation in the emerging New Southwark Plan for more dense development. The first of these is not a legitimate justification for the mid-teen approach for the reasons given at paragraph 199 above. Also, there is no indication in draft allocation NSP23 that the site should be developed at a greater density than the existing townscape. In any event, the emerging plan should be given limited weight at this stage, as the Appellant concurs (*Document POE 5, paragraphs 6.17-6.19, 6.2.11*).

248. Although a retained VSC level of 27% may be difficult to achieve in this location, a figure of around 20% could be more appropriate. In this regard, achieving retained levels of 20% VSC in Wells Way, for example, would require a development of three to four storeys in height. This is exactly what the Design Review Panel recommended in its second report. The upper floors of 47 Southampton Way would experience a 79% reduction in VSC. This is a highly relevant impact that must be taken into account in the overall assessment of the effect of the proposed development on the amenity of neighbouring occupiers (*Documents CD 13; INQ 20*).

Overlooking, privacy and loss of outlook

249. It is agreed that the BRE Guidelines should not be applied when considering outlook. However, where there would be harm to daylight and sunlight it is likely that there would be a corresponding impact on outlook. Residents in neighbouring properties are particularly concerned about the impact when looking out of their houses that would arise from the extreme nature of the “stepping up” of the development. On Wells Way, new blocks would start at double the height of existing properties and on Parkhouse Street one storey higher and would rise to 10-storeys in the centre of the site. Residents also fear an increased sense of enclosure, particularly those living in Parkhouse Street, who would have new development both to the front and rear of their properties. This would be exacerbated by the cumulative effect of new development which is proposed along Parkhouse Street, such that residents would find themselves surrounded on all sides⁸⁹.
250. The Appellant’s view, that the quality of outlook for properties on Parkhouse Street would be greatly improved by the proposed development is subjective and not one that is shared by existing residents. In this regard, whilst it is accepted that the redevelopment of the existing industrial estate would provide some improvement to outlook, such improvement would be limited by the fact that the proposed development would also block a large amount of the sky currently visible from the Parkhouse Street properties and valued by existing residents⁹⁰.

⁸⁹ Ms Spence and Ms Joyce who live in Wells Way and Parkhouse Street spoke about these concerns at the round table session on living conditions.

⁹⁰ Ms Joyce and Ms Stephenson who live in Parkhouse Street spoke about these concerns at the round table session on living conditions.

OTHER MATTERS

251. The Appellant's contention that the affected habitats within Burgess Park are of low quality is disputed. The New Church Road wildlife area immediately to the west of the appeal site was identified in the Burgess Park Habitat Survey Report as having "moderate to high" wildlife value and the area of highest value in the park (*Document POE 22, section 2, section 6*).

PLANNING BALANCE

252. There is no dispute that all relevant policies in the development plan are up-to-date and that the tilted balance does not apply. The appeal scheme would conflict with Strategic Policy 5, Strategic Policy 10 and Strategic Policy 12 in the CS as well as a number of policies in the saved Southwark Plan and London Plan. The starting point pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004 is that planning permission should be refused. The Appellant accepted that if the development was not exemplary it would fail to comply with Strategic Policy 5 and that in these circumstances the extent of conflict would be greater than if the proposed development only conflicted with Strategic Policy 10⁹¹. This applies with even greater force when conflict with Strategic Policy 12 is factored in.
253. The only policy support for the proposed development is to be found in the emerging development plan. The Appellant ascribes this limited weight, and in any event, the proposed development would not fully accord with it. The Appellant was therefore forced to rely on what was characterised as the direction of travel of emerging policy, towards permitting taller residential development on what is currently protected industrial land. However, the true direction of travel must take into account the increasing recognition of the need to retain floorspace for industrial businesses in inner London. Far from supporting the proposed development it points towards refusing planning permission as the proposal would not retain or increase the amount of industrial floorspace on the site.
254. As accepted by the Appellant the main benefit relied on in support of the scheme was the provision of 35% of the residential accommodation as affordable housing. While this is welcomed, it is itself a minimum policy requirement. It could not outweigh the conflict with other development plan policy, which indicates that this is simply an inappropriate location for the proposed development. Furthermore, it must be noted that draft policy H5 in the emerging New London Plan indicates that where a scheme would result in a net loss of industrial capacity, 50% of the new residential development should be delivered as affordable housing (*Document CD C7, below paragraph 4.4.3*).
255. The proposed development would have significant and harmful effects in terms of the amenity of future and existing residents, the impact on the borough's industrial stock and therefore its economy and the surrounding townscape. The Appellant has not demonstrated that it would not be possible to deliver the planning benefits it relies on without such negative effects. The harmful effects would be a direct consequence of the failure to accord with development plan policy. For all these reasons, planning permission should be refused.

⁹¹ Mr Marginson agreed this point in cross-examination by Mr Streeten.

OTHER REPRESENTATIONS

TO THE PLANNING APPLICATION

256. There were a very large number of representations received in response to the planning application and the re-consultation undertaken following receipt of the amended plans. The representations can be found at **Document INQ 10** and have been summarised in the Committee Report. This indicates that there were objections from the Friends of Burgess Park, Camberwell Fields Residents' Association, Wells Way Triangle Association, Camberwell Association, Southwark Green Party and Southwark Law Centre. The Committee Report includes a summary of the points raised and these have generally been recorded in the Local Party's case and the comments raised in connection with the appeal and set out below (**Documents CD E1, paragraphs 347-355; CD E2, paragraphs 13-15**).
257. There were also a large number of objections from the occupiers of nearby properties. Most points have been covered in other places, but additional concerns raised are as follows (**Document CD E1, paragraphs 356-368, 371**):
- The viability assessment shows only 35% affordable housing and it is unlikely it would be delivered. The homes would be out of the price range of the local community.
 - It is questionable whether the artist's studios would be occupied or affordable.
 - The development would be in a flood-risk zone. Surface water management and sewerage capacity in Wells Way is inadequate.
258. There was also a good level of support for the scheme, especially at re-consultation stage. This was mainly on the basis of replacing the existing dilapidated business park and the need for additional housing (**Document CD E1, paragraphs 369, 372**).

RESPONSES OF EXTERNAL CONSULTEES

259. These can be found at **Document INQ 10, section 2** and are summarised in the Committee Report at **Document CD E1, paragraphs 332-346**.
260. **The Environment Agency** raises no objection subject to conditions on contamination, sustainable drainage infrastructure and piling. It is pointed out that the site is in Flood Zone 3 and that the exception test would need to be satisfied. **Thames Water** has no objection in terms of the capacity of sewerage infrastructure. It does though point out that the existing water network infrastructure has insufficient capacity and a condition is therefore recommended with regard to necessary upgrade work. A condition is also required for a piling method statement due to the potential impact on underground water utility infrastructure (**Document INQ 48**).
261. **Historic England** does not wish to offer comment. **Natural England** advises that no statutorily protected sites or landscapes would be likely to be affected. This area would benefit from enhanced Green Infrastructure and its incorporation into the development is to be encouraged.
262. **London Fire and Emergency Planning Authority** comments that access for fire appliances and adequate water supplies for fire-fighting purposes would be

needed as required under current Building Regulations. **London Underground Infrastructure Protection** had no comments to make. **Metropolitan Police Authority** requires security compartmentalisation as more than 25 units would be served off each core. It considers that the development could achieve Secured by Design status and that this should be required by a planning condition.

263. **Transport for London** (TfL) points out that there are limited public transport options in the vicinity of the site and most of the site has a PTAL rating of 2 with the western section rising to 4. TfL welcomes the car-free nature of the development and that residents would not be permitted to apply for permits in the controlled parking zone. Parking on-site for those with disabilities would meet standards in the draft New London Plan but it should be demonstrated how additional spaces could be provided if needed. Management of the spaces should be covered in the Travel Plan.
264. Most public transport users would be likely to travel by bus and demand would be likely to rise as a result of this development and others in the vicinity. It is not clear at this stage if there would be capacity issues as bus services in the area are likely to be re-planned to accommodate growth, including in Old Kent Road. A contribution of £90,000 per annum for 4 years is sought for an extra bus in the morning peak if this were needed to accommodate the additional passengers arising from the proposed development. After 4 years TfL would take responsibility for paying the operating costs. The money would only be used if it was found that the additional bus was needed.
265. Cycling should be promoted and a contribution of £200,000 would secure the provision of a medium sized cycle docking station. This would accord with the Mayor's support for active and green modes of travel. In addition, appropriate parking facilities for residential and commercial users should be provided within the development in accordance with draft New London Plan standards and London Cycle Design Standards. The routes through the site should be accessible to pedestrians and cyclists at all times. However, the design should prevent the use of the public realm as a through route for vehicles. Updated wayfinding signage at the site boundary or within the local area would be required due to changes in the street layout and the new residents and visitors attracted to the area. In this regard a contribution of £15,000 is sought.
266. Improvements to Parkhouse Street and Cottage Green would benefit the pedestrian environment as there would be likely to be an increase in footfall on the adjoining roads. Improvements should be made to the junction of Parkhouse Street and Wells Way to improve conditions for cyclists and pedestrians. It is also suggested that a better crossing facility to Wells Way should be provided. Comments on the outline Delivery and Service Management Plan, Construction Logistics Plan and Travel Plans are also made (*Document POE 8, appendix 7*).
267. **The Greater London Authority** provided comments at the Stage 1 and Stage II referrals on 18 June 2018 and 28 January 2019 respectively. At Stage 1 it was concluded that the proposal would not comply with the London Plan and the emerging New London Plan but that changes could lead to compliance. In particular, the quantum of industrial floorspace would need to be increased; an early and late stage review mechanism would be needed as the affordable housing provision was less than the 50% required in the emerging New London

Plan; the general layout was supported but comments were made about the layout of some of the residential units and the quality of the accommodation. The Mayor also mentioned verified views to assess any impact on London Panorama 1A.2; that on-site carbon reductions should be maximised and shortfalls addressed through a contribution to Southwark's off-set fund (**Document CD I1**).

268. In the Stage II report, the Mayor decided not to intervene by determining the planning application himself. However, he maintains objections to the loss of employment floorspace, even though the revised proposals would increase this from 3,375m² to 3,725m² and 10% affordable workspace would be included. He has reiterated his requirement for early and late stage affordable housing reviews. He mentions that revisions have been made to improve residential quality but refers back to earlier concerns and the need to ensure that symptoms of overdevelopment would be limited. There are still issues to be resolved about impacts on climate change in order to satisfy policy 5.12 in the London Plan (**Document CD I2**).

TO THE APPEAL

269. There were no oral representations to the inquiry from local people. This was perhaps because the Local Group represented a range of local organisations, interest groups and residents. There were a number of written representations as detailed below (**Document CD H6**).

The main points are:

270. **Pelican Resources** own the freehold of 66 Wells Way, which also extends into Parkhouse Street. The premises have recently been redeveloped and are occupied by the PHS Group, who have submitted a separate representation. Their points are endorsed but there are two additional concerns. The first is that the design of the proposed development must ensure that the operations of existing businesses in Parkhouse Street are not compromised by amenity objections from new residents. The second is that there must be no constraints on employment traffic servicing the site from Parkhouse Street.
271. **The PHS Group** have been tenants of the above site for more than 30 years and have recently extended their waste transfer operation into 41-43 Parkhouse Street with a route through from Wells Way. This access must not be affected either during the construction or operational phases of the new development. Furthermore, there would be a significant problem if new residents objected to goods vehicles servicing the site close to their windows. The business provides services to hotels and retail uses, with the majority of customers in central London. The location of the site in proximity to this market is of key importance. Industrial accommodation is now scarce, and the cost of goods and services are rising as businesses are forced to relocate further out. Local people also need diverse employment that is close to home. Whilst housing is needed there is also a need for industrial land and strategic policies seek to achieve the right balance between the two.
272. **UK Power Networks** have a substation on the appeal site. It objects to the proposal until it can be satisfied that its operational equipment can be satisfactorily incorporated into the development.

273. **Ms L Bacon** lives nearby and does not object to a development of new homes and shops but is concerned that the scale of the proposed buildings would be out of keeping with surrounding development. She also objects to the increase in traffic that would result in a reduction in air quality and noise pollution. **Ms G Holmes** lives nearby and considers that the Council should make good its promise to compulsorily purchase the site in order to incorporate it into the Metropolitan Open Land of Burgess Park and the recently improved wildlife site. Green space is very important to provide clean air, amenity and biodiversity and plays a large part in the Mayor's *Environment Strategy*, the *London Plan* and the *Clean Air Strategy*.
274. **Mr I Ellis** states that Wells Way in particular is poorly served by public transport and that about 2 years ago the No 136 bus route was introduced to supplement the No 343 route. The Wells Way bus stops would be the nearest bus stops that new residents would use. However, the buses are already full at peak times and often do not stop so there can be a considerable wait. This is the only feasible public transport option to Elephant and Castle and is on the route to 3 schools. Additional demand could not be accommodated. There would be a major effect on traffic flow and air quality during the construction period and the public transport issue would be exacerbated further. **Mr D More** believes that if tall buildings are allowed, they will just get even higher.
275. **Dr P Lorgelly** lives nearby and commented that although the area is undergoing substantial change, the Old Kent Road area and Aylesbury Estate are provided for in the New Southwark Plan, unlike the appeal site. This is a PIL and has been run down with tenancies not being renewed. The proposal would be too tall for the area and the density would be too high, exceeding requirements by nearly 50%. This area is not listed as a suitable location for tall buildings. They would overshadow existing dwellings and have the potential to create wind corridors. The buildings on the boundary with Burgess Park would destroy its character and natural habitat. Although emerging planning policy is being relied upon, the development would not be exemplary and the carbon reduction targets in the draft New London Plan would not be met. There would be a severe impact on the already over stretched local transport network. Although new homes are needed, they should not be sub-standard as would be the case here.
276. **Mr R Potz** lives nearby and objects to the height, scale and density of development, which would be overly dominant and out of character with its surroundings. It would also detract from the prominence of the tower of the former St George's Church. Some of the perimeter blocks would be twice as high as their existing neighbours resulting in overshadowing and loss of light. The extension to Block B would lead to overlooking to the existing rear gardens of the adjoining houses in Parkhouse Street, especially no 13. The reduction of height in the ground floor commercial units from 4.5m to 4m would limit the range of businesses for which they would be suitable. The site has poor accessibility and is not therefore a suitable location for such dense and tall development. Buses are already at capacity and the transport infrastructure could not absorb the increase in residential population proposed.
277. **Mr R Jellnek** lives in Southampton Way and objects to increased traffic and pollution on an already heavily used road system. He considers the bus and transport system would be inadequate and that shops and services could not

support the scale of development, especially bearing in mind other new flats recently built in the area. He objects to the height of the new development, particularly in views from Burgess Park and surrounding homes and gardens. **Ms M Heeran** lives on the corner of Cottage Green and Southampton Way. She objects to the height of the nearest blocks on the grounds of loss of privacy in her small rear garden.

278. **Ms G Hirsch** lives in Wells Way and is concerned about overshadowing of her property and those adjoining. The new 4-storey dwellings opposite would compromise the privacy of the first floor of her home. She considers that putting curtains across the high windows would substantially change the character of the listed former Vicarage where she lives. Noise from those living in the new dwellings opposite and also from the outdoor events in the new central street are another concern. There is an objection to the brewery which, from her previous experience, would cause unpleasant odours. The bus service along Wells Way is already overcrowded and inadequate to serve the proposed development. **Ms K Tuke** lives in Wells Way and considered that the new buildings would block beautiful views of St Paul's and the City of London from the Victorian school in Southampton Way. She questions whether this is a protected view. **Dr K Bukhari** also lives on Wells way and reiterates the concerns of others about light, infrastructure and transport.
279. **Ms A Spence** lives in Wells Way and endorses the concerns of other objectors about overshadowing, impact on local services, excessive density and cumulative effects. She refers to saved policy 3.20 in the Southwark Plan which would rule out this as a location suitable for tall buildings. The draft policy in the emerging New Southwark Plan is very controversial and there have been many objections. At this stage consideration under this policy would be premature. The tall buildings would be completely out of character with the area. Furthermore, the effect on daylight and sunlight to existing homes and gardens and Burgess Park would be unacceptable. The ES indicates that it would be negative, irreversible and long term. The wildlife area at Burgess Park is vulnerable to overshadowing, artificial light and human activity. **Ms A Young** also lives in Wells Way and raises similar concerns about the scale of development and excessive density, which would be out of keeping with the area and causing overshadowing to residential properties and Burgess Park. She is also concerned about the impact on services and amenities and points out that bus services are already under strain. She objects to the cumulative impact with other nearby developments.
280. **Mr S McClelland Morris** lives in Wells Way and considers that the height of the development would overshadow existing properties surrounding the site, including his own house in Wells Way where there would be a loss of daylight and sunlight for much of the year. Bus routes Nos 136 and 343 are already busy, especially at peak times and the 2011 assessment does not reflect existing use and routes. There would be insufficient parking to accommodate new residents. The density and scale of development would not respect the local area or the nearby heritage sites. Tall buildings are not endorsed in the policies of the development plan. This is an area of poor public transport and there would be a negative impact on local townscape and local views, including from Burgess Park. The Block A houses would be close to the wildlife area in Burgess Park, which has been improved through substantial public investment. There is already a shortfall of early years education places and the proposed

development would make this worse.

281. **Dr K Joyce** lives in Parkhouse Street and does not consider that the industrial space would be exemplary design to suit creative industries and SMEs. This is an area with low footfall and poor public transport, Vehicle access would be limited and noise restrictions inevitable due to the proximity of housing. There is an over-provision of this sort of use under high-rise housing in London and the units would be likely to either remain empty or be rented at a loss. Dr Joyce does not consider that this would be a high-quality housing development due to too many design compromises. She raises similar concerns about the living conditions of future occupiers as the Local Group. She points out the poor transport links and pressure on school and nursery places and GP surgeries, especially bearing in mind other high-density development in the area. She objects to the negative impact of the proposed tall buildings on the southern side of Burgess Park, where at present low-rise buildings preserve the illusion of a large open space.
282. **Mr G Connelly** lives in Parkhouse Street and objects to the introduction of tall buildings in a low-rise area close to Burgess Park, which is a site of importance to nature. Block A would be backland development that would make no attempt to reflect the character of the adjoining Victorian terrace. These houses would be too close to the existing terrace in conflict with guidelines in the RSG SPD. There is also concern about the loss of sunlight and daylight to these existing houses and with the lack of assessment of the degree of loss of evening sun received in the rear gardens.
283. **Mr C McGee** lives in Parkhouse Street and supports the proposal. Whilst remaining concerned about the height of the adjoining buildings and the negative effect on bus routes, he feels that on balance the proposal would provide much needed housing in an appropriate location and should be supported. The existing business park is of poor quality and in close proximity to housing. He considers that demand is low and that places like Old Kent Road are a more suitable location. There is a critical need for the 35% affordable housing being offered despite the developer taking a lower profit. The provision of more employment space would make it even more unviable unless residential density were to be increased further.
284. **The Wells Way Triangle Residents Association** are part of the Local Group whose representations have already been reported above. They have raised two additional points. The first is that the Council has not raised tall building policy conflict because it is proposing a 10-storey development on its own site at 21-23 Parkhouse Street. In addition, there was a complaint, which some other objectors also shared, about the complexity of the documentation and the difficulty accessing it. This made engagement with the process more challenging. **Mrs M McClelland Morris** who lives in Wells Way has submitted a similar representation to the above.
285. **The Camberwell Society** are also part of the Local Group and for similar reasons their written representations have not been separately reported here. **Ms S Crisp** has submitted a proof of evidence on behalf of the Local Group and her written representation has therefore not been separately reported (*Document POE 22*).

