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Item No. 6.1	Classification: Open	Date: 28 November 2023	Meeting Name: Planning Committee (Major Applications) A
Report title:	Development Management planning application: Application 23/AP/0582 for: Full Planning Application Address: Daisy Business Park, 19-35 Sylvan Grove, London SE15 1PD Proposal: Redevelopment to provide a mixed use development comprising student accommodation (Sui Generis) 688 student rooms, residential accommodation, 23 units, all of which would be affordable and equate to 14% habitable rooms on site (Use Class C3), 68 sqm community floor space (Use Class F2) and 1,983 sqm commercial workspace (Use Class E(g)) within two buildings of up to 7 storeys and basement and 34 storeys and basement with associated car and cycle parking, landscaping, public realm and highways improvements.		
Ward(s) or groups affected:	Old Kent Road		
From:	Director of Planning and Growth		
Application Start Date 02/06/2023		Application Expiry Date 01/09/2023	
Earliest Decision Date 25/08/2023			

RECOMMENDATIONS

1. That the planning committee grant planning permission, subject to:
 - The recommended planning conditions;
 - The applicant entering into an appropriate legal agreement by no later than 28 May 2024;
 - Referral to the Mayor of London;

2. That, in the event that the Section 106 Legal Agreement is not completed by 28 May 2024, the director of planning and growth be authorised to refuse planning permission, if appropriate, for the reasons set out in paragraph 415 of this report.

EXECUTIVE SUMMARY



Existing converted 1920's warehouse building, housing a business park.

Sustainability

Energy

- Photovoltaic (PV) panels and air source heat pump (ASHP) are proposed on-site.
- The proposed development would be designed so that it can be connected SELCHP District wide heating network that is currently being developed by the GLA and Veolia. This future connection would further reduce CO2 emissions;
- Site wide 41% carbon reduction;
- A carbon offset payment of £172,254 has been agreed within the S106 agreement.

Car and cycle parking

- 2 No. wheelchair parking spaces;
- 2 No. ECV spaces
- 678 long stay cycle parking spaces and up to 79 visitors;
- 14.9 % habitable rooms affordable on site, 23 homes, 17 three bed, 6 four bed all social rent;
- 688 student bedspaces
- Total of 1,983sqm (GIA) of flexible use Class E (g) floorspace;
- In lieu affordable housing payment of £20.2m
- 10% affordable workspace;
- Play space and communal space requirements met on site;
- UGF of 0.316;
- 711 sq.m of new public square;

- 2 No. wheelchair parking spaces;
- 678 long stay cycle parking spaces and up to 79 visitor spaces;
- Estimated Community Infrastructure Levy of £5,320,250.75 (pre-relief); £4,028,099.79 (NET)

Planning Summary Tables

Student Housing

Conventional Housing								
Home s	Private Home s	Private Hab rooms	Aff. SR Home s	Aff. SR Hab Rooms	Aff. Inter m Home s	Aff. Intern Hab Rooms	Home s Total	HR Total
3 beds	0	0	17	75	0	0	17	75
4 beds +	0	0	6	36	0	0	6	36
TOTAL	0	0	23	121	0	0	23	121 (14.9%)

Commercial

Use Class and description	Existing GIA	Proposed GIA	Change +/-
E [g]	1,958 sq.m	1,983 sq.m	+25 sq.m
E (g) (Affordable workspace)	0	198.3sqm	+198.3sqm
Sui Generis Student	0 bedspaces	688 bedspaces	+688
Employment	Existing no.*	Proposed no.	Change +/-
Construction jobs (FTE)	To be confirmed	100 construction (max) 7 student accommodation (max)	To be confirmed

* These figures do not account for the site's most recent lawful uses (and attendant potential job numbers), given that the floorspace no longer exists following demolition of the buildings circa 2017.