PLANNING CONDITIONS

286. A list of planning conditions was drawn up by the Council and Appellant. The Local Group put forward some additional conditions relating to the B1 uses. These were all discussed at a round table session of the inquiry. I have taken account of paragraph 55 of the Framework and advice in the Planning Practice Guidance. I have changed the suggested wording in some cases to ensure that the conditions are precise, focused, comprehensible and enforceable (*Documents INQ 32; INQ 34; INQ 41; INQ 42; INQ 43*).
287. The conditions that I commend to the Secretary of State if he is minded to allow the appeal are set out in Annex Three. The numbering does not accord with that within the aforementioned documents as some conditions have not been recommended as I explain below. For the avoidance of doubt the condition numbers used hereinafter concur with those in Annex Three.
288. I have had regard to the Government's intention that pre-commencement conditions should be avoided unless there is clear justification. Conditions 5, 7, 9, 10 and 12 are pre-commencement conditions. The Appellant has agreed in writing to the first three. However, that agreement also extends to any other condition that the Secretary of State considers should be discharged before development commences. Condition 10 relates to archaeology and it is clearly important to ensure that this is properly investigated before any ground disturbance occurs. Condition 12 refers to Japanese Knotweed and again it seems to me necessary to sort out this issue before any ground disturbance in view of the invasive nature and harmful impact of this species. These matters were discussed at the conditions round table session and the Appellant raised no objections (*Document INQ 21*).
289. **Condition 1** sets out the statutory implementation period, which seems appropriate in this case. **Condition 2** meets the requirement for the development to accord with the submitted drawings in the interests of precision and proper planning. As there are a large number of drawings with a rather complex numbering system, these have been listed separately in Annex Four.
290. The demolition and construction activity involved in a project of this scale would inevitably cause disturbance and inconvenience over a prolonged period for those living and working nearby as well as road users. **Conditions 5 and 6** require management plans to be submitted to help minimise adverse impacts. I have re-worded these conditions to include a more comprehensive list of provisions that the plans should provide. The Appellant explained that separate plans would be necessary for demolition and construction phases because different operators would be involved. This seems reasonable even though the provisions are the same. Piling is likely to be used for a building project of this nature. In such circumstances **condition 3** is necessary to understand the methodology and avoid damage to groundwater and subsurface water infrastructure.
291. Thames Water has indicated that the existing water network infrastructure would be unable to accommodate the needs of the development. **Condition 4** requires that details be provided to show that the necessary upgrades have been carried out or that a plan has been prepared to show how they will be delivered within an appropriate timeframe. I have slightly re-worded the condition suggested by Thames Water in the interests of concision. **Condition**

- 11** is required in order to ensure that surface water drainage within the site is satisfactory and follows sustainable drainage principles as far as possible. Parts of the site are at risk of surface water and groundwater flooding. The Flood Risk Assessment recommends that in these areas the finished ground floor levels are set 300mm above existing ground level. **Condition 48** has been added to meet this necessary mitigation against flood risk.
292. The site and neighbouring land is in commercial use and previous uses include a laundry and confectionary factory. The preliminary risk assessment identified the potential for contamination, including to ground water. In the circumstances **condition 7** includes a stepped approach, which is a necessary and proportionate response. I have made some changes to the wording to make it more focused.
293. The proposal includes a number of new trees and **condition 8** includes the provisions to ensure that they become successfully established and endure over time. **Condition 9** seeks to ensure that existing trees, particularly those at the southern end of the site are protected during the demolition and construction period. An arboricultural survey has already been submitted and is not therefore required. I have thus re-worded this condition in the interests of precision. **Condition 18** includes the provisions for green/ brown roofs on the flatted blocks. This vegetative layer would sit below the photovoltaic panels and I was told that this had been successfully carried out elsewhere. **Condition 19** requires details of hard and soft landscaping. I have altered the implementation period for hard and soft landscaping to make it comprehensible. I have also added a requirement for details to be included for the yards and central street, which seems reasonable. All of these conditions are necessary to ensure an attractive and high-quality development.
294. **Condition 21** requires bat boxes, swift and swallow bricks. These are species identified in the Southwark Biodiversity Action Plan and were highlighted as opportunities for ecological enhancement in the Appellant's preliminary ecological appraisal. These along with the new planting mentioned above would enhance biodiversity in accordance with the provisions of the development plan and the Framework. A stand of Japanese Knotweed has been found to be growing along the south-east boundary wall. This is a detrimental invasive species and **condition 12** is necessary to ensure that appropriate action is taken to eradicate or manage it.
295. The Appellant's historic environment assessment indicates a generally low potential for significant buried archaeological assets. The most likely remains would be those associated with 19th century housing. **Condition 10** is therefore necessary and has been worded to be proportionate in terms of investigation, evaluation and recording of the archaeological resource.
296. There are a variety of materials proposed on the external surfaces of the proposed buildings. **Conditions 13 and 14** are required in order to ensure that the development has a high-quality appearance. Samples of these materials need to be provided at the start to ensure cohesive treatment of the development as a whole. However, sample-panels will be large scale mock-ups that are best viewed on-site on a block by block basis at the appropriate time. **Condition 20** requires sections to be provided through facades, balconies and windows. Such detailing can make a great deal of difference to design quality

and is needed to ensure that a high standard of appearance is achieved.

297. The appearance of the development could also be considerably diminished by the injudicious placement of pipes and flues on the exterior faces of the buildings. **Condition 36** therefore requires details of such fittings to be submitted for approval. For similar reasons **condition 35** does not permit satellite dishes or telecommunications equipment on roofs or façades. This is a reasonable restriction in this case where the highest quality of design is being sought.
298. Restrictions on permitted development rights should only be used in exceptional circumstances. The houses in Block A are relatively close to existing residential properties and back on to Burgess Park and the area that is being established as a wildlife haven. In such circumstances I consider that there are justifiable grounds why, in this case, extensions, roof alterations and outbuildings should be controlled by the Council. However, the suggested condition is a broad-brush approach, which includes a number of items that it would not be necessary to restrict such as porches, incidental hard surfaces and microwave antenna. I have therefore adjusted the wording of **condition 43** to take these points into account.
299. The development includes a number of tall buildings, which could cause interference to wireless services to existing properties in the vicinity. It is therefore necessary to carry out an assessment and carry out mitigation if this is required. This would be actioned under the terms of **condition 15**.
300. There are a number of conditions that are required to encourage sustainable travel choices. **Condition 16** relates to cycle parking and requires the specifications for storage provision in each block and the associated visitor spaces in the public realm. **Conditions 26 and 27** require a Travel Plan for the commercial development and residential uses respectively. This is necessary as the development would essentially be car-free and it is important that occupiers are encouraged to use sustainable travel modes. There does however need to be provision for parking spaces for those with disabilities and **condition 24** ensures that these are provided, including charging points to encourage the use of electric vehicles.
301. Some servicing such as refuse collection and deliveries to the microbrewery or residential properties, for example, would take place along the central street. This would be a pedestrianised space and landscaped amenity area. TfL does not wish it to be a vehicular cut through and is keen that the development would be maintained as a car-free environment. In order to prevent conflict between different functions it is proposed to have a concierge service so that deliveries and servicing would be managed and controlled. **Condition 25** requires a management plan to ensure that this is effective. It also limits the hours that servicing can take place in order to protect the amenity of residential occupiers within the development. The Local Group objected to such restriction on the basis that it would be unacceptably restrictive on some small businesses who would be working round the clock. I have extended the suggested hours from 1800 to 2000 following discussion at the inquiry. This seems to me to be a reasonable compromise, especially as the definition of a B1c use is one that can acceptably co-exist with residential uses.
302. The Local Group put forward a number of conditions relating to the Class B

floorspace and its functioning. These were based on the conclusion that the spaces and their servicing facilities were not fit for purpose. I do not consider that these conditions are reasonable or necessary for the reasons I have given under Consideration Three of my conclusions.

303. There are various means of enclosure around the site, most of which would not be suitable as boundary treatment for the type of development being proposed. **Condition 17** requires details to be provided and is required in the interests of the amenity of the new occupiers as well as those surrounding the site. I am not though convinced that a 2.4-metre high boundary would be necessary or indeed desirable along the perimeter with Burgess Park. I have not therefore included this as a requirement.
304. The new development would be in a location that is close to existing residential properties. In addition, many of the new flats would be within relatively close proximity of each other. **Condition 22** requires details of obscure glazing or other privacy devices in certain parts of the development. This allows some flexibility in order to choose suitable screening to protect existing amenity whilst maintaining a reasonable outlook for new occupiers. There is an existing route into the site beneath 33 Southampton Way, which appears to have been blocked off for many years. This is only intended as a pedestrian and cycle route in order to improve accessibility for those living in Blocks A and B and would not be suitable as a vehicular access. **Condition 45** restricts its use accordingly.
305. The proposed development includes communal amenity space on the roofs of some buildings and within podium gardens between Blocks F/G and H/I linked by a bridge. Within some of these areas and also at street level in front of Block E, there are children's play spaces. Whether or not these spaces would be sufficient to serve the needs of the development is considered under Consideration Two of my conclusions. However, there is the general point of access because it would be expected that each block would have a secure entry system. **Condition 30** requires the necessary details of how access would be provided to the communal amenity and play spaces. **Condition 23** requires details of how the play spaces are to be provided and properly fitted out. I have re-worded these conditions to be more relevant and concise.
306. Due to the mix of uses and the proximity of other commercial uses on surrounding sites, it is important to ensure that the living conditions of residential occupiers are protected from unacceptable noise. Hours restrictions, limits on external music sources and control of the transmission of sound through the buildings are required to limit disturbance to those living in the development. Furthermore, the future occupiers of the commercial spaces are as yet unknown and so it is necessary to take a precautionary approach. In such circumstances, **conditions 28, 37-42** are reasonable and necessary.
307. The Framework emphasises the importance of healthy and safe communities. This development would have a mix of uses and the central street would be open to the general public at all times. **Condition 29** requires the scheme to comply with the Secured by Design initiative. This seeks to ensure that places where people live, work, shop and visit are safe places by building in security measures at the design stage.
308. Saved policy 4.3 in the Southwark Plan seeks to provide a mix of dwelling sizes and types to cater for a range of housing needs. In this regard it aims for 10%

of major new residential developments to be for wheelchair users. The Lifetime Homes Standards provides higher standards of accessibility through category M4(2) of the Building Regulations. Saved policy 4.2 in the Southwark Plan seeks to ensure that all new homes are built to this standard. **Condition 33** ensures these requirements are met.

309. **Condition 34** provides for the refuse storage arrangements for each block and in order to ensure that recycling is encouraged I have adjusted the condition accordingly. The ES points out that there are some balconies where wind conditions would result in discomfort. In order to mitigate the impact, solid balustrades are proposed for the respective units. This is provided through **condition 44**.
310. In order to ensure sustainable design, the commercial units would be required to meet BREEAM standards of excellent (Class A and B floorspace) and very good (Class D floorspace). This is the subject of **condition 46**. The brick chimney on the southern side of the site was originally part of the confectionary factory that stood there. It is a non-designated heritage asset, which is at present marred by a plethora of telecommunications equipment. It is intended to remove this paraphernalia and restore the chimney as a centrepiece of the new development. **Condition 47** seeks a scheme for its restoration accordingly.
311. The Local Group considered that there should be a condition that all of the B1 floorspace should be restricted to B1c use. However, this is not the proposal that has been put forward, which includes office space and a microbrewery as well. In view of the policy position in the development plan, I consider it justifiable to remove permitted development rights for the conversion of the B Class uses to residential purposes, which could be done under the scope of permitted development. **Condition 32** imposes such a restriction. It also seems to me appropriate for **condition 31** to seek a minimum of 2,023m² of the Class B floorspace as B1c use. This is indicated in the Design and Access Statement as comprising the large and small maker units (*Document CD B17, page 20*).
312. A condition was suggested that required the gates across the service yard that would be accessed off Wells Way to be 6m back from the footway. This is unnecessary as it is shown on the submitted plans.

PLANNING OBLIGATION BY UNILATERAL UNDERTAKING (UU)

313. The fully executed Deed is dated 29 October 2019 and is *Document INQ 47*. It has been made by the freehold owners of the site, Burgess Park Nominees No 1 Limited and Burgess Park Nominees No 2 Limited and the lender who has a charge over the site, ICG Longbow Investment No 5 S.A.R.L. to the Council of the London Borough of Southwark. It is to be noted that the Appellant, Peachtree Services Limited, is the developer who has no interest in the land and therefore is not a signatory to the UU. Clause 5.4 includes a covenant to enter into a Supplemental Deed, in the form attached at Schedule 17. This is necessary to ensure that if any interests in the site are acquired that they would be bound by the obligations in the Deed. In such circumstances, the development could not be implemented until the Supplemental Deed had been completed.
314. Clause 4 of the Deed contains a "blue pencil" clause whereby a planning obligation will cease to have effect if the Secretary of State concludes that it does not comply with the CIL Regulations. The Council prepared statements

relating to the compliance of the planning obligations with Regulation 122 of the CIL Regulations (*Document INQ 29*).

315. There are 18 schedules, although there is no schedule 10 or 14. The schedules contain the main covenants made by the owners and lender to the Council in respect of the scheme. Their provisions are summarised below. A consideration of whether the obligations meet the statutory requirements and can be taken into account in any grant of planning permission, will be dealt with in my conclusions at Consideration Eight.

SCHEDULES 1-3: AFFORDABLE HOUSING and VIABILITY

SCHEDULES 15 AND 16: AFFORDABLE HOUSING MIX AND APPROVED LIST OF REGISTERED PROVIDERS

316. 173 dwellings are secured as affordable housing units with 54 being intermediate units and 119 being social rented units. There will be a mix of 1, 2 and 3-bedroom homes. A delivery mechanism is included whereby no more than 50% of the market units may be occupied until the affordable homes have been constructed and handed over to a Registered Provider ready for occupation.

317. There are mechanisms to review the viability of the development to see whether more affordable housing could be provided. The first review date is two years from the day after the grant of planning permission. It comes into effect if the planning permission has not been substantially implemented by this time. The second review date is when 75% of the market homes have been sold.

318. Provisions are included as to the basis for the viability review and the formulae to be used to determine whether additional affordable housing should be provided and how much this should be.

319. There are also provisions for the marketing and disposal of the intermediate housing.

SCHEDULE 4: WHEELCHAIR HOUSING

320. The wheelchair dwellings are defined as being 34 market units, 6 intermediate units and 10 social rented units. There are provisions to ensure that those intended as intermediate and market units are properly advertised and marketed.

SCHEDULE 5: FINANCIAL CONTRIBUTIONS

These covenants relate to the paying of the following financial contributions:

To be paid prior to any demolition:

- Archaeology contribution of £11,171

To be paid within 28 days of a written request by TfL:

- Bus contribution £360,000

To be paid before development is implemented:

- Affordable housing evaluation report monitoring contribution of £22,896.55
- Carbon green fund contribution of £581,400

- Children's play equipment contribution of £145,413
- Cycle hire docking station contribution of £150,000
- Loss of employment floorspace contribution of £84,349
- CPZ study fund contribution of £10,000

SCHEDULE 6: CAR CLUB SCHEME, HIGHWAY WORKS, BUSINESS RELOCATION AND RETENTION STRATEGY

321. Agreement is to be reached with a car club operator to put in place a scheme for the development prior to first occupation. This would include the provision of two car club spaces within the public highway and the provision of three years free membership for eligible residents.

322. The highway works would be undertaken under section 278 and/ or section 38 of the Highways Act 1980, which is to be entered into with the Council and/ or TfL. The highway works are to be completed prior to the commencement of Block F and comprise of the following:

- *Any works required following a review of pedestrian safety of the junction of Parkhouse Street and Wells Way as set out in Schedule 13.*
- *A contribution of up to £50,000 towards surfacing of Parkhouse Street.*
- Construction of a raised table across the intersection of Parkhouse Street and Wells Way, including uncontrolled crossing points on each junction arm
Removal of the central refuge on Wells Way, south of the junction with Parkhouse Street. Re-surfacing of the carriageway of Parkhouse Street.
- Re-paving footways along the section of Wells Way abutting the site, to include upgrading of street lighting.
- Planting of the new trees in the highway.
- Traffic calming measures, new drainage gullies, re-paving of footways and upgrade of lighting on Parkhouse Street
- Adoption of widened footways on Wells Way and Parkhouse Street.

If the Secretary of State considers that the proviso in bullet 3 is compliant with Regulation 122 of the CIL Regulations, in terms of being necessary and directly related to the development, then the provisions of bullets 1 and 2 would not take effect.

323. The Business Relocation and Retention Strategy relates to the existing tenants on the site and includes arrangements for any assistance they may need to find alternative locations.

SCHEDULE 7: PUBLIC REALM AND TREE PLANTING

324. The provisions secure the drainage and lighting of the public realm and its repair and maintenance. Unrestricted access is to be given to the general public other than on one day a year to prevent prescriptive rights of public access coming into effect. Temporary restrictions may be applied on prior notice to the Council or in case of emergency to enable maintenance, repair or prevention of

danger to the public.

325. The tree planting is to be carried out in the first planting season after completion of the highway works. If the 39 trees are not planted, a contribution of £3,000 is to be paid for each unplanted tree.

SCHEDULE 8: CONTROLLED PARKING ZONE

326. There is a requirement that every occupant is to be informed that they are not entitled to apply for a parking permit or to buy a contract to park in any Council car park. Those holding a disabled person's badge are exempted from this provision.

SCHEDULE 9: AFFORDABLE WORKSPACE AND COMMERCIAL UNITS

327. A detailed design specification is to be approved for the 372.5m² of affordable workspace in two identified locations, prior to the commencement of any above ground development. No more than 50% of the market housing units can be occupied until the affordable workspace units have been completed.
328. Marketing and management strategies for all of the commercial units, including the affordable workspace, must be approved by the Council before the development is first occupied. There is also provision that these strategies endure for as long as the affordable workspace remains in such use.
329. There are covenants relating to the eligibility for the affordable workspace and the appointment of a provider to manage its day-to-day operation. Also, to ensure that it continues to be used as affordable workspace if possible.
330. The commercial units are to be completed before more than 50% of the market dwellings are occupied.

SCHEDULE 11: EMPLOYMENT AND TRAINING, CONSTRUCTION APPRENTICESHIPS AND LOCAL PROCUREMENT

331. Provisions are included to identify, provide and manage employment opportunities with contracts provided for a minimum of 26 weeks. Encouragement is to be given to applications from unemployed residents of the Borough and providing apprenticeships and training in construction industry skills. The minimum targets are that 116 unemployed residents should be placed into sustained employment, 116 trained through short courses and 29 placed in new construction apprenticeships. If the relevant numbers are not achieved, a contribution is required in accordance with a formula relating to the shortfall.
332. Working with the Council, there are provisions for construction contracts, goods and services to be procured from local organisations based in the Borough as far legal and practicable. Best endeavours should be used to obtain 10% of the total value of contracts procured from organisations based in the Borough.
333. There are provisions to secure 30 jobs, on contracts of not less than 26 weeks, for unemployed Borough residents in the completed development. This will include training if necessary. If this is not satisfactorily achieved there is a contribution to pay, calculated against a formula based on the shortfall.

SCHEDULE 12: ENERGY STRATEGY, DISTRICT CHP AND ESTATE MANAGEMENT STRATEGY

334. The Site Wide Energy Strategy is to be approved before the development is first occupied and its principles applied thereafter in perpetuity. It will contain details of how the development will achieve the agreed carbon targets in the energy strategy submitted with the planning application.
335. The CHP Energy Strategy is to be approved before the development is first occupied. It will set out how energy is to be provided for the development and will show how connection can be made to the District CHP from the site boundary. The connection to the District CHP shall be made, provided it is feasible and viable.
336. An Estate Management Plan shall be approved before the first occupation of the development. This will cover the arrangements for the management and maintenance of the development. It will include provisions for all unadopted roads and shared surfaces prior to any adoption; any sustainable drainage infrastructure prior to any adoption; the storage and collection of waste; and the cleaning, maintenance and renewal of those parts of the development accessible to the public.

SCHEDULE 13: WELLS WAY PERFORMANCE REVIEW AND APPLICATION OF CPZ CONTRIBUTION

337. Provision is made for a report to be undertaken separately from the Stage 2 Road Safety Audit to determine whether the pedestrian trips identified in the Transport Assessment as being generated by the development would be likely to have an unacceptable impact on highway safety along the stretch of Wells Way between the junctions of Coleman Road and Parkhouse Street. The report will identify any impact, assess whether it would be unacceptable and put forward any necessary mitigation. If it is considered by TfL or such other overseeing organisation that mitigation is required, this would be included in the highway works detailed in schedule 6 of the Deed.
338. The CPZ Study Fund Contribution is to contribute to a study of parking conditions in the area.

SCHEDULE 18: ARCHITECT

339. Reasonable endeavours are to be used to employ the existing architect, HTA Design LLP, as lead architect for the project up to practical completion. If this proves not to be possible the Council will be notified, and reasonable endeavours will be made to employ an architect of similar calibre.

INSPECTOR'S CONCLUSIONS

The numbers in square brackets refer back to earlier paragraph numbers of relevance to my conclusions.

340. Taking account of the matters that the Secretary of State wishes to be informed about, the oral and written evidence to the inquiry and my site observations, the main considerations in this application are as follows:

- **Consideration one:** Planning policy context and approach to decision making
- **Consideration two:** Whether the proposed density would be acceptable to provide an exemplary standard of accommodation for new residential occupiers.
- **Consideration three:** The effect on the Borough's stock of employment land and premises.
- **Consideration four:** Whether the appearance of the proposed development would comprise high quality design that is in keeping with the character and appearance of the surrounding townscape and Burgess Park.
- **Consideration five:** Whether the site is in a sufficiently accessible location and public transport has sufficient capacity to enable new residential occupiers, employees and visitors to the site to travel by modes other than the car.
- **Consideration six:** The effect of the proposed development on the living conditions of nearby residential occupiers with particular reference to light and outlook.
- **Consideration seven:** Other matters relating to flood risk, ecology and heritage.
- **Consideration eight:** Whether any conditions and planning obligations are necessary to make the development acceptable.
- **Consideration nine:** Overall conclusions and planning balance to determine whether the proposals would be a sustainable form of development.

CONSIDERATION ONE: PLANNING POLICY CONTEXT AND APPROACH TO DECISION MAKING

341. Apart from the south-western part, the appeal site and surrounding land is designated as a Local Preferred Industrial Location (PIL) in the development plan. Saved policy 1.2 in the Southwark Plan only permits developments falling within Class B uses and sui generis uses appropriate to a residential area. Strategic Policy 10 in the London Borough of Southwark Core Strategy (CS) seeks to protect jobs and businesses, including at Parkhouse Street. The policy refers to a possible public transport depot here, but it was confirmed that this is not now being considered as an option. There is no dispute that the proposed mixed-use development would conflict with these policies [58; 116; 127; 174; 252].

342. Strategic Policy 5 in the CS identifies the appeal site as being within the Urban Density Zone. Here the policy expects residential density to comply with the

range of 200-700 habitable rooms per hectare (hrpha). It goes on to say that in Opportunities Areas and Action Area Cores, maximum densities may be exceeded when developments are of an exemplary standard of design. Whilst there are a number of such areas within the vicinity, the appeal site does not fall into either category. The Appellant asserted that the wording allowed for other areas to exceed the density, but this does not seem to me to be a fair or sensible reading of the policy. Whether or not it is the Council's normal practice to regard higher density exemplary schemes outside areas referred to as complying with the policy this is not what it actually says. The Appellant also stated that the words "expected" to comply does not mean the same as "must" comply. It seems to me that this is a matter of semantics and to my mind the density being proposed in the appeal scheme would not accord with Strategic Policy 5 [23; 24; 27; 135; 136; 188].

343. Policy 3.4 in the London Plan seeks to optimise housing output for different types of location within the relevant density ranges, which are similar in this case to those referred to in Strategic Policy 5. The supporting text makes clear that the densities should not be applied mechanistically. However, I do not consider that this means that carte blanche is provided to exceed the ranges but rather that flexibility is appropriate within the ranges. If that were not the case it is not clear what the purpose of the ranges would be. It seems to me that the clue is in the word "optimising", which is not the same as "maximising" and implies that the ranges have been carefully considered taking account of other factors, such as the need to achieve high quality design, public transport capacity and proximity and local context and character [27; 28; 34; 184; 185].
344. The settled position at the inquiry was that the density of the appeal scheme would be 984 hrpha. This would be 40% above the ranges outlined above in both the CS and the London Plan and to that extent the proposal would not comply with them. Insofar as the effect of higher densities manifests itself in other harmful impacts it could reasonably be argued that it is those effects that need to be assessed rather than the density itself. This will be considered in the next section and also under Consideration Four [23; 134].
345. The emerging New London Plan does not set density guidelines but rather seeks to provide a criteria-based approach to making the best use of land whilst achieving high quality development. This leads to the matter of exemplary standards of design, which is referred to in Strategic Policy 5 as a justification for exceeding density ranges in Opportunities Areas and Action Area Cores. The Council considered that the proposed development would be acceptable in density terms if its design was exemplary. It is also noted that policy 3.5 in the London Plan indicates that delivery of elements of the policy could be compromised in the event that the development proposal is demonstrably of exemplary design and contributes to achieving other objectives of the Plan [29; 125; 188].
346. Saved policy 4.2 in the Southwark Plan is a permissive policy that seeks to ensure that good quality living conditions are achieved. High standards of accessibility, privacy and outlook, natural daylight and sunlight and outdoor space are expected. However, even if such standards are not achieved the specific policy wording does not seem to me to provide a basis for refusal. However, this is to some extent inconsequential as one would expect a scheme that is of exemplary design to generally achieve the good quality living

conditions referred to in the saved policy. When considering exemplary design, it was agreed that the relevant standards are those summarised in the various bullet points on pages 8 and 9 of the *Residential Design Standards Supplementary Planning Document* (RDS SPD) [25; 137].

347. There is no dispute that the Council can demonstrate a 5-year supply of deliverable housing sites in accordance with paragraph 67 of the Framework. Furthermore, there is no allegation that the most important policies for the determination of the appeal are not consistent with Framework policy. The presumption in favour of sustainable development and the "tilted balance" do not therefore apply in this case [178].
348. The Appellant places much reliance on emerging policy, particularly in the New Southwark Plan. In terms of design, draft policy P9 (as proposed to be modified) requires that all development should be to an exemplary standard. The Parkhouse Street PIL, excluding 45 and 47 Southampton Way but including the small part of the appeal site not previously designated, is allocated for mixed-use development under draft allocation NSP23. This includes various requirements, including the provision of new homes and re-provision of the amount of B Class floorspace currently on the site or at least 50% of the new floorspace for employment purposes. There are other provisions as well which will be considered later [58].
349. However, there are two points to make here. At the time of writing the New Southwark Plan had not been submitted for examination. Furthermore, there have been representations to the draft allocation, which both object and support its provisions. In accordance with paragraph 48 of the Framework, it seems to me that only limited weight can be given to this draft policy. This is actually a conclusion with which the Appellant agrees. It is also relevant to note that the reference to employment uses in draft policy P26 refers to site allocations. The site allocation in NSP23 relates to the appeal site and also the surrounding uses. Its provisions should therefore be considered for the whole allocation and not parts of it [59; 76].

CONSIDERATION TWO: DENSITY AND EXEMPLARY STANDARD OF ACCOMMODATION

350. There was much debate at the inquiry about the correct approach to considering whether an exemplary standard of design would be achieved. It seems to me that it would be unreasonable to expect a development of this scale and complexity to be perfect in every respect. The RDS SPD makes clear that in order to be exemplary the residential design standards should be exceeded. However, that is not to say that every part of the development must necessarily comply with every relevant standard in every respect. Compromises are inevitable and an overall judgement will need to be made. The Mayor makes this point in his Housing SPG where he says that a failure to meet one standard would not necessarily lead to a failure to comply with the London Plan but that a combination of failures would cause concern⁹² [28; 40; 137].
351. In applying a flexible approach though it is important to be clear that the bar is a high one and that the quality of the new living environment must be better

⁹² See *Document CD C4, paragraph 2.1.18*.

than adequate or satisfactory. Density is relevant to a consideration of this issue to ensure that optimising the housing output and providing excellent standards of accommodation have been successfully balanced.

352. I turn now to consider how the development matches up to the relevant standards individually before taking a balanced view as to whether or not the living environment for new residents could be considered exemplary. It should be noted that one of the criteria of exemplary design in the RDS SPD relates to the relationship of the scheme to its context. This is dealt with under Consideration Four.

Floorspace standards

353. The standards for new residential accommodation in the RDS SPD reflect those in policy 3.5 of the London Plan and the Government's national space standards. I would expect exemplary accommodation to not only meet the minimum requirements but significantly exceed them. The evidence suggests that at least 38 of the units (7.6%) would not meet the minimum space standards. The Appellant pointed out that at detailed design stage the wall thicknesses of the smaller units would be adjusted and that this would mean that the minimum standard would be reached in every case. However, the Council's assessment was not disputed that there would still be 187 units that would be at or within 1m² of the minimum standard. This was agreed by the Appellant not to be a significant exceedance and it would amount to over 37% of the total unit provision. The suggestion that a condition could be imposed to require minimum space standards to be achieved at construction stage would not resolve the issue. There would be a significant proportion of homes that would not have a standard of internal floorspace that would be better than adequate or satisfactory [37; 140].
354. Furthermore, the 5-person wheelchair accessible homes in Block M would fall below the space standard for a home for this number of people. Whilst there is nothing to prevent these being re-labelled as 4-person units with a spare single bedroom that seems to me to be somewhat disingenuous. People may choose to occupy their dwellings in all sorts of ways, for example a single person may choose to live in a 2-bedroom flat. On the other hand, that flat may be occupied by 2 people. The point therefore is that the unit should be of a size that would accommodate either eventuality. It follows that if the wheelchair units have two double bedrooms and one single bedroom it is not unreasonable to expect that it should meet the space standard for a 5-person unit [38; 139].
355. The Appellant has done an exercise that shows that over the scheme as a whole the total residential floorspace provided would be just under 4% more than the total minimum floorspace requirement, including the larger size requirements for wheelchair units. However, this does not seem to me to be a good method of assessing whether the units overall would be better than adequate or satisfactory for those living in them. This is because there are a small number of units that would be much larger, and this inevitably influences any averaging exercise undertaken.

Amenity space standards

356. The proposal would provide a mix of private and communal amenity space as well as children's play space. Each type of space would serve a different

- function. The RDS SPD indicates that houses should have private gardens of at least 50m² and that the length should be a minimum of 10m. Flats should have private amenity space of 10m² and for those with 2 or less bedrooms a shortfall can be made up as part of the communal space requirement, subject to the minimum size for a balcony being 3m² [39; 356].
357. Three of the five houses in Block A would not meet the private amenity space standard but the other two would significantly exceed it. Even though these dwellings would back onto Burgess Park there is proposed to be a solid boundary fence with no direct access to this amenity area from these houses. Of the flats, 21% would have 10m² or more of private amenity space and 30 flats would have in excess of 20m². The corollary to that is that 79% of the flats, some of which would be 3-bedroom and thus suitable for families, would have less than 10m² private amenity space. Furthermore, some flats would have no balcony or terrace at all, although the Appellant considered that this would be compensated by the provision of larger internal living spaces. Nevertheless, over the site as a whole there was no dispute that there would be a shortfall of 1,581m² of private amenity space [39-41; 356; 357].
358. The RDS SPD indicates that 50m² communal amenity space should be provided per development. However, in a development of this scale it would seem reasonable to apply this standard to each of the communal spaces provided and this is the approach that the Appellant has taken. Communal amenity space would be provided within roof gardens on Blocks B, D, E and L and between Blocks J and K. Podium gardens would be provided at first floor level between Blocks F and G and between Blocks H and I. The latter two amenity areas would be linked by a bridge. Apart from the space on Block E, which would be 50m² and therefore at the minimum standard, all the others would be considerably larger, particularly the podium gardens and the space on Block L and between Blocks J and K [147; 358].
359. However, there is also the shortfall in private amenity space to be taken into account. The evidence suggests that when this adjustment is made the communal amenity provision on several of the blocks would be well below the standard in the RDS SPD. Over the site as a whole the shortfall would be 1,060m², which would not be insubstantial. Furthermore, the affordable units in Block C would have no communal amenity space at all. The Appellant justified this by providing the 6 x one-bedroom units with a dual aspect and balconies of 6.6-7.7m². This seems to me rather inadequate and it was suggested that a small communal courtyard could be provided at the end of the service yard at the back of Block C. However, this would clearly be a very unsatisfactory arrangement, not least because of the proximity of manoeuvring service vehicles [148; 150; 359].
360. A total of 918m² of equipped play space for 0-5 year old children would be provided in the podium gardens and within the communal roof gardens of Blocks E and L. Whilst this would exceed the necessary requirement of 810m², it would be part of the communal amenity space provision rather than being additional to it as the RSD SPD indicates that it should. This reinforces my concerns regarding shortfall. No provision would be made on-site for children over 5 years old [42; 360].
361. The proximity of Burgess Park should be taken into account when considering

whether the level of amenity space and on-site play space for older children would be satisfactory. Burgess Park is a very large green space with many facilities for recreational pursuits. There are also equipped playgrounds and adventure playgrounds within a 10-minute walk of the appeal site for older children to enjoy. However, it should also be borne in mind that the function of these different types of amenity space is rather different with the on-site provision being used for more intimate socialising with friends and neighbours and for older children to play in relative safety near to their parent's homes. Account should be taken of the alternative provision, which is very good in this case. Nevertheless, the extent of the shortfall is a matter of some concern and will be included in the overall consideration of whether the living conditions in this development would be exemplary [13; 42; 150; 204; 361].

362. There is no reason why the various communal amenity spaces and play spaces should not be quality landscaped areas and this can be controlled through planning conditions. Not all blocks would have their own communal amenity space but apart from Block C all residents would have relatively easy access to the roof top or podium spaces. A condition would require details of how residents could access the amenity space within another block whilst maintaining security for the residents living there. Block A has no specific provision for community amenity space, but I consider that this is less important as these houses have their own gardens, albeit that three of them would be relatively small. Children from these houses would be able to play safely in their own private space or else be taken the short distance to the street level play space.
363. I do though have some concerns about the location of the street level play space outside Block E, bearing in mind the width of the street and possible conflict with servicing vehicles. I do not consider that this is an ideal arrangement by any means. The space would need to be carefully laid out and segregated to ensure that children could play safely [151].
364. There are parts of the proposed development where public areas would have restricted sunlight. The RDS SPD requires good daylight and sunlight standards to be achieved. The BRE Guidelines recommend that, as a check, half of an amenity area including a children's playground should receive at least 2 hours of sunlight on 21 March. The evidence indicates that the podium areas and the children's street level play space would not receive any sunlight on this date. Even on 21 June, when the sun is at its highest point in the sky, the southern podium terrace would only receive a very small amount of sunlight in its northern corner. It is appreciated that the northern podium terrace would receive full sunlight at this time and that a shady spot may be welcome for some. However, nearly the whole amenity area and associated play area would be overshadowed by the tall buildings around it. I consider that it would be unlikely to be an attractive, bright and welcoming amenity space for residents to enjoy [44; 45; 149].

Sunlight and daylight

365. The Framework indicates that when seeking to optimise housing densities, a flexible approach should be taken to applying policies or guidance relating to sunlight and daylight. This is so long as the development would result in acceptable living standards being provided. The Mayor's *Housing Supplementary*

Planning Guidance (Housing SPG) advocates that standards of daylight and sunlight should not be applied rigidly in higher density developments. The RDS SPD indicates that exemplary development should meet good sunlight and daylight standards. The BRE Guidelines should be used in this context, recognising that they are advice rather than policy [47; 48; 143].

366. A daylight assessment was carried out for submission with the planning application. This considered the Average Daylight Factor (ADF) for 698 habitable rooms on the ground, first and second floors of the development, which would be expected to be the worse performing. Of these 78% met the BRE Guidelines. Those that did not included bedrooms, where a lower level of daylight could be tolerated. Of the 55 living rooms that did not meet the recommended ADF value of 1.5%, 32 reached a value of between 1% and 1.485%. The remaining 23 were affected by balconies, which would restrict light but provide private amenity space [49; 142; 197; 366].
367. For the appeal, a different assessment was undertaken. This considered 882 habitable rooms of which 87% were found to meet recommended levels of ADF. However, it is to be noted that this analysis selected units on the first 8 floors and omitted a number of the poor performing units on the lower floors. It seems to me therefore to be less robust or representative of the likely outcomes. Of the 118 rooms that did not meet the recommended values, the shortfall was relatively small in all but 8 of them. Of these, 3 were living rooms on the lowest floors and would be overhung by balconies. The others were bedrooms or kitchens. A comparison was also made with other sites in the vicinity, including the Aylesbury Masterplan on the northern side of Burgess Park. Whether or not these comparator sites are in Action Areas or Opportunities Areas does not seem to me to be of particular importance because these higher density areas still require exemplary standards of accommodation [50; 51; 197; 367].
368. The RDS SPD expects natural light and ventilation to kitchens and bathrooms. In this case only 18% of the units would have bathrooms with an external window. Many of the kitchens would be part of a living and dining area or else would be provided with glazed doors to allow light to penetrate [154; 368].

Privacy and outlook

369. There would be a number of places where windows would face directly into other living room windows at a distance of less than 12m. This would have the potential for diminution of the privacy for future occupiers. The main parties have agreed that this could be mitigated through the use of screening devices or obscure glazing [153].
370. Block B would have windows and balconies facing eastwards. As things stand these windows would face towards an existing warehouse. However, some would be in close proximity to the site that the Council intends to redevelop with mixed-use buildings. If and when this takes place the present plans indicate that the nearest facades would be side elevations. The units on this side of Block B would be single aspect and I consider that here it would be likely to unduly interfere with the outlook from the units in question if their windows were either screened or obscure glazed. Nevertheless, screening devices to the first-floor balconies of these dwellings could be provided and this would ensure a reasonably private amenity area [153].

371. Blocks D and E would back onto the redeveloped Big Yellow self-storage facility at distances of 6-10m. Taking account of the height of this structure, the outlook from first and second floor windows in this direction would be compromised. In most cases the affected windows would serve bathrooms or kitchens. In the case of four flats, a third bedroom would also be affected. However, these would be large, triple aspect units and so any detriment overall would be very small [52; 152].
372. Blocks J and M would be within 1-3m of the scaffolding site. I was not made aware of any proposals to redevelop this site at present, but it is quite possible that this may happen in the future if the draft allocation NSP23 in the emerging New Southwark Plan for mixed-use development is carried forward. The units in question would be dual aspect and a number of the windows would serve bathrooms. In the circumstances it is not unreasonable to expect that the appeal site should not compromise any future development proposals on the adjacent land. Potential effects could be controlled through privacy screening or opaque glazing.
373. Planning conditions could be imposed to require obscure glazing or privacy screening where necessary as detailed above. This need not compromise the outlook from the units in question if it is sensitively done. However, there could be an effect on light penetration to the interior of the residential units. This is not a matter that has been considered in the assessments but would be relevant to the quality of the living spaces [153; 198; 304].