Parks and child play space			
	Existing area	Proposed area	Change +/-
Public Open Space	0	711 sq.m	+711 sq.m
Play Space	0	509 sq.m	+ 509 sq.m

Carbon Savings and Trees			
Criterion	Details		
CO2 savings	40% improvement on Part L of Building Regs 2021		
Trees lost	0 x Category A	0 x Category B	2 x Category C
Trees gained	20 (minimum) ground		

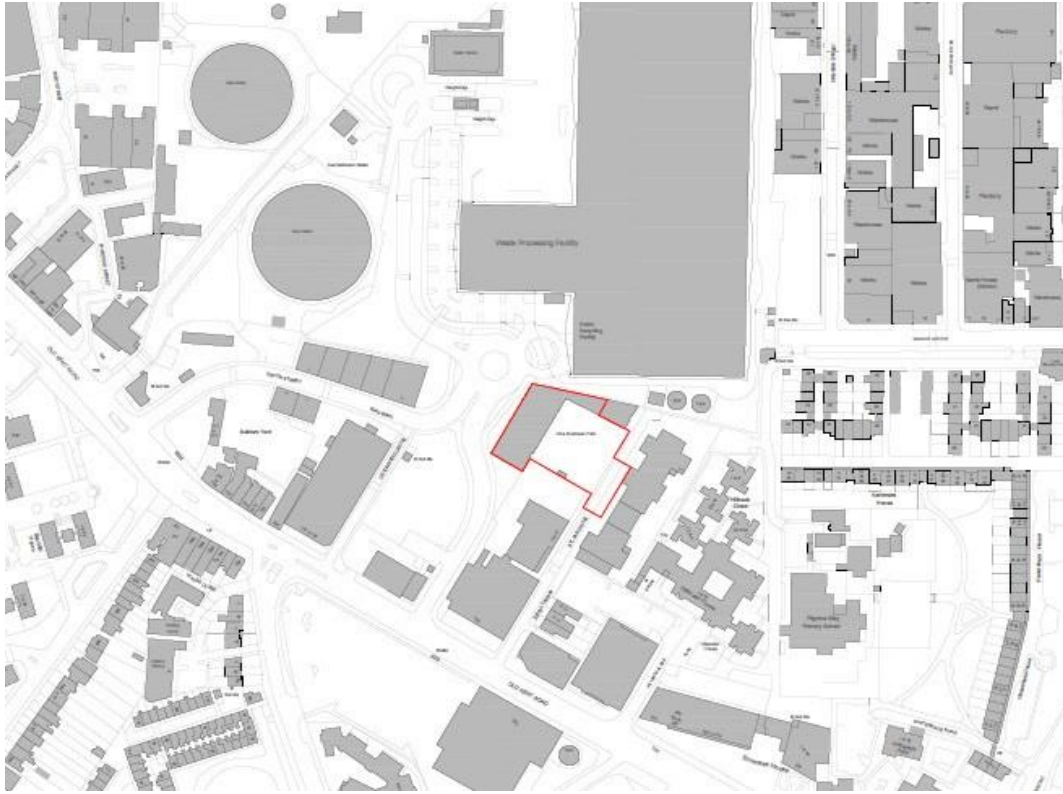
Greening, Drainage and Sustainable Transport Infrastructure			
Criterion	Existing	Proposed	Change +/-
Urban Greening Factor	0	0.316	+ 0.316
Greenfield Run Off Rate	N/A	2.2l/s*	+2.2l/s
Green roof Coverage	0	14 sqm	+14 sqm
Electric Vehicle Charging Points	0	2	+2
Cycle parking spaces	To be confirmed	757	+757

CIL and Section 106 (or Unilateral Undertaking)	
Criterion	Total Contribution
CIL (estimated)	£5,320,250.75 (pre-relief)
CIL (estimated) NET	£4,028,099.79 (NET)
LBS CIL NET	£2,628,999.47 (NET)
MCIL (estimated)	£1,399,100.32
Section 106 Contribution	As set out in the 'Planning Obligations' section of this report

BACKGROUND INFORMATION

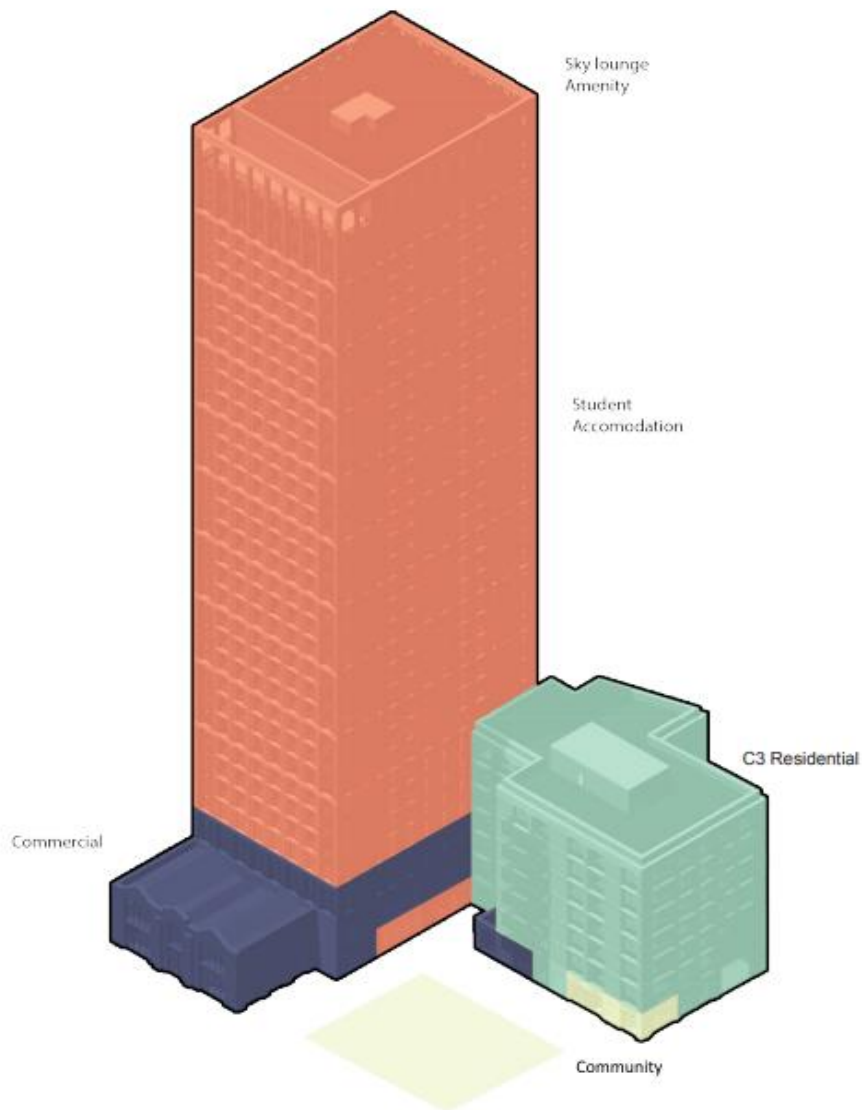
Site location and description

- The site comprises an area of 0.29 hectares (ha) with access via Sylvan Grove. The courtyard of the site accommodates 47 parking spaces. It lies within the following adopted Southwark Plan designations;
 - Old Kent Road Area Action Plan (Core Area);
 - Bermondsey Lake and Old Kent Road Archaeological Priority Zones;
 - Air Quality Management Area
 - NSP site allocation



Images: Application site and site boundary

Application Use & Amount



Proposed scheme uses

Student Rooms:	688 bedrooms
Amenity provision:	1.5m ² per student
Residential units :	23 units (117 Habitable Rooms)
Commercial GIA:	1,983m ² (greater than existing)
Community GIA:	68m ²