Noise

374. Various planning conditions have been recommended that would ensure that the proposed dwellings would have a good internal noise environment. This is important in view of the proximity of the units to commercial uses and street activity [306].
375. There are also noise sources external to the site. The Babcock Depot at 25-33 Parkhouse Street operates an emergency vehicle rescue operation on a 24-hour basis. The evidence suggests that low loaders drop vehicles off, some sit outside the site waiting with their engines running and vehicular movements take place during the night-time hours. A planning condition requires that the internal noise environment of the residential units should comply with BS 8233:2014 *Guidance on sound insulation and noise reduction for buildings*. This would protect against noise ingress from external noise sources [208; 209].
376. To the south of the site is the BCM scaffolding operation, which operates during daytime hours. Noise levels on some of the nearest balconies are predicted by the noise model in the ES to reach levels of 72 dB LA_{eq,T}. This would be well in excess of the 55dB LA_{eq,T} recommended in BS 8233:2014 for external amenity areas. The guidance points out that such levels often cannot be achieved in urban areas. Also, the Planning Practice Guidance says that higher noise levels can be acceptable where there is a quieter communal amenity area or public park nearby. This is the case here with the on-site communal amenity spaces and Burgess Park within easy walking distance. In addition, the hours of use of the scaffolding site are restricted and, in these circumstances, it seems to me that the balconies would provide private amenity value during the times when they would be most likely to be used [53; 54; 210].

377. Paragraph 182 of the Framework requires that developments should be effectively integrated with existing businesses. Existing operations should not have unreasonable restrictions placed on them as a result of development permitted after they were established. This is the *agent of change* principle requiring that suitable mitigation should be provided. In this case it seems to me that adequate safeguards through planning conditions would be provided to ensure that the noise environments inside and outside the new residential units would be sufficient to avoid justifiable complaints being made in relation to noise [55; 207; 209].

Conclusion

378. The Appellant was keen to emphasise that each dwelling was considered individually to ensure that a successful balance was achieved to result in an exemplary outcome overall. For example, balconies were not provided to some units in favour of more light and increased internal space. However, looked at in the round I consider that there have been too many compromises made in this case. The size of a significant proportion of the residential units and wheelchair housing is of particular concern [36].
379. In addition, the quantum of amenity space being proposed would not meet, let alone exceed, the standards in the RDS SPD. It is acknowledged that some flats would have very large balconies but that would not make up for the fact that some would have no balcony at all, that over two thirds would have balconies of less than 10m² in size and that some of these would be family sized units. Furthermore, there would be inadequate compensation through provision of communal amenity space, which would not only fall short by a significant quantum but would also include the play space for 0-5 years old children, which should be accounted for separately.
380. It may be the case that balconies have been removed for aesthetic reasons or to let more light into the units. It may also be the case that some flats have been compensated by greater internal floorspace. However, private amenity space does have an important function to individual wellbeing that is rather different to the purpose of the communal areas. Whilst Burgess Park is close at hand and would provide residents with a very convenient option for informal recreation, this would not, in my opinion, make up for the degree of shortcoming on the site itself. Furthermore, the quality of some of the children's play space is not what I would consider ideal for the reasons I have given.
381. It seems to me that overall the levels of light received would be acceptable although there would be individual flats where this would not be the case. There would also be a large number of internal bathrooms with no external window as expected in the RDS SPD. Nevertheless, I conclude that the compromises that have been made in the design of the development have been at the expense of the overall quality of the living environment. I do not judge this scheme to be exemplary in terms of the living conditions that it would provide. Even if it could be considered acceptable or satisfactory in the round, this would not be sufficient to justify a density that would be 40% above the accepted range in local and strategic planning policy.

CONSIDERATION THREE: EMPLOYMENT LAND AND PREMISES

Policy context

382. The majority of the site is within, and comprises a large part of, the Parkhouse Street PIL. It is the only such Borough designation outside the Old Kent Road Action Area and the existing industrial and warehousing uses are protected in the development plan through saved policy 1.2 in the Southwark Plan and Strategic Policy 10 in the CS. Insofar as other uses are proposed to be introduced, most notably residential, the appeal development would conflict with the development plan in this respect. These policies are consistent with the Framework and there is no dispute on this point by the Appellant [56; 58; 156].
383. Policy 4.4 in the London Plan seeks to ensure that there is sufficient stock of land and premises to meet the future needs of different types of industrial and related uses. It requires local plans to show how boroughs will plan and manage their stock of industrial land in line with these objectives. PILs are to be identified and protected where justified by evidence of demand and the change of industrial land to other uses in Southwark is within the grouping of *limited transfer (with exceptional planned release)*. The Local Group was concerned about the loss of industrial floorspace in the Borough and its effect on the workforce employed in this sector. In the emerging New London Plan, Southwark falls within the *retain* category where the policy objective is to keep sufficient land available to meet market demand. This reflects the strategic concern about the continuing loss of industrial land [57; 77; 219-221].
384. The Council is not opposed to mixed-use redevelopment in principle. This would accord with the draft allocation in the emerging New Southwark Plan and also follow the approach in the Council's own planning application at 21-23 Parkhouse Street. However, as already mentioned this emerging plan has not yet been submitted for examination and there are unresolved objections to the mixed-use allocation. In such circumstances its provisions only have limited weight and this is not disputed by the Appellant [58; 157].
385. In any event, draft policy P26 in the emerging New Southwark Plan would only support a mix of uses on this industrial land provided the development includes a substantial amount of employment floorspace. This is reflected in the draft allocation NSP23 where it is made clear that redevelopment *must* re-provide at least the amount of Class B employment floorspace currently on the site or at least 50% of the development must be Class B floorspace [59; 157; 215].
386. The proposal would provide 4,404m² of commercial floorspace of which 3,725m² would be B class uses. The existing site comprises 12,559.30m² of B Class floorspace and so the appeal scheme would result in a loss of some 8,834m². However, 10-12 Parkhouse Street has prior approval for conversion from office to residential use. This expires in 2020 but there was no evidence that it would be unlikely to be renewed. It is, from all accounts, included in the Council's housing land supply as a deliverable site. In the circumstances, it does not seem to me unreasonable to remove this floorspace (2,104m²) from the calculation, which would result in a loss of 6,730m² of Class B uses on this site [68; 162; 163].
387. However, the draft policy is not constructed on a site-by-site basis and its provisions relate to the allocation as a whole. The overall Class B floorspace in

the PIL was 23,317.6m² prior to recent redevelopments, most notably the Big Yellow self-storage development, which have resulted in a substantial increase. This means that if the appeal development were to go ahead the net loss of Class B floorspace in the PIL would only be 2,870m². If the 10-12 Parkhouse Street were also to be removed from the calculation, the loss to the allocation would be just 766m². This would be a relatively small proportion of the total in the PIL. When considering the amount of B Class floorspace that must be provided in any redevelopment scheme, the draft allocation expresses no preference between total re-provision and 50% of the development floorspace. The appeal proposal would not comply with either alternative. However, on a fair reading of the emerging policy it seems to me that the conflict that would arise would be relatively small [59; 79; 216].

Refurbishment or re-provision of existing Class B floorspace

388. There was a considerable amount of debate at the inquiry about the state of the existing buildings and whether they would be suitable for refurbishment and re-use. It was generally agreed that Unit 1 was beyond repair and would need to be demolished. At the site visit I went into the buildings and saw that many of them are being occupied by meanwhile uses or used for storage. Unit 9 is being occupied as an office by Swiss Postal Solutions and Unit 2 had until recently been occupied by Fruitful Office Ltd. On the western side of Parkhouse Street, the warehouse at Nos 15-19 was also being occupied by a meanwhile use. As I understand it the curator of the meanwhile uses, Arbeit, does not pay rent for the use of the buildings and so is able to offer space to the various small business users on a low-cost basis.
389. I was told that many of the buildings on the main part of the site were re-clad when the current owners bought the site in the 1990s. Nevertheless, since that time there has by all accounts been little further investment. I have carefully considered the view of the Local Group and the Council that the existing buildings could be refurbished. However, these views were without the benefit of any internal inspection by a qualified professional or any expertise in viability appraisal. In the circumstances, I consider that the Appellant's expert evidence on the matter is to be preferred. This concluded that most of the buildings are now generally in poor physical condition and would be unattractive to industrial tenants providing any reasonable commercial return [62; 63; 222].
390. Although I saw a large number of parked cars on the site, which gave the impression of activity, I was told that many of these were let out on separate license and had nothing to do with the use of the buildings. Taking all of these points into account, I consider that refurbishment and re-use of existing buildings other than 10-12 Parkhouse Street, would be very unlikely as a realistic or viable scenario.
391. The proximity of existing residential uses, limitations with road access and distance from strategic routes would tend to favour light industrial and smaller scale storage uses providing services to support the central London economy rather than Class B2 and larger scale logistics uses. Nevertheless, the evidence suggests that the PIL is functioning well as an industrial location as demonstrated by the redevelopment of the PHS and Big Yellow sites. The Local Group provided informed evidence of strong demand for industrial premises in the local area. The Council has indicated that it has received strong interest

from workspace providers about the affordable workspace in its proposed development at 21-23 Parkhouse Street. Furthermore, I note that Arbeit, the curator of the meanwhile uses currently operating from the site, has indicated interest in taking creative workspace in the appeal development. It seems therefore that there would be demand for the sort of uses that could be provided on this site [71; 73; 158-160; 168; 213; 223-224].

392. It is acknowledged that demand for industrial floorspace alone would not be sufficient to ensure that redevelopment would take place. A developer must be confident of sufficient return and that there would not be better investment yields available elsewhere. However, the Appellant confirmed at the inquiry that there had been no viability assessment of a scheme to redevelop the existing site for Class B purposes. I also note that no marketing exercise has been undertaken to test whether or not such a project would be likely to attract interest. Whilst marketing is not presently a policy requirement, the lack of any such market investigation means that this scenario cannot be ruled out [70; 215].
393. It is the Appellant's contention, based on market experience, that any redevelopment would be on the basis of a plot ratio of 40%. However, the Local Group provided examples where much higher densities had been successfully achieved. Much would depend on the nature of the use and its requirements for servicing and parking. However, as I indicated above, large scale logistics would be unlikely to be attracted to a site like this. If more effective use is to be made of land, especially in urban areas, there will need to be a more creative use of space and it seems to me that compromises will have to be accepted on such matters as parking, servicing space and public realm improvements. It is noted that the emerging New London Plan indicates that a plot ratio of below 65% would require exceptional justification. The Appellant has calculated that on this basis, and excluding 10-12 Parkhouse Street, re-provision would be in the region of 8,502m². I consider this to be a reasonable assessment of what could be provided through a redevelopment of the site with Class B uses [67-69; 165; 213].
394. Excluding the meanwhile uses, there are about 57 jobs currently being provided on the site. If Fruitful Office Ltd, who left only recently, were to be included this would increase to 137 jobs. The Council contended that if fully occupied the existing buildings could employ over 600 people. Whilst this may be possible in theory it took no account of the reality of the situation. I have concluded above that there is little probability that refurbishment and re-use would be a viable option. The Appellant's expert evidence was that redevelopment would most likely appeal to small B1c and Class B8 uses with a split of 30% and 70% respectively. On the basis of the Homes and Communities Agency standards this would yield some 134 jobs. I acknowledge that other types of small business workspace, including maker spaces, could yield a higher number of jobs. However, this is based on the existing meanwhile uses in refurbished buildings and not on any assessment of a potential redevelopment project [64-66; 82; 166].

The proposed provision and whether it would be suitable

395. There was a great deal of discussion at the inquiry about alternative arrangements for the co-location of employment and residential uses, including stacking of the commercial elements. Whilst the Appellant did not consider that

this would be attractive to the market or potential funders it seems to me that much more imaginative solutions will have to be accepted if the increasing demands of competing uses are to be accommodated on limited urban land resources [72; 167; 214; 226-228].

396. Nevertheless, for the reasons I have given above, I consider that the development would result in a relatively small loss of Class B floorspace from the PIL. There would be some conflict with the emerging policy in this respect, but it would be limited. There would be 255 permanent new jobs, which would be substantially more than either what exists on the site at present or what could reasonably be expected if the site were to be redeveloped for Class B uses [66; 166].
397. *The Old Kent Road Workspace Demand Study* (2019) gives consideration to the type of employment uses that could be accommodated within a mixed-use development of the draft NSP23 allocation. It identified relatively affordable uses focused on light industrial, studio and workroom space; small and medium scale industry with yards and uses such as last mile distribution. Although Class B8 uses are not proposed in the appeal scheme, there would be flexible B1a-B1c uses with a mix of different sized maker units and creative offices along with a larger office and microbrewery. A condition is proposed that a minimum of 2,023m² of the Class B1 floorspace should be used for B1c purposes only. A condition is also proposed that would not permit the change of the Class B uses to other uses through the permitted development provisions. The Unilateral Undertaking (UU) includes an obligation to ensure that the commercial units would be properly marketed and managed and that they would be completed before half of the market housing units were occupied [167; 168; 225; 311].
398. The proposal would provide 10% affordable workspace, which would accord with draft policy P28 (as proposed to be modified) in the emerging New Southwark Plan. This draft policy seeks to ensure that priority is given to existing small and independent local businesses. This covenant would provide the necessary controls to secure affordable workspace that would benefit local target occupiers [61; 118; 327-329].
399. There was considerable criticism, especially from the Local Group, about the layout and servicing arrangements of the Class B uses. The layout indicates that most of the smaller units would be serviced through the three yards where frequent van deliveries could take place at times that would not have to be pre-planned. Whilst the microbrewery and some large making spaces would be serviced from the central street this would be controlled through a Delivery and Servicing Management Plan that would be subject to the Council's approval [83; 229; 230].
400. There was also objection to the design and layout of the units with large windows and inadequate access arrangements. Whilst the Local Group's evidence on this matter was informed by experience it was also made clear that the Appellant had been in discussion with potential occupiers and that the design had taken account of their needs and requirements. I consider it highly unlikely that the developer would be putting forward commercial units that would be difficult to rent or would remain vacant because of their unsuitability. In the circumstances I have insufficient evidence to conclude that this element of the appeal scheme would not be fit for purpose [229-230].

Conclusion

401. The appeal proposal would not comply with saved policy 1.2 in the Southwark Plan or Strategic Policy 10 in the CS because it would introduce housing onto land that is protected for industrial uses. However, the existing buildings are generally unsuitable for refurbishment on any sort of commercial basis, apart from 10-12 Parkhouse Street, which has prior approval for higher value residential uses. There was no evidence that a redevelopment with Class B uses would not be viable and I consider that it is not unreasonable to surmise that a scheme of about 8,502 m² could be provided.
402. The emerging New Southwark Plan introduces a different mixed-use approach to the PIL, under draft allocation NSP23. One of the requirements is that the existing Class B floorspace must be re-provided within the allocation site. Whilst on the site itself there would be a considerable loss of Class B floorspace, on the allocation the net loss would be relatively small. It is recognised that there is strong demand for industrial premises in Southwark but on the evidence, I do not consider that the appeal proposal would compromise that demand through a significant diminution in quantum or quality of Class B stock. In such circumstances I do not consider that policy 4.4 in the London Plan would be offended [57; 79; 174; 212].
403. There would be conflict with draft policy P26 and draft allocation NSP23, although this would be relatively limited, especially when the increase in jobs is taken into account. I conclude overall that the proposal would not result in a detrimental effect on the Borough's stock of employment land and premises, notwithstanding the above policy conflicts. I return to this matter in the planning balance.

CONSIDERATION FOUR: DESIGN QUALITY, CHARACTER AND APPEARANCE

404. The Council has raised no objections in terms of the appearance or scale of the proposed development or its effect on the character of the surrounding area. The Local Group's main concerns relate to the introduction of tall buildings on this site, whether the development would be of exemplary design and its effect on views from Burgess Park and the tower of St George's Church, which is a listed building [85]

Tall buildings

405. There is no dispute that the proposed development includes tall buildings. These are defined in the CS as those being over 30m tall or significantly higher than surrounding buildings. Policy 7.7 in the London Plan requires the location of tall buildings to be part of a plan-led approach for change and development of an area. It *generally* expects such structures to be limited to the Central Activities Zone, Opportunity Areas, areas of intensification or town centres with good access to public transport. Strategic Policy 12 in the CS establishes a number of locations where tall buildings *could* go, including Action Area Cores. Saved policy 3.20 in the Southwark Plan indicates that tall buildings *may* be permitted on sites that have excellent accessibility to public transport facilities and are located within the Central Activities Zone, particularly Opportunity Areas. The use of the terminology in the aforementioned policies (with my emphases), means that location is not necessarily definitive. However, there is a strong implication, in my opinion, that the locations referred to are preferable not least

- because of their good accessibility and regeneration opportunities [86; 232; 233].
406. Draft policy D8 in the emerging New London Plan requires boroughs to define what is meant by a tall building based on context and to identify in development plans where such buildings should be located. Draft policy P14 (as proposed to be modified) in the emerging New Southwark Plan identifies a number of areas with the highest level of public transport accessibility and the greatest opportunity for regeneration, where tall buildings are expected to locate. It also refers to individual sites where taller buildings may be possible, as identified in site allocations. Draft allocation NSP23 indicates that taller buildings could be included in a mixed-use development, subject to considerations of impacts on existing character, heritage and townscape [87; 234].
407. Development plan policy does not therefore preclude tall buildings on the site, although I am not convinced that it endorses them quite so enthusiastically as the Appellant believes. The emerging development plan does not add a great deal in this respect apart from perhaps a more positive approach through the draft allocation. However, this is subject to outstanding objections, which will be considered during the period of examination [234; 235].
408. Policy 7.7 in the London Plan includes a number of requirements for tall buildings to meet. These include incorporating the highest standards of architecture and materials, establishing a good relationship with the character of the surrounding area, contributing to an improvement in permeability and making a significant contribution to local regeneration. Strategic Policy 12 requires that tall buildings have an exemplary standard of design, make a positive contribution to regenerating areas and create unique places [232].

Effect on the existing townscape

409. The appeal site occupies the larger part of a wider industrial area. Whilst most of the existing buildings are not derelict or particularly unsightly, the site contributes little to the quality or attractiveness of the existing townscape. There is little dispute that its redevelopment could bring benefits to its surroundings and it is to be noted that changes are occurring in other parts of the industrial area, for example on the Big Yellow and PHS sites. Furthermore, there are planning applications or pre-application discussions relating to other sites in the PIL on the northern side of Parkhouse Street. This is clearly an area where regeneration is likely to result in considerable change over time [89; 90].
410. There is no doubt that the height and mass of the new development would be significantly different from the predominantly domestic scale of the host environment. Although there are higher elements at Elmington Green and Camberwell Fields, for example, these tend to be at key locations and are, in any event, significantly lower than what is being proposed on the appeal site. The Big Yellow building is a substantial construction, but its box-like structure will do little to visually improve its surroundings [12].
411. The lowest buildings would be the two-storey houses adjacent to Burgess Park. The adjacent Block B warehouse would be refurbished, and the two additional storeys would be recessed to reduce their impact on the park and existing dwellings. Within the main site, Block C would be three storeys in height to respect the two-storey houses at 1-13 (odd) Parkhouse Street. On the other side of the site, Block M would be 4 storeys in height, which would acknowledge

the domestic scale of the Wells Way houses. Around the arc of Parkhouse Street, the buildings would be 8-9 storeys in height with the upper floors set back. They anticipate the future redevelopment of the industrial sites on the northern side with high and large-scale built development [91; 92].