4. The site comprises a 2 storey building in use as class E (g) (iii) of approximately 1,958sqm of gross internal area (GIA) containing a number of commercial units including offices, studio and light industrial space.
5. The site falls within a mixed industrial and residential area. 24 Sylvan Grove containing 80 residential flats is located opposite the site.
6. The site is adjacent to the “Devonshire Square” redevelopment at 765-775 Old Kent Road, and land at Devonshire Grove which was granted planning permission on 1 June 2020 (ref 19/AP/1239) for up to 565 homes, up to 4,770sqm total floorspace for a range of employment, retail, leisure and community uses. A new planning application (LPA Reference 23/AP/1862) has subsequently been submitted on the site for a mixed student housing and affordable housing scheme which will have 40% on site affordable housing (25 % social rented and 15% intermediate).



Image: Plan of proposed adjoining approved Devonshire Square development

7. The site is within the Old Kent Road Area Action Plan: Sub Area 4 – Hatcham, Ilderton and Old Kent Road (specifically OKR18). The site also falls within a Site Allocation (NSP69) ‘Devon Street and Sylvan Grove’ in the Southwark Plan 2022.



Image: OKR18 in the draft AAP



8. The site is not within a conservation area and the existing buildings are not listed. The western part of the existing building is identified in the further draft OKR AAP

as being of townscape merit, as is the church building adjacent to the site. The listed Grade II Gasholder No. 13 (associated with the former South Metropolitan Gas Company) is located to the east of the site.



Image: Masterplan

9. The site has a PTAL rating of 3 (medium accessibility) and is also within Flood Zone 3. The site would be 200 metres from the proposed new BLE station on the Old Kent Road.

Details of proposal

10. Full planning permission is sought for the part demolition and part retention of the existing building on the site and construction of a mixed use development comprising 688 student bedspaces, 23 on-site affordable homes (14.9 % by habitable room) and commercial uses in two blocks.
11. The social rented affordable housing would be located in the 7 storey block and would have its own entrance. The student housing would be located in the tower building above with 1,983 sqm (GIA) commercial use (class E, (g)) being located on the ground and first floors of the tower building.
12. The ground floor of the development would comprise:
 - Student and residential entrances and lobby accesses;
 - A commercial entrance;
 - A community room;

- Back of house amenity room for staffing of student accommodation;
 - Refuse store and UKPN substation; and
 - 2 No. wheelchair parking spaces accessed from Sylvan Grove in the north part of the building.
13. The proposals comprise a building with three main components. It would be a mix of 2, 7 and 34 storeys arranged on an L-shaped footprint. There would be a reconstructed section of the existing building to form a 2 storey commercial wing to the southwest portion of the site. This would step up to the taller block of 34 storeys running along the western boundary. The 7 storey residential block runs perpendicular to this along the northern boundary. The 34 storey element would be a maximum of up to 108.55 m AOD and 109.575m AOD for plant (previous scheme was 107.8m AOD) and the shorter element up to 26.5m AOD (previous scheme was 25.6m AOD).
 14. Private amenity space for the conventional residential dwellings are provided in the form of balconies to each flat. Communal garden and play space is provided on the roof of the block. In addition, a community room is proposed on the ground floor of that lower block.
 15. A garden square on the ground floor of 711 sqm would complete the rest of the public open space proposed in the adjoining Devonshire Square development. The Devonshire Square space adjacent comprises 369sqm. The total size of the garden space would be 1,080 sqm. The combined space is shown below. The space would be designed to a unified plan secured by condition and legal agreement.



Image: Proposed public open space/square (in colour) and the adjoining square in the Devonshire Square development (shaded grey)

16. There would be extensive works to the existing road network in the Devonshire Square development. This includes the stopping up of the existing IWMF egress road and the widening and re-alignment of Devonshire Grove to accommodate two-way traffic to provide access and egress to the IWMF. The application proposed here on Daisy Business Park would be unaffected by those changes.