412. The optimisation of the existing land resource would be likely to result in a more intense form of development to what exists at present. However, that does not mean to say that it should not respect its receiving environment. In its desire to create a new mixed-use quarter of landmark significance I consider that there are elements of the scheme that would not be satisfactory in this regard. My main concern is the way that the development would rise up steeply from the perimeters of the site to a series of tall central blocks. These have been designed with a contemporary warehouse aesthetic, but their height and scale would result in an imposing cluster of buildings of considerable bulk and solidity when viewed from the surrounding area. It is appreciated that upper storeys would be set back and clad with metal finishes. Also, that façades would be articulated, including with projecting balconies. Nevertheless, the closely grouped tall blocks would, in my opinion, lack finesse or distinction. The brick chimney, which is an undesignated heritage asset and considered to be an important focal feature in the new development, would be diminished and rather overwhelmed by the scale and proximity of its new neighbours [10; 35; 238; 239; 240].
413. There would be advantages to the scheme, including the creation of an L-shaped street running through the centre to open up the site and introduce permeability. There is no reason why it should not be an active, vibrant space with its proposed outdoor “rooms” that visitors and those living and working there can enjoy. The space at the confluence of the two right angled arms of the street would be limited in size and would not, in my opinion, open out sufficiently to be perceived as square, either in appearance or function [92; 132; 240].
414. The proposed development was considered on two different occasions by the Design Review Panel at pre-application stage. The Appellant complained that on both occasions the constitution of the panel was different and that there was no continuity. However, changes were made as a result of their comments, including reducing the overall height of the scheme and introducing the service yards. Nevertheless, the second Design Review Panel concluded that the design of the buildings appeared overly repetitive and lacked distinction. They raised significant concerns about the height and massing. Strategic Policy 12 states that the Design Review Panel has an important role in assessing design quality and it seems to me that the views of its qualified architects should be afforded significant weight. Although the comments related to an earlier iteration of the scheme when the proposal was to include a tower of 14-storeys, the overall concerns about height and massing remain valid and concur with my own in this respect [91; 190; 191; 240].

Burgess Park and St George’s Church tower

415. The Local Group was particularly concerned about the views of the proposed development from Burgess Park and its visual interaction with the distinctive tower of the former Church of St George on Wells Way. I made an extensive visit to Burgess Park and looked towards the site whilst moving through the

open space as well as seeing it from various viewpoints. I observed that urban development is a feature in many views out of this open green space. Examples include the distinctive towers of the Wyndham and Comber estates to the west; the high buildings and urban regeneration of the Aylesbury Estate to the north, which is currently being regenerated; and the tall buildings to the east within the Old Kent Road Action Area. However, to the south the outlook is greener and the urban area is less apparent. This is mainly because the buildings are smaller scale and there is a thick band of trees fringing this edge of the park, which provide a screen especially in the summer months. The distinctive ornate tower of the listed church rises resplendent above the treetops [13; 93; 241; 243; 276].

416. In mid-distance views and looking south-west from the main central footpath, the upper parts of the new building blocks would be apparent above the tree canopies and adjacent to the church tower. It is also to be noted that the 10-storey building proposed on the Council's site at 21-23 Parkhouse Street would also be seen within this view. Whilst this should be considered within the context of an urban park fringed with built development, there would be a degree of harm to the existing character of this edge of the park. This is clearly a well-used area that provides a valued amenity enjoyed by local people and visitors alike. Whilst they will have a kinetic experience and the picture will continually change, it seems to me that it would be diminished to some degree by the introduction of tall buildings within this vicinity [241; 242; 281; 282].
417. St George's Church was originally within an intensely developed urban location and Burgess Park comprised an area of terraced housing traversed by the Grand Surrey Canal and the wharves and factories associated with it. The area suffered considerable bomb damage in the Second World War and it was cleared over a prolonged period. The canal fell into disuse and was filled in although the creation of the park has been a project over many decades and the last phase did not take place until the 1980s. The setting of the church, which closed in 1970 and was subsequently converted to flats, has therefore substantially changed. It seems to me that its primary setting is primarily provided by the churchyard and that this would not be affected by the proposed development.
418. The park contributes to an appreciation of the heritage asset and in particular to its distinctive ornate tower. This would no doubt have been a distinguishing wayfinding feature within the urban environment in which the church originally stood. Today it still contributes that function in that it is clearly seen from many different viewpoints in the surrounding townscape. From the park it appears above the treeline with little distraction in the immediate vicinity. The new blocks would result in tall flat roofed elements which would, in my opinion, compete for attention to some degree. There would be a small degree of harm to the significance of the listed building. I consider that this be at the low end of the scale of less than substantial harm in terms of paragraph 196 of the Framework. I return to consider this further in the planning balance [93; 243].

Conclusion

419. Drawing together the above points, I consider that the proposed development would cause some harm to the character and appearance of the area and fail to relate successfully to the existing townscape context. Whilst the proposal would provide permeability through the site, which would be a positive factor, the

design overall would not be exemplary for the reasons I have given. For all of these reasons I conclude that the proposed development would conflict with policy 7.7 in the London Plan, Strategic Policy 12 in the CS and policy 3.20 in the Southwark Plan.

CONSIDERATION FIVE: ACCESSIBILITY AND TRANSPORT

420. The concerns of the Local Group related principally to the safety of pedestrians, the ability of local buses to cope with the anticipated additional patronage and the inadequacy of car parking within the surrounding streets. However, following discussions during the inquiry they agreed that the objections could be addressed through mitigation measures provided in the UU⁹³. Whether these would be acceptable would of course depend on whether the relevant obligations would meet the provisions under Regulation 122 of the CIL Regulations. I consider this below [3; 181; 84].

Pedestrian safety

421. The Transport Assessment has identified an increase in footfall along Parkhouse Street and at the junction with Wells Way. The Local Group is particularly concerned about the safety of pedestrians crossing within the vicinity of the junctions of Coleman Road, Wells Way and Parkhouse Street. They have cited a cluster of accidents within this vicinity between 2013 and 2016. However, the evidence indicates that most of these happened prior to works being undertaken in 2015, including a kerb buildout and new pedestrian refuge. Since this time there was only one personal injury accident recorded involving a pedestrian.

422. The UU includes two alternative solutions. The Appellant's preference is for a raised table to be provided at the junction of Parkhouse Street and Wells Way with uncontrolled crossing points on each arm of the junction. The existing central refuge on Wells Way would be removed. This seems to me to be a reasonable and proportionate response to the concerns of the Local Group. I do not consider that there is sufficient justification to require an additional report on pedestrian safety or further mitigation at these junctions [84].

423. Parkhouse Street will be a main pedestrian thoroughfare into and out of the site. There are covenants that include widening footways, improvements to wayfinding signage, traffic calming measures and upgrading of street lighting. A covenant requiring £50,000 towards the surfacing of Parkhouse Street does not seem to me to be justified especially as re-surfacing of the carriageway would be carried out as part of the S278 highway works. The Appellant's approach would be to use a variety of surfacing materials in order to reduce vehicle speeds. The Local Group's objection seems to be that this would be disadvantageous to cyclists. However, I see no reason why this should be the case if the surfacing is carefully considered with all road users in mind [84; 266]

Buses

424. The proposed development would not provide car parking for residents other than those with disabilities. The site has a low accessibility rating of PTAL 2,

⁹³ As there was no formal evidence by the main parties on this issue I have relied in this section mainly on the written evidence by the Local Group and the Appellant. This may be found at **Documents POE 8, POE 9, POE 23**.

apart from the western section where it rises to PTAL 4. This particularly reflects the distance from the nearest underground stations of Oval and Elephant and Castle. In such circumstances it seems likely that bus travel would be a popular modal choice either for linked trips to the station or else for the whole journey [126; 263; 264].

425. There are regular bus services into central London with routes along Wells Way and bus stops convenient to the appeal site. TfL has indicated that capacity is not a clear issue at the moment although local people have a rather different view. I was told that these particular services can be very congested, especially during peak periods [263; 264; 274; 276].
426. There is a considerable amount of growth planned for the area, including around Old Kent Road. TfL therefore considers that there may be capacity issues in the future. It has asked for a contribution of £360,000 to cover the costs of providing an extra bus in the morning peak for a period of 4 years. After this time TfL would expect to provide the necessary funding itself. The contribution is related to the cost of providing this extra bus but would only be sought in the event that TfL considered that capacity issues justified it. The relevant mechanisms are included in the UU and this approach seems reasonable and proportionate [263; 264].

Car parking

427. On-street parking in the vicinity of the appeal site is limited by virtue of a Controlled Parking Zone (CPZ). There is an obligation in the UU that all occupants are to be informed that they would not be entitled to apply for a parking permit or buy a contract to park in any Council car park. This would exclude those holding a disabled persons badge who would have provision to park on the street. This is not an unusual provision and one that is justified in this case. It would be brought into effect through Section 16 of the Greater London Council (General Powers) Act 1974.
428. In this CPZ the parking restrictions only apply between 0830 and 1800 on weekdays and the Local Group is concerned that new occupiers could still park locally in the evenings and at weekends resulting in capacity issues for existing residents and highway safety issues as people drive round looking for a space. The Deed includes a covenant to pay £10,000 to fund a study. This has been worked out as the cost of carrying out a survey at night to identify the scale of demand for kerbside parking outside CPZ controlled hours. It would also include the cost of consultation to see if any proposed changes would be supported by the local community [84].
429. There is no evidence that the area suffers from parking stress outside controlled hours at the moment or would be likely to do so with the development in place. I agree with the Appellant that it would take a great deal of dedication for a car owner living in the development to rely on kerbside parking. There may be some who would have parking provision at work or use their cars to travel but they would have to be confident that such arrangements were in place every day of the week. It seems to me that many people choosing to live in a car-free development would not be car owners and would make their journeys by public transport.
430. It is noted that the UU includes membership of a car club scheme for three

years, with the provision of two spaces near the site. This accords with draft policy P52 in the emerging New Southwark Plan and seems to be a reasonable provision and one that would further discourage the inconvenience and expense of car ownership in this location. For all these reasons I do not consider that the evidence is sufficient to demonstrate that an unacceptable issue would arise in this case or that the obligation regarding the contribution towards the CPZ Study would be necessary.

Other provisions

431. Cycling is also likely to be a popular alternative modal choice. TfL has requested a contribution to pay for a cycle docking station close to the site, which would accord with the provisions of policy 6.9 in the London Plan. The contribution of £150,000 in the UU relates to the reasonable cost of providing a medium-sized facility [265].
432. There is also provision for Travel Plans to be submitted in respect of both the residential and commercial elements of the scheme. These would be controlled through planning conditions and would be in accordance with the Framework Travel Plan and Interim Residential Travel Plan already submitted in the ES. These plans make provision for targets to be established for non-car travel modes and subsequent monitoring and review to ensure that they are being met [84].

Conclusion

433. Notwithstanding the low PTAL level for much of the site, it can be concluded that with the proposed mitigation in place the site will be sufficiently accessible and public transport will have sufficient capacity to enable new residential occupiers, employees and visitors to the site to travel by modes other than the car. The proposal would be in accordance with saved policy 5.3 in the Southwark Plan concerning walking and cycling and the Framework in terms of promoting sustainable transport. Furthermore, I am satisfied that the development would not have an unacceptable impact on highway safety.

CONSIDERATION SIX: LIVING CONDITIONS OF EXISTING RESIDENTS

434. The appeal site is part of a larger industrial estate that lies within a predominantly residential area. The site itself includes one existing dwelling, 45 Southampton Way, which would be retained. The other half of the pair, No 47 has a rear addition containing residential units that are close to the site boundary. Nos 1-13 (odd) Parkhouse Street are Victorian houses that are on the western side of Parkhouse Street. They each appear to be subdivided into two flats and the new development would be opposite and behind them. In the case of No 13, there would also be development to the north. Nos 37-39 Parkhouse Street are a pair of semi-detached houses on the northern side of Parkhouse Street between the Babcock Depot and the PHS waste transfer site [12].
435. On the eastern side of Wells Way and opposite the site is a terrace of Victorian houses and a listed former vicarage that has been subdivided into flats. Beyond this is a detached house of modern construction. To the north of Coleman Road is frontage housing at 77-95 Wells Way, which is part of a larger modern estate. Whilst impacts of the development, due to its scale, would likely to be experienced by those living further afield, it is the aforementioned residential

properties that would be most affected [12].

436. Policy 7.6 in the London Plan seeks to ensure that buildings do not cause unacceptable harm to the amenity of surrounding residential properties in relation to privacy and overshadowing, particularly if tall buildings are involved. The Mayor's Housing SPG indicates that the BRE Guidelines should be applied sensitively to higher density development and take into account local circumstances, the need to optimise housing capacity and the scope of the character and form of the area to change over time. It advises that the degree of harm on adjacent residential properties and the daylight targets should be assessed drawing on comparable typologies. The aim is to achieve satisfactory levels of residential amenity and avoid unacceptable harm [96; 244]
437. Saved policy 3.11 in the Southwark Plan seeks to maximise the efficient use of land whilst protecting the amenity of residential occupiers, amongst other things. The RDS SPD relies on the BRE Guidelines to demonstrate no unacceptable loss of sun or daylight or overlooking. Draft policies in the emerging New London Plan and New Southwark Plan indicate adequacy as the measure of acceptability. The theme throughout is that guidelines should be applied flexibly and that a balanced approach should be applied [97; 98].

Daylight and sunlight

438. Daylight

439. The *Rainbird* High Court judgement confirmed that when considering the effect on daylight and sunlight there is a two-stage process. It is first necessary to consider whether there would be a material deterioration in existing conditions and second whether any such deterioration would be acceptable. The first step is a matter of calculation applying the BRE Guidelines. The second step is a matter of judgement [96; 100; 245].
440. The main parties agreed that the Vertical Sky Component (VSC) and No Sky Line (NSL) were the correct methodologies to use in the assessment of effect of daylight on existing residential properties. There was no dispute with their application, which was applied to all relevant windows on the aforementioned residential properties. In terms of the assessment it was agreed that a flexible approach should be taken but nevertheless there was dispute about whether the level of impact was acceptable [99].
441. The BRE Guidelines indicate that a window should retain a VSC value of 27% or should not experience a change of more than 20%. This is a measure of the external obstructions that will determine the amount of sky visible in the centre of the window. It takes no account of the size of the window, the room use or size, for example. The NSL value is a measure of light distribution within the room. The BRE Guidelines are that if there is more than a 20-26% change from the existing situation the loss of daylight would be noticeable. It was agreed that an adverse effect would occur if either of these tests were failed.
442. On this basis, there would be non-compliance with one or both of these tests experienced by the majority of the front windows of residential properties in Parkhouse Street and Wells Way facing towards the site following development. The rear windows of 45/47 Southampton Way would comply with the VSC values but 3 of the 7 windows would not comply in terms of NSL. There is also a

- building to the rear of No 47, which appears to contain four flats or live/ work units. The evidence suggests that the ground floor windows receive very low levels of light anyway. However, there would be more significant changes at first floor level, with most windows failing to comply with VSC values [101-106].
443. However, there was considerable debate at the inquiry about whether a 27% VSC value was realistic in an urban context, especially when higher densities are being encouraged to optimise the use of land. In endorsing a flexible approach, the BRE Guidelines recognise that different target levels may be appropriate. However, the *Rainbird* judgement did not endorse the view that the VSC guideline is only appropriate to a suburban environment or that its guidelines do not apply to inner city areas [99; 245].
444. The Appellant considered that a mid-teen level of VSC would be an acceptable value to adopt here. Reliance was placed on two decisions by the Mayor and an appeal decision where such an approach was endorsed. I note that these preceded the *Rainbird* judgement. Furthermore, it seems to me that what would be acceptable would need to take account of the degree and extent of transgression as well as the nature of the surrounding area and the planning policy pertaining to the site. I would not *agree* that this is a suburban area, but it is an area where housing is predominantly of a domestic scale. Extant planning policy does not specifically endorse high-rise high-density development on or around the appeal site. Whilst this may change in the future the emerging policy position has only limited weight at present [99; 247].
445. In terms of residual values, I do not consider that adopting a mid-teen approach to VSC would be appropriate as a test for acceptability for the reasons I have given above. Nevertheless, I accept that a VSC level of 27% may be hard to achieve and I consider that 20%, as discussed at the inquiry, would be a more appropriate yardstick to follow in this case. On that basis the Appellant's evidence indicates that there would be a number of existing residential properties that would have reductions in daylight that I would not consider to be acceptable⁹⁴ [248].
446. There would be more than marginal infringements to the ground floor living rooms of the flats at 7 and 11 Parkhouse Street. In the case of 13 Parkhouse Street the ground floor flat's front bedroom and side bedroom and the first-floor flat's front living room and side bedroom would be thus affected. This is likely to be because of the way the development steps up on the Parkhouse Street frontage and, in the case of No 13, due to the increase in height of Block B. In Wells Way the ground floor living rooms of a number of the terraced houses would be affected. In this case it is probably because of the height of the building on the corner of Parkhouse Street and Wells Way. As for the two-storey unit to the rear of 47 Southampton Way, there is limited information with which to make a judgement. Due to its location the windows facing towards the site boundary are already compromised by existing buildings. However, it seems likely that the development would make matters considerably worse for the upper floor windows [101-105; 248; 280-282].
447. It is acknowledged that the above analysis indicates that only a limited number

⁹⁴ This information has been obtained from the Appellants daylight and sunlight evidence (*Document POE 6, Appendix 7*).

of residents would suffer impacts on daylight that I would deem unacceptable. However, these are relatively small dwellings and for the residents who occupy them the proposed redevelopment would result in a significant diminution of the enjoyment of their homes.

Sunlight

448. The BRE Guidelines measure sunlight in terms of Annual Probable Sunlight Hours (APSH) and apply to all windows facing within 90 degrees of due south. The assessment shows that the only two windows that would suffer loss of sunlight in excess of the target values in 1-13 (odd) Parkhouse Street would be two of the three rooflights in the rear living room to the ground floor flat. The infringement would be relatively small although there would be a more noticeable change in terms of winter sunlight. In Wells Way there would be about 8 windows that would experience significant reductions to existing levels of sunlight received and would be below the target value by between 1% and 5%. Most would also experience reductions in winter sunlight beyond target values. I acknowledge that the infringements would be relatively small but nonetheless they would be likely to make the rooms in question gloomier and less inviting [278-280; 282].

449. The Appellant's assessment has also considered overshadowing of existing amenity areas. Having carefully considered the analysis, I am satisfied that there would be no unacceptable loss of sunlight to the rear gardens of the Parkhouse Street properties or the area of Burgess Park behind Blocks A and B [101; 111].

Privacy

450. It is inevitable that a redevelopment of this nature would result in the potential for increased levels of overlooking to existing residential properties. At present the existing buildings are in various commercial uses and are mainly of limited height. The insertion of new housing on the other side of the road for residents living in Parkhouse Street and Wells Way would undoubtedly result in change. However, I do not consider that the window distances between new and existing properties would be particularly unusual for an urban area [109].

451. The gardens at the back of 1-13 (odd) Parkhouse Street provide a valued amenity but they are not particularly private being overlooked by adjoining windows, especially as the ground and first floors are occupied as separate residential flats. I agree that the new houses in Block A would be relatively close to the rear garden boundaries, but the upper floor windows have been designed to reduce the opportunity to look out in this direction. In any event a condition is proposed to require obscure glazing or other privacy devices to prevent overlooking to these gardens [109; 276; 282; 304].

452. The greatest potential for overlooking would be from the side windows of Block B, which would serve flats at first floor and above. I am satisfied that due to the relative floor heights, most upper floor windows would look out over existing rooftops. However, privacy devices would be justified to some first-floor windows and these would need to be devised in a way that would not provide an unacceptable outlook for new occupiers. A condition could be imposed to this effect. Subject to these controls I there would be no unacceptable overlooking or loss of privacy to existing residential occupiers or that policy 7.6 in the

London Plan would be offended in this respect [109; 276; 304].

Outlook

453. The BRE Guidelines do not apply to a consideration of outlook. Overall, the proposed development has been designed to step up in height from the edges of the site, which are proximate to existing residential properties, towards its centre. The houses in Block A would be two-storey in height. Although they would be closer to some of the rear boundaries of existing properties than the RDS SPD advises, I do not consider that *they* would be overbearing when viewed from the existing houses or their gardens. Block B is relatively close to 13 Parkhouse Street, but it is an existing building and the new upper floors have been recessed. The houses in Wells Way already face a high brick wall and the new houses that would replace it would be limited to a height of four storeys. Although there would be a taller building on the corner with Parkhouse Street, I am satisfied that it would be sufficiently well distanced not to appear overwhelming [108; 249].
454. The redevelopment of the site would undoubtedly result in a big change. For some the new outlook would be an improvement on what exists at present whereas for others the change would be unwelcome. However, it is important to remember that private views are not protected by planning policy and, in this case, I consider that the change that is proposed would not have an unacceptable impact on the outlook of existing properties [110; 250].
455. I note the concern about attractive views of St Paul's Cathedral being blocked, for example. However, as far as I am aware there would be no effect on protected views referred to in the development plan [278].

Conclusion

456. Drawing the above matters together, I consider that in many ways the proposed development would be able to successfully integrate with the existing residential uses on adjoining land. However, I do have concerns about the effect on the daylight of some properties in Parkhouse Street and Wells Way, which would result in unacceptable harm to those residents. In this respect there would be conflict with policy 7.6 in the London Plan and saved policy 3.11 in the Southwark Plan. This is a matter that I will return to under Consideration Nine, when I consider the planning balance.

CONSIDERATION SEVEN: OTHER MATTERS

Flood risk⁹⁵

457. The appeal site is within flood zone 3, which is identified as an area with high risk of flooding. However, the Strategic Flood Risk Assessment recognises that development within such areas is required and will be allowed subject to the Exception Test. The site is previously developed land and there are strong arguments for redevelopment as have been explained in previous sections of the report. It is to be noted that the site is allocated for mixed-use redevelopment in the emerging New Southwark Plan and this would bring wider sustainability benefits to the community. The Flood Risk Assessment, which

⁹⁵ This matter was not raised by the main parties. The information is from the ES.

accompanied the planning application and is part of the ES concluded that the area benefits from the River Thames flood defences. It also finds no record of historic flood events affecting this land.

458. I note that the Environment Agency raises no objection on this ground subject to the Exception Test. The site is also located within the flood warning area for the River Thames and therefore would be signed up to the Environment Agency's flood warning service in the event of an extreme flood. The Council has raised no objections on flood risk grounds and on the basis of the evidence I do not consider that this is a determining factor.
459. The Flood Risk Assessment concludes that the majority of the site would be at low risk of surface water. There would be no basements and the risk of groundwater flooding affecting the development would also generally be low. However, the flood risk assessment recommends that floor levels should be 300 mm above existing ground levels in the parts of the site at medium or high risk of surface water flooding or at risk of groundwater flooding. The Flood Risk Assessment identifies that parts of the northern and eastern parts of the site would be affected. This could be controlled through a planning condition.

Ecology

460. Burgess Park is a Site of Borough Grade II Importance to Nature Conservation. This is a non-statutory designation but nonetheless of considerable importance to the local community. Indeed, at my site visit I observed that there had been considerable improvements to the part of the park nearest to the north-western side of the appeal site. New Church Road, which once ran through the park has recently been stopped up, removed and incorporated into the park. The area, known as the New Church nature area has been significantly enhanced and this work has been recently completed. There have been new paths and landscaping to enhance its ecological value and once fully established it will provide an attractive area for wildlife. This is currently a work in progress [111; 251 273; 275; 279; 280].
461. The nearest development would be the two-storey town houses and Block B. Although the latter would be increased in height, the upper floors would be recessed. This part of the park adjacent to the site boundary is well treed and the taller elements of the scheme would be sufficiently far away not to cause unacceptable overshadowing. There would be no direct access from the appeal site to the park and I am satisfied that its ecological interest and biodiversity value would not be compromised by the appeal development [111; 251; 279].
462. **Heritage assets**
463. There are a number of listed buildings and structures within the vicinity of the appeal site, including the Addington Square Conservation Area. At my site visit I visited these heritage assets and agree with the main parties that their significance and the contribution made by their settings, would be preserved if the appeal development were to go ahead [93; 94].
464. The exception is the former Church of St George, which I have considered in paragraphs 415-418 above.
465. The chimney of the former confectionary factory is agreed to be a non-designated heritage asset and I have considered the effect of the new

development on that in paragraph 412 above.

CONSIDERATION EIGHT: WHETHER ANY CONDITIONS AND PLANNING OBLIGATIONS ARE NECESSARY TO MAKE THE DEVELOPMENT ACCEPTABLE.

PLANNING CONDITIONS

466. The planning conditions are at Annex Three and the justification is provided in paragraphs 289-312 of the Report and also in various parts of my conclusions.
467. It is considered that the conditions are reasonable, necessary and otherwise comply with Paragraph 206 of the Framework and the provisions of the Planning Practice Guidance.

THE PLANNING OBLIGATION BY UNILATERAL UNDERTAKING (UU)

468. A fully executed UU, dated 29 October 2019, has been submitted at *Document INQ 47*. This contains planning obligations for the purposes of Section 106 of the 1990 Act. There was a considerable amount of discussion at the inquiry about the UU and the obligations that it contained. There was also discussion of additional provisions, which I consider below. Overall, I am satisfied that the UU is legally correct and fit for purpose. A summary of its main provisions is provided at paragraphs 316-339 of the Report.
469. Strategic Policy 14 in the CS seeks, amongst other things, to use planning obligations to reduce or mitigate the impact of developments. Policy 8.2 in the London Plan indicates that strategic as well as local priorities should be addressed through planning obligations. The *Section 106 Planning Obligations and Community Infrastructure Levy Supplementary Planning Document (S106 SPD)* provides guidance on the use of planning obligations.
470. It is necessary to consider whether the obligations that have been made would meet the statutory requirements in Paragraph 122 of the CIL Regulations and the policy tests in Paragraph 204 of the Framework in order to determine whether or not they can be taken into account in any grant of planning permission. The requirements are that the obligations must be necessary, directly related and fairly and reasonably related in scale and kind to the development in question. It is noted that the UU contains a "blue pencil" clause that the obligations are conditional on the Secretary of State finding that they comply with the CIL Regulations. The Council has provided a useful CIL compliance statement at *Document INQ 29* and other explanatory information at *Documents INQ 27 and INQ 46*.

Affordable housing and viability (schedules 1-3, 15, 16)

471. Strategic Policy 6 requires as much affordable housing on developments of 10 or more units as is financially viable with a minimum of 35% in this case. The Affordable Housing SPD indicates a ratio of 70:30 social rent: intermediate. The various obligations to ensure that this is provided expeditiously are reasonable and necessary [*18; 254; 257*].
472. Even though the Appellant is willing to provide this level and mix of affordable housing, the *evidence* indicates that the appeal scheme would not be viable. Indeed, there is no dispute that the profit on value at under 7% would be far below what would normally be deemed an acceptable development return. In

such circumstances it is clear that this is not a case where more than the minimum could be provided [170].

473. The UU provides for this position to be reviewed at two points. The first would be after 2 years if the development had not got underway. The second would be when 75% of the market dwelling units had been occupied. The intention is to capture any increase in value of the scheme and thereby provide more affordable housing, for which no-one disputes there is a substantial need both in Southwark and in London generally.
474. The Appellant does not dispute that an early stage review would be appropriate. It seems reasonable to have another look at viability prior to commencement in this situation in order to meet the requirement in the strategic policy for as much affordable housing as viably possible [267; 268].
475. The dispute lies in whether the second, or late stage review, would be justified. The Planning Practice Guidance makes clear that the development plan should set out the circumstances that viability will be reassessed over the lifetime of the development. In this case where 35% affordable housing is being offered, there is no provision for late stage review in the adopted development plan. Whilst I note that the Council's Development Viability SPD makes provision for early and late stage reviews, this seems to be on the basis that there is not a policy compliant level being provided.
476. The emerging New Southwark Plan indicates that whilst the minimum provision of 35% remains, if there is less than 40% there will need to be a viability review. This is presently draft policy that has not been subject to examination. There are unresolved objections and thus the draft policy has limited weight. In the circumstances of this case, there is no justification for a second viability review.
477. The provision in terms of quantum and mix would be policy compliant and would be necessary to contribute to the considerable level of housing need in the Borough. The mechanism for delivery is linked to the occupation of market housing, which would ensure the affordable homes are provided expeditiously.

Wheelchair housing (schedule 4)

478. The 50 wheelchair units would comply with the 10% required under saved policy 4.3 in the Southwark Plan. It is necessary to ensure that the wheelchair units for sale are properly marketed and advertised to as wide an audience as possible in order that they are made available to meet identified needs.

Financial contributions (schedule 5)

479. *Archaeology contribution:* The site does not lie within an Archaeological Priority Zone but as the archaeological potential is unknown condition 10 requires a written scheme of investigation and subsequent evaluation and recording. The Council has an in-house archaeologist and the S106 SPD indicates that a monitoring contribution will be sought based on the floorspace of the development for proposals within Archaeological Priority Zones. As the appeal site is not within such an area, I do not consider that it has been demonstrated that the contribution would be necessary or reasonable.
480. *Bus contribution, cycle hire docking station contribution and CPZ study fund*

contribution: These payments have been considered under Consideration Five.

481. *Affordable housing evaluation report monitoring contribution:* This fee is based on a charge of £132.35 per unit. I was told that the Council carries out an annual audit of affordable housing provision in the Borough to ensure that it is delivered and retained. Improving its monitoring process arose as a direct result of an Ombudsman decision. The cost is worked out on the basis of officer time for a period of 5 years on the basis that the process is likely to become more efficient over time. In the circumstances I consider that there is adequate justification provided in this case.
482. *Administration cost:* Although this is not within the schedule, a payment of £21,023 is required under clause 15 of the Deed. This is to cover administration costs incurred by the Council, including monitoring the progress of the development and compliance with its terms. *The Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations (2019)* allows for such a cost provided that the sum to be paid fairly and reasonably relates in scale and kind to the development. It should not exceed the Council's estimate of its cost of monitoring the development over the lifetime of the planning obligations which relate to that development. The sum is based on 2% of the value of the contributions but there was no explanation of how this proportional fee related to the administration of the particular obligations in this case. I was told that the sum being asked for would be on the low side, but this was hardly a satisfactory answer. In the circumstances I must reluctantly conclude that the provisions required by the regulations have not been demonstrated satisfactorily.
483. *Carbon green fund contribution:* This is to meet the shortfall in the target for reduction in carbon dioxide emissions and contributions are put into the Council's green fund for projects such as installing community energy and retrofitting projects, for example. The Energy Statement indicates that some carbon emissions would need to be off-set by a payment and this is worked out in accordance with a formula in the S106 SPD. The contribution would be necessary in order to ensure that the impact on climate change is minimised.
484. *Children's play equipment contribution:* This contribution is to cover the shortfall in on-site provision of play space for older children in accordance with the GLA play space calculator. The cost of £151 per m² is the average local cost of improving play space to accommodate the children from the development in the S106 SPD. This seems a reasonable and necessary contribution to ensure that the needs of children occupying the development would be properly accommodated.
485. *Loss of employment floorspace contribution:* This is sought on the basis that there would be a loss of 8,834m² of Class B floorspace. The sum is based on a formula provided in the S106 SPD that relates to a proportion of the number of jobs that may have been provided against the cost of providing support and training for an unemployed resident to get access to a skilled job. Whilst I have no reason to doubt that the sum requested is proportionate, in this case I consider that the floorspace lost would be considerably less as explained at paragraph 387. In such circumstances the obligation would not be fairly and reasonably related in scale and kind to the development.

Car club scheme, highway works, controlled parking zone and Wells Way performance strategy (schedule 6, schedule 8 and schedule 13)

486. The justification for these covenants has been dealt with under Consideration Five. For the avoidance of doubt, I consider that the Proviso in the definition of Section 278/38 Highway Works does apply.

Business relocation and retention strategy (Schedule 6)

487. Existing tenants of the site include Swiss Postal Solutions Ltd and the car-wash and account for about 57 jobs. The S106 SPD indicates that where small business are displaced by development they should be assisted to relocate within the borough if possible. This would help maintain a strong local economy and the supply of jobs in accordance with development plan policy. The obligations are therefore necessary and justifiable.

Public realm and tree planting (schedule 7)

488. The covenants include provisions for drainage, lighting, repair and maintenance of the public realm. This is required in order to ensure that public areas remain attractive and well looked after in perpetuity. The obligations also ensure public access at all times, save for emergencies and also one day in the year to prevent prescriptive rights by default. This is reasonable as the site will be privately managed but remain publicly accessible.

489. The proposal includes the planting of 39 trees. Policy 7.21 in the London Plan requires existing trees of value to be retained, any lost to be replaced and where appropriate additional trees to be included in new developments. The proposed tree planting would comply with this policy. Draft policy P60 in the emerging New Southwark Plan includes a provision that where trees are removed for development, they should be replaced to ensure no net loss of amenity. Draft policy G9 in the emerging New London Plan has similar provisions with an objective of increasing tree cover in London by 10% by 2050.

490. The Council's Urban Forester has calculated the amenity value of the 9 trees that would be felled, taking account of their stem girth, health, maturity and canopy cover. He concluded that 39 trees would be required, having regard to the Mayor's 10% target increase. In the circumstances it seems to me reasonable to require a contribution for any of these trees that could not be planted for whatever reason so that another could be planted off-site. The cost of £3,000 per tree has been worked out to include the size of the trees and nature of the tree pits as well as subsequent maintenance. There are also two protected trees at potential risk and there is provision for the replacement value to be provided. These obligations are reasonable and necessary in order to maintain a green environment and enhance biodiversity.

Affordable workspace and commercial units

491. The justification for these covenants has been dealt with under Consideration Three.

Employment and training, construction apprenticeships and local procurement (schedule 11)

492. Giving local people the opportunity to benefit from obtaining employment and

training opportunities in respect of the new appeal development, both in the construction and operational stages, is supported by policy 4.12 in the London Plan, Strategic Policy 10 in the CS and saved policy 1.1 in the Southwark Plan. The covenants relating to these matters are therefore justified. The targets have been worked out in accordance with the S106 SPD.

493. There are penalties to be paid in accordance with the formulae in the S106 SPD if the targets are not met as a result of the Appellant failing to use all reasonable endeavours. These monies would be used by the Council to provide equivalent local opportunities. This seems reasonable and necessary because the S106 SPD indicates that such penalty contributions would be required in *exceptional circumstances*. If all reasonable endeavours are made to meet them but fail to result in a positive outcome, that would not justify penalty charges.

Energy strategy, district CHP and estate management strategy (schedule 12)

494. Policy 5.2 in the London Plan seeks to ensure that development minimises carbon dioxide emissions and there is also encouragement to use decentralised energy networks to that end. An energy strategy was submitted with the planning application which, amongst other things, included targets for the reduction of carbon dioxide emissions over and above the Building Regulations. The Site Wide Energy Strategy to be provided will demonstrate how these can be delivered across the site and must be approved prior to occupation.
495. There are also provisions to show how the development will be able to be connected to the District CHP in the future. These obligations are all necessary to ensure that the impact of the appeal scheme on climate change is minimised.
496. Obligations are included that show how the development will be managed in terms of ongoing maintenance and servicing. The latter will include access, cleansing, drainage and the collection of refuse. This will be undertaken either by a company or competent manager and the arrangements will be included in the Estate Management Plan to be approved by the Council and thereafter applied in perpetuity. These are necessary provisions to ensure that the public parts of the development would operate properly and be suitably maintained.

Architect (schedule 18)

497. I am not convinced in this case that the construction of the proposed development would necessitate the architectural practice that designed it being involved in the detailed implementation. For the reasons I have given I do not consider that the design is of exemplary quality but, in any event, this is an onerous obligation that would only be justified in exceptional circumstances. Whilst the continuation of HTA Design LLP may be desirable to the continuity of the project at detailed design stage it does not pass the test of necessity.

Conclusion

498. Drawing together the above points, I conclude that all of the planning obligations other than those specifically referred to in the paragraphs above constitute a reason for granting planning permission in accordance with Regulation 122 of the CIL Regulations.
499. For the avoidance of doubt, I do not consider that the following obligations meet

the tests in Paragraph 122 of the CIL Regulations. They have not been taken into account in my recommendation to the Secretary of State:

- Provisions for a second viability review
- Archaeology contribution (£11,171)
- CPZ Study Fund Contribution ((£10,000)
- Administration Cost (£21,023)
- Provisions relating to the Wells Way Operational Performance Review
- Provisions relating to the retention of the Architect

CONSIDERATION NINE: OVERALL CONCLUSIONS AND PLANNING BALANCE

500. The appeal proposal is Environmental Impact Assessment development. In reaching my conclusions and making my recommendation to the Secretary of State I have taken account of the environmental consequences as established in the information provided within the ES and the evidence to the inquiry.
501. The appeal proposal would regenerate a brownfield site where I have concluded that most of the existing buildings would be unlikely to be capable of viable refurbishment and re-use. The appeal scheme would provide new, good quality Class B premises, 10% of which would be affordable workspace for small businesses. There would be a significant increase in the number of available jobs relative to what currently exists at the site. This would also exceed the jobs that could reasonably be provided if it were to be redeveloped for industrial purposes. These would be benefits of significant weight.
502. The provision of 35% of the homes as affordable, with a policy compliant tenure mix, would be a significant benefit that would contribute to the very considerable affordable housing need in the Borough. Whilst the provision of 499 homes generally would also be a benefit and would help boost housing supply in accordance with the Framework, the weight should be reduced to moderate due to the less than exemplary nature of the accommodation provided overall.
503. The scheme would provide a vibrant public realm that those living and working on the site as well as visitors could enjoy. The scheme would also introduce permeability and routes through from Wells Way and Parkhouse Street where none currently exist. There would also be the ability to link through to the Big Yellow site where there is land safeguarded for a pedestrian and cycle route to Southampton Way. These benefits have significant weight. The existing chimney would be refurbished but it would to some degree be overwhelmed by its taller neighbours so the benefit arising would be limited.
504. Other advantages would include the jobs generated during construction as well as increased spending in the local and wider London economy during the construction and operational phases. These benefits have moderate weight.
505. I have concluded that the harm to the significance of the former Church of St George, would be less than substantial in nature. I attribute great weight and importance to the conservation of the heritage asset. However, the public benefits that would flow from the appeal scheme would be considerable and

would be sufficient to outweigh the identified harm in this case.

506. There is no dispute that the development plan and the policies that it contains are consistent with the Framework and therefore up-to-date. Furthermore, it is agreed that there is no issue with the Council's housing land supply or in terms of the Housing Delivery Test. In such circumstances the normal planning balance applies, and Paragraph 11 of the Framework is not engaged.
507. The proposal would conflict with the relevant employment land use policies, including Strategic Policy 10 in the CS. Setting aside whether this is a suitable place for densities above the applicable range in the CS and London Plan or whether it is a site where tall buildings would be appropriate, I have great concerns about the quality of accommodation that it would offer and also the relationship of the development with its townscape context. When considered in the round this would not be an exemplary development.
508. Overall it seems to me that rather than optimising the use of the land resource the scheme has sought to maximise it and this has resulted in a quality of development that at several levels would not be acceptable. The harm I have identified in terms of daylight and sunlight to some nearby residential properties may not be sufficient in itself to turn away the scheme but it is a further indication that the development would be out of harmony with its receiving environment. There would be conflict with Strategic Policy 5 and Strategic Policy 12 in the CS as well as other policies relating to design and residential amenity.
509. I acknowledge that there are some policies in the development plan that support the scheme. However, I consider that the most important policies to the determination of this appeal are those referred to above with which it would conflict. In such circumstances I do not consider that the appeal proposal would accord with the development plan as a whole.
510. The emerging New Southwark Plan favours a mixed-use development on the site. For the reasons I have given, I consider that there would be conflict with draft policy P26 and draft allocation NSP23 because there would be some loss of Class B floorspace. However, I recognise that the loss would be relatively insignificant. Nevertheless, these draft policies have limited weight at the present time due to the stage of the plan in the adoption process and the unresolved objections to it.
511. The benefits that I have referred to above would be of considerable importance. However, I do not consider that they would outweigh the harm that would ensue, which together are matters of substantial importance. The appeal proposal would conflict with the development plan when taken as a whole and material considerations do not indicate that it should be determined otherwise.

INSPECTOR'S RECOMMENDATION

512. That the appeal be dismissed. However, if the Secretary of State does not agree and wishes to grant planning permission, I commend the planning conditions at Annex Three.

Christina Downes

INSPECTOR

Ms H Aujla	Member of The Local Group
Ms L Stephenson	Member of The Local Group
Ms K Joyce	Member of The Local Group
Ms A Spence	Member of The Local Group
Mr J Welch	Member of The Local Group

ANNEX TWO: DOCUMENTS AND PLANS

CORE DOCUMENTS

A: Originally submitted planning application documents

CD A1	Application Covering Letter, prepared by DP9 Ltd.
CD A2	Planning Application Form, prepared by DP9 Ltd.
CD A3	Community Infrastructure Levy (CIL) – Planning Application Additional Information Requirement Form, prepared by DP9 Ltd.
CD A4	Planning Application Drawings, prepared by HTA Architects – as set out in Appendix 1
CD A5	Design and Access Statement, prepared by HTA Architects
CD A6	Planning Statement, prepared by DP9 Ltd.
CD A7	Statement of Community Involvement, prepared by Four Communications
CD A8	Energy Strategy, prepared by Waterman
CD A9	BREEAM Assessments, prepared by Waterman
CD A10	Sustainability Statement, prepared by Trium Environmental Consultancy
CD A11	Internal Daylight / Sunlight Report, prepared by Malcolm Hollis
CD A12	Historic Environment Assessment, prepared by MOLA
CD A13	Basement Construction Method Statement, prepared by Waterman
CD A14	Structural Feasibility Report, prepared by Waterman
CD A15	Equalities Statement, prepared by Volterra
CD A16	Arboricultural Survey and Impact Assessment, prepared by The Ecology Consultancy
CD A17	Preliminary Ecological Appraisal, prepared by The Ecology Consultancy
CD A18	Bat Survey Report, prepared by The Ecology Consultancy
CD A19	Phase 1 Environmental Risk Assessment, prepared by Groundsure
CD A20	Draft Construction Environmental Management Plan, prepared by Trium
CD A21	Utilities Report, prepared by Waterman
CD A22	Financial Viability Assessment, prepared by Gerald Eve
CD A23	Environmental Statement Volume I: Main Text and Figures
CD A24	Environmental Statement Volume II: Townscape, Heritage and Visual Impact Assessment (prepared by Montagu Evans and Cityscape)
CD A25	Environmental Statement Volume III: Technical Appendices
CD A26	Environmental Statement: Non-Technical Summary
CD A27	Schedule of accommodation prepared by HTA

B: Submitted revisions to planning application documents and additional submitted documentation

CD B	Planning Statement Addendum, prepared by DP9 Ltd
CD B2	Draft Business Relocation Strategy, prepared by DP9 Ltd

- CD B3 Revised Arboricultural Survey and Impact Assessment, prepared by The Ecology Consultancy
- CD B4 Revised Bat Survey Report, prepared by The Ecology Consultancy
- CD B5 Revised Equalities Statement, prepared by Volterra
- CD B6 Revised Historic Environment Assessment, prepared by MOLA
- CD B7 Revised Internal Daylight/Sunlight Report, prepared by Malcolm Hollis
- CD B8 Review of the Overheating Mitigation Strategy Note, prepared by Malcolm Hollis
- CD B9 Revised Phase 1 Environmental Risk Assessment, prepared by Groundsure
- CD B10 Revised Preliminary Ecology Appraisal, prepared by The Ecology Consultant
- CD B11 Revised Energy Statement, prepared by Waterman
- CD B12 Revised Statement of Community Involvement, prepared by Four Communications
- CD B13 Revised Sustainability Statement, prepared by Trium Environmental Consultancy
- CD B14 Revised Application Drawings, prepared by HTA Architects – as set out in Appendix 1
- CD B15 Revised Accommodation Schedule, prepared by HTA Architects
- CD B16 Revised Commercial Accommodation Schedule, prepared by HTA Architects
- CD B17 Revised Design and Access Statement, prepared by HTA Architects
- CD B18 Revised Landscape Drawings, prepared by HTA Architects – as set out in Appendix 1
- CD B19 Revised Environmental Statement Volume I: Main Text and Figures
- CD B20 Revised Environmental Statement Volume II: Townscape, Heritage and Visual Impact Assessment (prepared by Montagu Evans and Cityscape)
- CD B21 Revised Environmental Statement Volume III: Technical Appendices
- CD B22 Revised Environmental Statement: Non-Technical Summary
- CD B23 Unit Area Schedules, prepared by HTA

C: Development plan documents and guidance

- CD C1 The National Planning Policy Framework (February 2019)
- CD C2 The Planning Practice Guidance (as amended May 2019)
- CD C3 The London Plan (The Spatial Development Strategy for London Consolidated with Alterations Since 2011) (March 2016)
- CD C4 Greater London Authority Housing SPG (March 2016)
- CD C5 Greater London Authority Affordable Housing and Viability SPG (August 2017)

CD C6	GLA Shaping Neighbourhoods: Play and Informal Recreation SPG (September 2012)
CD C7	Draft New London Plan Further Suggested Changes (2019)
CD C8	London Borough of Southwark: Core Strategy (adopted 2011)
CD C9	London Borough of Southwark: Southwark Plan 2007 Saved Policies (Saved March 2013)
CD C10	London Borough of Southwark Proposals Map
CD C11	Southwark Development Viability SPD (adopted 2016)
CD C12	Southwark Residential Design Standards SPD with Technical Update (adopted 2015)
CD C13	Southwark Section 106 Planning Obligations/CIL SPD (adopted 2015)
CD C14	Southwark Section 106 Planning Obligations/CIL SPD addendum (January 2017)
CD C15	Southwark Affordable Housing SPD (adopted 2008)
CD C16	Draft Southwark Affordable Housing SPD (2011)
CD C17	Southwark Sustainable Design and Construction SPD (adopted 2009)
CD C18	Southwark Sustainability Assessments SPD (adopted 2009)
CD C19	Southwark Statement of Community Involvement (adopted 2008)
CD C20	Draft New Southwark Plan Proposed Submission Version (December 2017)
CD C21	New Southwark Plan Proposed Submission Version: Amended Policies 2019 (January 2019)
CD C22	Old Kent Road Area Action Plan (2017)
CD C23	GLA Land for Industry and Transport SPG (September 2012)

D: Development plan evidence base documents

CD D1	London Borough of Southwark Employment Land Study Part 1 (January 2016)
CD D2	Old Kent Road Workspace Demand Study (May 2019)
CD D3	Southwark Industrial and Warehousing Land Study (2014)
CD D4	Southwark Five and Fifteen Year Housing Land Supply: 2016 – 2031
CD D5	London Plan Annual Monitoring Report 14 2016/17 (September 2018)
CD D6	Southwark Core strategy SINC background paper (2010)
CD D7	Southwark Open Space Strategy (2013)
CD D8	Burgess Park Habitat Survey Report (London Wildlife Limited, 2013)
CD D9	Burgess Park Masterplan (2015)
CD D10	New Southwark Plan Evidence Base: Site Allocations Methodology Report
CD D11	GLA Vacant Ground Floors in New Mixed-Use Development (December 2016)
CD D12	GLA Industrial Intensification Primer (January 2017)
CD D13	CAG London Industrial Land Demand (June 2017)
CD D14	GLA Industrial Intensification Practice Note (November 2018)

- CD D15 Southwark Workspace Provider List (Summer 2019-20)
- CD D16 South East London Strategic Housing Market Assessment (June 2014)
- CD D17 London Plan Annual Monitoring Report 12 2014/15 (July 2016)
- CD D18 Southwark Biodiversity Action Plan Evidence Base 2013
- CD D19 London Industrial Land Supply & Economy Study 2015

E: London Borough of Southwark Planning Committee Report

- CD E1 Development Planning Committee Report
- CD E2 Addendum Committee report (27 November 2018)

F: Minutes from Southwark Planning Committee

- CD F1 Formal minutes from Committee meeting held on 27 November 2018

G: Decision notice

- CD G1 Decision notice (31 January 2019)

H: Appeal documents

- CD H1 Appellant's statement of case
- CD H2 Southwark Council's statement of case
- CD H3 Statement of Common Ground on planning matters (9 August 2019)
- CD H4 Local Group's statement of case
- CD H5 Local representations on the appeal

I: Consultation responses

- CD I1 Stage 1 Report from the GLA (18 June 2018)
- CD I2 Stage 2 Report from the GLA (28 January 2019)
- CD I3 Report of the Design Review Panel

J: Other documentation

- CD J1 TfL letter to PINS in relation to the appeal, 20/06/2019
- CD J2 TfL Permanent Bus Changes 12 April 2019 to 30 June 2019 document
- CD J3 TfL Bus changes consultation report (April 2019)
- CD J4 TfL Bus changes confirmed implementation dates (2019)
- CD J5 BRE Report 'Site layout planning for daylight and sunlight: a guide to good practice'
- CD J6 The Housing White Paper (February 2017) ("Fixing our broken housing market")
- CD J7 Technical Housing Standards – Nationally Described Space Standards (March 2015)
- CD J8 Planning Appeal Start Letter, dated 16 April 2019

CD J9	Secretary of State Appeal Recovery Letter, dated 24 April 2019
CD J10	Case Management Conference Note
CD J11	Appeal Decision APP/V5570/W/17/3171437 (The Whitechapel Estate)
CD J12	Appeal Decision APP/E5900/W/17/319757 (21 Buckle Street)
CD J13	GLA Representation Hearing Report – Appendix 1 (D&P/3067/03) – Holy Trinity Primary School, London Borough of Hackney
CD J14	GLA Representation Hearing Report (D&P/3698/01) – Monmouth House, London Borough of Islington
CD J15	BS EN 17037:2018 Daylight in Buildings
CD J16	BS 8206-2:2008 (Lighting for Buildings. Code of Practice for Daylighting)
CD J17	Aylesbury First Development Site: Design and Access Statement

PROOFS OF EVIDENCE

Appellant

POE 1	Mr Ainger's proof of evidence
POE 2	Mr Ainger's rebuttal proof
POE 3	Mr Marginson's proof of evidence and appendices
POE 4	Mr Marginson's rebuttal proof
POE 5	Mr Ingram's proof of evidence
POE 6	Mr Ingram's appendices
POE 7	Mr Ingram's rebuttal proof
POE 8	Ms Theobold's proof of evidence and appendices
POE 9	Ms Theobold's rebuttal proof and appendices
POE 10	Mr Bridges' proof of evidence
POE 11	Mr Bridges' appendices
POE 12	Mr Bridges' rebuttal proof
POE 13	Mr Stephenson's proof of evidence and appendices
POE 14	Mr Stephenson's rebuttal proof

Southwark Council

POE 15	Ms Crosby's proof of evidence
POE 16	Ms Hills' proof of evidence

The Local Group

POE 17	Local Groups' proof of evidence and appendix on density and design
POE 18	Local Group's rebuttal proof on density and design
POE 19	Professor Brearley's proof of evidence
POE 20	Professor Brearley's rebuttal proof
POE 21	Mr Venning's proof of evidence
POE 22	Ms Crisp's proof of evidence and appendices
POE 23	Mr Russell's proof of evidence and appendices

POE 24 Mr Hearmon's proof of evidence

DOCUMENTS SUBMITTED AT THE INQUIRY

- INQ 1 Court of Appeal judgement *Gladman Developments Ltd v Canterbury City Council* [2019] EWCA Civ 669 (submitted by Mr Streeten)
- INQ 2 Presentation given to the inquiry by Mr Ainger
- INQ 3A Presentation given to the inquiry by Mr Ingram on standard of accommodation
- INQ 3B Presentation given to the inquiry by Mr Ingram on living conditions
- INQ 4 Email correspondence from the Local Group regarding viability evidence (submitted by Ms Drabkin-Reiter)
- INQ 5 Appellant's note on noise issues (submitted by Mr Cameron)
- INQ 6 Letter from Arbeit Project Ltd (submitted by Mr Cameron)
- INQ 7 Planning Officer's report to Planning Committee about redevelopment proposals at Dockley Road Industrial Estate (submitted by Mr Cameron)
- INQ 8 Statement of Common Ground on financial viability
- INQ 9 Statement of Common Ground on townscape and heritage
- INQ 10 Representations to the planning application (submitted by Mr Streeten)
- INQ 11 Planning officer's report to Planning Committee about redevelopment proposals at Cantium Retail Park, Old Kent Road (submitted by Mr Cameron)
- INQ 12 Folder of viability background information (submitted by Mr Cameron)
- INQ 13 Statement of Common Ground on accessibility
- INQ 14 Summary statement addressed by Professor Brearley at the inquiry
- INQ 15 Report of the Design Review Panel (11 July 2017)
- INQ 16 Statement of Common Ground on daylight and sunlight
- INQ 17 Statement of Common Ground on employment land use
- INQ 18 Summary of Mr Ingram's evidence on daylight and sunlight
- INQ 19 Viability summary from the planning application for a mixed-use redevelopment at 21-23 Parkhouse Street (submitted by Mr Streeten)
- INQ 20 Certificate of Lawfulness relating to 47 Southampton Way (2 October 2008) (submitted by Ms Drabkin-Reiter)
- INQ 21 Representations to draft policy NSP 23 in the New Southwark Plan (submitted by Mr Streeten)
- INQ 22 Planning Practice Guidance: Noise (submitted by Mr Cameron)
- INQ 23 Statement on affordable housing and copy of appeal decision referred to within it (submitted by Mr Cameron)
- INQ 24 Corrected window maps for VSC and NSL values relating to existing adjoining properties in Parkhouse Street, Wells Way and 47 Southampton Way (submitted by Mr Cameron)
- INQ 25 Information regarding the adjoining scaffolding site, proposed redevelopments on surrounding sites and the

- listed buildings at 73-75 Southampton Way (submitted by Mr Streeten)
- INQ 26 Booklet of reference drawings to assist with proposed condition 21 (submitted by Mr Cameron)
- INQ 27A Draft Section 106 Agreement and comments on it from the Council and Appellant (dated 7 August 2019)
- INQ 27B Draft Unilateral Undertaking relating to points at issue by the Appellant on matters in the Section 106 Agreement and explanatory correspondence (submitted by Mr Cameron)
- INQ 28 High Court judgement relating to the late stage viability and paragraph 10 of the Mayor's affordable housing and viability supplementary planning guidance 2017 (submitted by Mr Cameron)
- INQ 29 CIL compliance statement (submitted by Mr Streeten)
- INQ 30 Southwark Streetscape Design Manual (submitted by Mr Streeten)
- INQ 31 Pre-commencement conditions statement (submitted by Mr Cameron)
- INQ 32 Draft schedule of conditions
- INQ 33 Appeal decision by the Secretary of State relating to a mixed-use development on land at Chiswick Roundabout. London W4 (APP/F5540/Z/17/3173208) (submitted by Mr Streeten)
- INQ 34 Conditions relating to the new employment uses proposed by Professor Brearley (submitted by Ms Drabkin-Reiter)
- INQ 35 Appellant's comment on the use of the words "up to" in relation to commercial floorspace
- INQ 36 Opening and closing submissions by Ms Drabkin-Reiter on behalf of the Local Group
- INQ 37 Opening and closing submissions by Mr Streeten on behalf of the Council
- INQ 38 Opening and closing submissions, including relevant caselaw, by Mr Cameron on behalf of the Appellant
- INQ 39 Site visit maps and schedule

DOCUMENTS SUBMITTED AFTER THE CLOSE OF THE INQUIRY

- INQ 40 Consultation responses from the Council's Ecologist and Environmental Team
- INQ 41 Draft servicing and Travel Plan conditions (submitted by the Appellant)
- INQ 42 Noise condition note (submitted by the Appellant)
- INQ 43 Draft materials condition (submitted by the Appellant)
- INQ 44 List of application drawings and additional drawing showing Block A house numbers (submitted by the Appellant)
- INQ 45 Corrected accommodation schedule (submitted by the Appellant)
- INQ 46 Further information on the calculation of financial contributions (submitted by the Council)
- INQ 47 Executed Planning Obligation by Unilateral Undertaking (dated 29 October 2019)

INQ 48 Further information from Thames Water about its suggested condition

PLANS

- A Application Plans (see schedule at Document INQ 44)
- B Booklet of reference drawings used at the inquiry
- C Ground and first floor plans of Block A, including plot numbers

ANNEX THREE: SCHEDULE OF PLANNING CONDITIONS

1. The development hereby permitted shall not be carried out otherwise than in accordance with the approved plans in Annex Four.
2. The development hereby permitted shall begin not later than three years from the date of this decision.
3. No piling shall take place for each block until a Piling Method Statement for that block has been submitted to and approved in writing by the local planning authority. The Piling Method Statement shall detail the depth and type of piling to be undertaken; the methodology by which such piling will be carried out; the measures to prevent and minimise the potential for damage to subsurface water infrastructure and risks to groundwater; and the programme for the works. Any piling shall be undertaken in accordance with the terms of the approved Piling Method Statement.
4. No development shall be carried out (excluding demolition) until details have been submitted to and approved in writing by the local planning authority to demonstrate that all water network upgrades required to accommodate the additional flows to serve the development have been completed or that a suitable housing and infrastructure phasing plan has been prepared that will deliver the necessary upgrades within an appropriate timeframe. Development shall be carried out in accordance with the approved details and timeframe.
5. No demolition shall be carried out until a Demolition Environmental Management Plan (DEMP) has been submitted to and approved in writing by the local planning authority. The approved DEMP shall be adhered to throughout the demolition period and shall include the following information:
 - the parking of vehicles of site operatives and visitors;
 - details of the site manager, including contact details, and the location of a large notice board on the site that clearly identifies these details;
 - the loading, unloading and storage of plant;
 - the erection and maintenance of security hoardings;
 - details of all external lighting;
 - measures to be adopted to maintain the site in a tidy condition in terms of waste storage, separation, recycling and disposal;
 - wheel washing facilities;
 - measures to control the emission of dust and dirt during demolition;
 - all non-road mobile machinery used in connection with the demolition process shall meet the minimum emission requirements set out in the Mayor of London's *Control of Dust and Emissions during Construction and Demolition Supplementary Planning Guidance 2014*.
 - A commitment to adopt and implement the Institution of Civil Engineers *Demolition Protocol*;
 - Routing of site traffic;

- The protection measures for the retained chimney in the centre of the site.

Working hours shall be limited to 0800-1800 Monday to Friday, 0900-1400 on Saturdays and no working on Sundays and public holidays.

6. No development shall be carried out (excluding demolition) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The approved CEMP shall be adhered to throughout the construction period and shall include the following information:

- the parking of vehicles of site operatives and visitors;
- details of the site manager, including contact details, and the location of a large notice board on the site that clearly identifies these details;
- the loading and unloading of plant and materials;
- the storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoardings;
- details of all external lighting;
- measures to be adopted to maintain the site in a tidy condition in terms of disposal/storage of rubbish, storage, loading and unloading of plant and materials and similar construction activities;
- wheel washing facilities;
- a scheme for recycling/disposing of waste resulting from construction works;
- all non-road mobile machinery, used in connection with the construction of the development hereby permitted, shall meet the minimum emission requirements set out in the Mayor of London's *Control of Dust and Emissions during Construction and Demolition Supplementary Planning Guidance 2014*.
- A commitment to adopt and implement the *Considerate Contractor Scheme Registration*;
- Routeing of site traffic;
- The protection measures for the retained chimney in the centre of the site.

Working hours shall be limited to 0800-1800 Monday to Friday, 0900-1400 on Saturdays and no working on Sundays and public holidays.

7. A) Prior to the commencement of development, a Phase 2 site investigation and risk assessment shall be submitted to and approved in writing by the local planning authority prior to the commencement of any remediation that might be required.
- B) In the event that contamination is present, a detailed remediation strategy to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be prepared and submitted to the local planning authority for approval in writing. The approved remediation scheme shall be carried out in accordance with its terms prior to the commencement of

any development other than that required to carry out remediation. The local planning authority shall be given two weeks written notification of commencement of the remediation works.

- C) Following the completion of the approved measures in the remediation strategy in part B), a verification report providing evidence that all work required by the remediation strategy has been completed, shall be submitted to and approved in writing by the local planning authority.
- D) In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it shall be reported in writing immediately to the local planning authority. A scheme of investigation and risk assessment, a remediation strategy and verification report shall be submitted to and approved in writing by the local planning authority in accordance with A)-C) above.
8. No development shall take place (excluding demolition) until full details of the 39 trees to be planted, to include 16 street trees, have been submitted to and approved in writing by the local planning authority. The details shall include:
- Tree pit cross sections;
 - Planting and maintenance specifications;
 - Use of guards or other protective measures;
 - The location of where the trees will be planted;
 - The species, sizes, and nursery stock type;
 - A programme of planting.

All tree planting shall be carried out in accordance with the approved details and programme. Planting shall comply with BS5837: *Trees in relation to demolition, design and construction* (2012) and BS: 4428 *Code of practice for general landscaping operations*.

If within a period of five years from the date of the planting of any tree on the site that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place in the first suitable planting season, unless the local planning authority gives its written consent to any variation.

9. No development shall be carried out (including demolition) until an Arboricultural Method Statement (AMS) has been submitted to and approved in writing by the local planning authority. The approved AMS shall be adhered to throughout the demolition and construction period and shall include the following information:
- The means by which any retained trees on or directly adjacent to the site are to be protected from damage during the demolition and construction periods.
 - Protection measures in accordance with BS 5837: (2012) *Trees in relation to demolition, design and construction - recommendations* and BS 3998: (2010) *Tree work – recommendations*;

- Details of facilitative pruning specifications and a supervision schedule overseen by an accredited arboricultural consultant;
- Arrangements for a pre-commencement meeting with the local planning authority's Urban Forester;
- Cross sections to show surface and other changes to levels, special engineering or construction details and any proposed activity within root protection areas required in order to facilitate demolition, construction and excavation.

If within the expiration of 5 years from the completion of development any retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of the same size and species unless otherwise agreed in writing by the local planning authority.

10. No development shall be carried out (including demolition) until:
 - A) A written scheme of investigation (WSI), which establishes a programme of archaeological evaluation through initial investigative trial trenching, has been submitted to and approved in writing by the local planning authority.
 - B) A report on the results of the evaluation works has been submitted to and approved in writing by the local planning authority.
 - C) A further programme of archaeological work has been carried out if it is required by the evaluation under B) above. This further programme of archaeological work shall be in accordance with a second WSI for archaeological mitigation, which shall be submitted to and approved in writing by the local planning authority for approval in writing. The development shall be carried out in accordance with the approved further programme of archaeological work.
 - D) Within 6 months of the completion of the archaeological work, a report shall have been submitted to and approved in writing by the local planning authority. This report shall detail the results of the on-site work, proposals for off-site post-excavation works, including publication of the site and preparation of the archive.
11. No development shall be carried out (excluding demolition) until a detailed Surface Water Drainage Strategy (SWDS), which incorporates sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. The SWDS shall demonstrate that there would be no unacceptable risk to Controlled Waters and shall adhere to the recommendations of the 2016 *Southwark Strategic Flood Risk Assessment*. It shall include the sustainable drainage feature types, their locations, attenuation volumes, discharge rates and a timetable for implementation. The development shall be carried out in accordance with the approved SWDS and its timetable.
12. No development shall be carried out (including demolition) until a detailed method statement for the eradication or long-term management of Japanese Knotweed, and a timetable for implementation, has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved method statement and timetable.

13. No above ground development shall be carried out (excluding demolition) until samples of all facing materials to be used have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved samples.
14. No above ground development on a block shall be carried out (excluding the construction of approved lift and stair cores), until sample-panels for that block to include the brickwork, bonding and pointing, have been erected on-site and thereafter approved in writing by the local planning authority. The development of each block shall be carried out in accordance with its approved sample-panels.
15. No above ground development shall be carried out (excluding demolition) until an assessment of the interference to existing television, radio and other telecommunications services has been submitted to and approved in writing by the local planning authority. The assessment shall include the method and results of surveys carried out, the measures to be taken to rectify any identified problems and a timetable for implementation. The development shall be carried out in accordance with the approved assessment and timetable.
16. No above ground development on a block shall be carried out until drawings, at a scale of 1:50, showing detailed specifications of the secure and covered cycle storage for that block and the associated visitor cycle parking for that block, have been submitted to and approved in writing by the local planning authority. The cycle parking facilities shall be provided before the first occupation of the block in accordance with the approved drawings and specifications. The cycle parking facilities shall be retained for the lifetime of the development and the space shall not be used for any other purpose.
17. No above ground development shall be carried out (excluding demolition) until details of the means of enclosure, along all site boundaries and a timetable for its provision have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and timetable.
18. No above ground development on Blocks B-M shall be carried out until details of the biodiversity (green/brown) roof for that block, including future provision for management and maintenance for the lifetime of the development, have been submitted to and approved in writing by the local planning authority. The biodiversity (green/brown) roof shall:
 - Include an extensive substrate base of a depth 80-150mm;
 - Be planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works for that block.
 - Focus on wildflower planting with no more than a maximum of 25% sedum coverage.

The biodiversity (green/ brown) roof and its future management and maintenance, shall be carried out in accordance with the approved details and shall be completed before first occupation of that block.

19. No above ground development shall be carried out until detailed drawings of a hard and soft landscaping scheme showing the treatment of all parts of the site

not covered by buildings and including the communal podium gardens and communal roof terraces, have been submitted to and approved in writing by the local planning authority. The hard and soft landscaping scheme shall include cross sections, surfacing materials and edge details to be used in any parking area, access, yard, internal street or pathway. The development shall be carried out in accordance with the approved hard and soft landscaping scheme.

The hard landscaping works shall be completed prior to the first occupation of the development and shall be retained for their intended purpose for the lifetime of the development. The soft landscaping works shall be carried out in the first planting season following completion of building works. Any trees or shrubs that are found to be dead, dying, severely damaged or diseased within five years of the completion of the soft landscaping scheme, shall be replaced in the next planting season by specimens of the same size and species in the first suitable planting season.

20. No above ground development on a block shall be carried out (excluding the construction of approved lift and stair cores) until detailed sections at a scale of at least 1:20 through the facades, balconies, parapets and heads, cills and jambs of all openings for that block have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
21. No above ground development shall be carried out until details of 2 Bat boxes, 6 Swift bricks and 6 Sparrow bricks have been submitted to and approved in writing by the local planning authority. The details shall include the location, orientation and design of the boxes and bricks and a timetable for their provision. The development shall be carried out in accordance with the approved details and timetable.
22. No above ground development on a block shall be carried out (excluding the construction of approved lift and stair cores) until details of obscure glazing or other privacy devices for that block have been submitted to and approved in writing by the local planning authority as follows:
 - Block A – House 1 (as identified on Plan C), first floor windows facing south-west towards Southampton Way; Houses 2-5 (as identified on Plan C), first floor south-east facing windows on the front elevation facing 1-13 Parkhouse Street.
 - Block B - first floor windows facing towards 13 Parkhouse Street to protect the privacy of its windows and garden.
 - Block B - balconies facing towards 21-23 Parkhouse Street.
 - Block C - windows, balconies and/ or deck accesses facing towards 45 and 47 Southampton Way to protect the privacy of existing windows and gardens.
 - Blocks D and E - windows within these blocks facing each other to protect the privacy of new occupiers.
 - Blocks E and J - windows within these blocks facing each other to protect the privacy of new occupiers.

- Blocks F and G - windows within these blocks facing each other to protect the privacy of new occupiers.
- Blocks F and I - windows within these blocks facing each other to protect the privacy of new occupiers.
- Blocks H and G - windows within these blocks facing each other to protect the privacy of new occupiers.
- Block J and M - west facing windows facing towards the scaffolding site.

The development shall be carried out in accordance with the approved details prior to the first occupation of the units affected. The obscure glazing and privacy devices shall be retained for the lifetime of the development.

23. The development shall not be occupied until the children's play spaces have been laid out and play equipment installed in accordance with a scheme to be first submitted to and approved in writing by the local planning authority. This shall include details of design, materials and target age group. The play spaces and equipment shall be retained for their intended purpose for the lifetime of the development.
24. Before the first occupation of a block, the car parking spaces shall be provided and made available for occupiers of that block. The car parking spaces shall be retained for the purposes of car parking for vehicles of residents and no trade or business shall be carried out thereon. At least three of the spaces shall be fitted with active electric vehicle charging points, and at least three of the spaces fitted with passive electric vehicle charging points.
25. A Delivery and Servicing Management Plan (DSMP) for the residential and non-residential units shall be submitted to and approved in writing by the local planning authority prior to the occupation of the development. The DSMP shall be carried out and operated as approved for the lifetime of the development. The DSMP shall also include:
 - details of mechanisms to ensure one-way east-west traffic routeing through the site.
 - Details of bollards within the development, including their positions in relation to the adjacent footways.

Servicing for the ground floor Class A, B and D2 units in Blocks B-L shall only take place between the hours of 0800-2000 Mondays to Saturdays and not at all on Sundays and public holidays. No servicing by Heavy Goods Vehicles shall take place between 0800-0900 and 1500-1600 during school term time.

26. Before the occupation of the first commercial unit, a Travel Plan for the commercial development shall be submitted to and approved in writing by the local planning authority. This shall be in accordance with the targets in the Site Wide Framework Travel Plan included in the ES and shall describe the means by which users of that part of the development will be encouraged to travel to the site by means other than the private car. The approved Travel Plan shall be implemented, monitored and reviewed at intervals to be first agreed with the local planning authority in writing. A copy of the review and action plan arising

from it shall be submitted to the local planning authority and retained thereafter.

27. Before the occupation of the first residential unit, a Travel Plan for the residential development shall be submitted to and approved in writing by the local planning authority. This shall be in accordance with the targets in the Interim Residential Travel Plan included in the ES and shall describe the means by which residents, visitors and users of residential elements of the development will be encouraged to travel to the site by means other than the private car. The approved Travel Plan shall be implemented, monitored and reviewed at intervals to be first agreed with the local planning authority in writing. A copy of the review and action plan arising from it shall be submitted to the local planning authority and retained thereafter.
28. No above ground development on Blocks B-L shall be carried out until details of a scheme for the ventilation of the non-residential units within that block to an appropriate outlet level have been submitted to and approved in writing by the local planning authority. The details shall include sound attenuation measures for any necessary plant, the standard of dilution expected and a timetable for provision. The development shall be carried out in accordance with the approved details and timetable.
29. Before the occupation of a block details to demonstrate that the block has achieved, or is on course to achieving, Secured by Design certification shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Within three months of the occupation of the final block to be completed, details of Secured by Design certification for the entire site shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

30. The development shall not be first occupied until details of how residents in each block (apart from Block A) will be provided access to communal amenity space and how each block (including Block A) will be provided access to communal play space have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
31. A minimum of 2,023m² of the Class B1 floorspace hereby permitted shall be used for Class B1c purposes only (light industry appropriate in a residential area).
32. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) the B1 floorspace shall not be used for any other purpose in Classes O, P or PA of Schedule 2, Part 3.
33. 90% of the residential units shall meet Building Regulation requirement M4(2) and 10% shall meet Building Regulation requirement M4(3).
34. Before the occupation of a block, the refuse and recycling arrangements shown on the approved drawings for that block shall be provided and made available for use. The refuse and recycling storage facilities shall thereafter be retained for their intended purpose.

35. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any future amendment to or re-enactment of that Order, no satellite dishes, telecommunications masts or equipment or associated structures, shall be installed on the buildings or their roofs.
 36. No above ground development on a block shall be carried out (excluding the construction of approved lift and stair cores) until details of any exterior pipes or flues for that block have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
 37. The Class A1-A3 and D2 uses shall not be permitted to open outside the hours of 0700-2300 Sunday to Thursday and public holidays, and 0700-0000 Friday and Saturday.
 38. The rated noise level from any plant, together with any associated ducting shall be 10 dB(A) or more below the lowest relevant measured LA90(15min) at the nearest noise sensitive premises.
 39. The L_{AFmax} sound from amplified and non-amplified music and speech from the Class A, B and D2 use units shall not exceed the lowest L90(5min), one metre from the facade of any sensitive receptor in all third octave bands between 31.5Hz and 8 kHz.
 40. Party walls, floors and ceilings between the A Class uses and residential dwellings shall be designed to achieve an airborne sound insulation weighted standardised level difference of at least 50dB $D_{nT,w+Ctr}$.
 41. No above ground development on Block H shall be carried out until details have been submitted to and approved in writing by the local planning authority to demonstrate how sound insulation will achieve a standardised level difference greater than 60dB $D_{nT,w+Ctr}$ for the specific Class D2 use proposed. The approved details shall be installed before the Class D2 unit is first occupied.
 42. The dwellings hereby permitted shall be designed to ensure that the following internal noise levels are not exceeded due to environmental noise:
 - Bedrooms: 35 dB $L_{Aeq,16hour}$ in the daytime; 30 dB $L_{Aeq,8hour}$ 45dB L_{Amax} in the night time
 - Living rooms- 35dB $L_{Aeq,16hour}$ in the daytime
 - Dining rooms - 40 dB $L_{Aeq,16hour}$ in the daytime
- Where the daytime means 0700-2300 and the night time means 2300-0700.
43. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extension, enlargement, roof alteration, chimney or outbuilding shall be carried out to the houses in Block A.
 44. Solid balustrades to balconies shall be provided to Block I at the following locations: south-west corner, levels 5-7 (inclusive); south-west elevation levels 5 and 6; south-east elevation, levels 9-11 (inclusive). The balustrades shall be

provided before the relevant unit is first occupied and shall be retained thereafter.

45. The secondary access into the site at 33 Southampton Way shall be for pedestrians and cyclists only, with no vehicle access permitted.
46. A) Before any fit out works to the commercial premises within a block begins, an independently verified BREEAM report to achieve a minimum 'excellent' rating for the Class A and B floorspace and 'very good' rating for the Class D floorspace shall be submitted to and approved in writing by the local planning authority. Details shall include performance in each category, overall score, BREEAM rating and a BREEAM certificate of building performance. The development of the block shall be carried out in accordance with the approved details in the BREEAM report.

B) Before the first occupation of the block, a certified Post Construction Review, or other verification process agreed with the local planning authority, shall be submitted to and approved in writing by the local planning authority, confirming that the agreed standards at A) have been met.
47. Within one year of the commencement of development (including demolition) a scheme for the restoration of the brick chimney on the site shall be submitted to and approved in writing by the local planning authority. The restoration works shall be carried out in accordance with the approved scheme before occupation of the final block to be completed.
48. The finished floor levels of any building that is within an area that is at medium to high risk of surface water flooding or at risk of groundwater flooding shall be at 300mm above the existing ground levels.

End of conditions 1-48

ANNEX FOUR: APPLICATION DRAWINGS

Drawing Title	Drawing Number	
Existing Plans		
Existing Site Plan	DUN-BUR_HTA-A_D01_DR_0001	P1
Proposed Site Plans		
Basement Floor Plan	DUN-BUR_HTA-A_D01-B1-DR_0100	P1
Ground Floor Plan	DUN-BUR_HTA-A_D01-00-DR_0101	P3
First Floor Plan	DUN-BUR_HTA-A_D01-01-DR_0102	P3
Second Floor Plan	DUN-BUR_HTA-A_D01-01_DR_0103	P1
Third Floor Plan	DUN-BUR_HTA-A_D01-03-DR_0104	P1
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Seventh Floor Plan	DUN-BUR_HTA-A_D01-07-DR_0108	P1
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Block F&G – SE Elevation	DUN-BUR_HTA-A_BF&G-S3_DR_0265	P1
Block F – SW Elevation	DUN-BUR HTA-A BF-S1 DR 0262	P1
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Block G – SW Elevation	DUN-BUR HTA-A BG-S2 DR 0268	P1
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Ministry of Housing, Communities & Local Government

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RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial Review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (0207 947 6000).

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS

The decision may be challenged by making an application for permission to the High Court under section 288 of the Town and Country Planning Act 1990 (the TCP Act).

Challenges under Section 288 of the TCP Act

With the permission of the High Court under section 288 of the TCP Act, decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application for leave under this section must be made within six weeks from the day after the date of the decision.

SECTION 2: ENFORCEMENT APPEALS

Challenges under Section 289 of the TCP Act

Decisions on recovered enforcement appeals under all grounds can be challenged under section 289 of the TCP Act. To challenge the enforcement decision, permission must first be obtained from the Court. If the Court does not consider that there is an arguable case, it may refuse permission. Application for leave to make a challenge must be received by the Administrative Court within 28 days of the decision, unless the Court extends this period.

SECTION 3: AWARDS OF COSTS

A challenge to the decision on an application for an award of costs which is connected with a decision under section 77 or 78 of the TCP Act can be made under section 288 of the TCP Act if permission of the High Court is granted.

SECTION 4: INSPECTION OF DOCUMENTS

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the Inspector's report of the inquiry or hearing within 6 weeks of the day after the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.