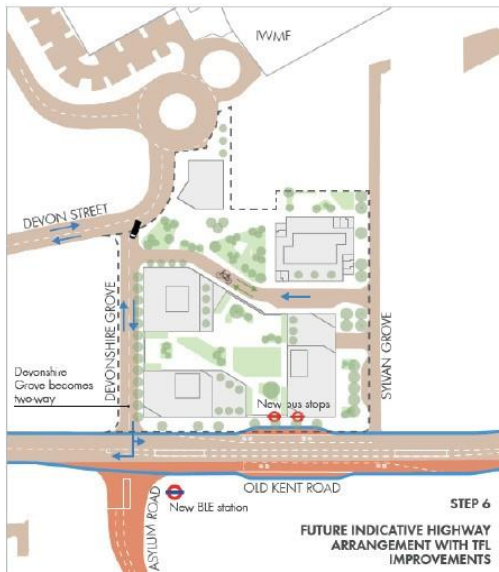


Image: Future highway network

17. The proposed development would be car free, with the exception of 2 car parking spaces for disabled residents that are located within a secured parking garage to the northern part of the scheme accessed from Sylvan Grove. The development will be serviced from within the parking garage to ensure no conflict between servicing and the public realm. The scheme now provides a total of 49 cycle spaces for the residential use at ground floor 583 cycle spaces for the student housing at 3rd floor and basement level accessed by a lift and stair and 46 cycle spaces for the commercial use accommodated within the development at ground floor level and accessible via a cycle lift. Residential long- stay provision and commercial long-stay provision will be housed in separate rooms. 79 short stay cycle parking will all be provided in the form of Sheffield stands located within the public realm.

Relevant planning history

18. Planning permission subject to s106 agreement granted in January 2022 under LPA reference 19/AP/2307 for the redevelopment of the site to provide a mixed use development comprising up to 219 residential dwellings (Use Class C3) and up to 2,986 sqm (GIA) of commercial workspace within two buildings of 5 storeys and 32 storeys with the associated car and cycle parking, landscaping and public realm and highways improvements. This has not been implemented. The applicant has reassessed the viability and deliverability of the approved scheme in light of current economic situation and has sought to bring forward the subject application scheme to ensure a deliverable scheme that can come forward for redevelopment.

19. Prior to the submission of planning application 19/AP/2307 the applicant had submitted a request for an EIA Screening opinion (ref 19/AP/1117) under Regulation 6(1) of the EIA Regulations. This was to ascertain whether the Local Planning Authority considered there would be significant environmental effects are likely to arise from the proposed development. Officers considered that the previously approved scheme did not fall within the definition of Schedule 1 development.

Relevant planning history of adjoining sites

20. The most recent and relevant history on adjoining sites is the adjoining Devonshire Square development at 747-759 & 765-775 Old Kent Road, and land at Devonshire Grove:

Ref 19/AP/1239

Planning permission granted subject to s106 agreement in February 2022

(Detailed Proposals)

Full planning permission for the demolition of all existing structures on site, the stopping up of the existing Devonshire Grove major arm (IWMF egress road) and redevelopment to include formation of a new road reconfiguration and widening of Devonshire Grove, widening of the foot ways on Sylvan Grove and Old Kent Road, construction of Building A at ground plus 38 storeys (137.26m AOD) to provide 264 residential units (Class C3), flexible retail/employment floorspace (Class A1/A2/A3/A4/B1a-c), creation of a new public realm including new public squares and spaces, associated landscaping and highways works and a new substation and all associated works.

(Outline Proposals)

Outline planning permission (all matters reserved) for comprehensive mixed-use development for the following uses in four Buildings (B, C, D and E) up to a maximum height of 81.3m AOD, and a basement level shared with Building A: Up to a maximum of 301 residential units (Class C3); employment workspace floorspace (Class B1a-c); flexible retail, financial and professional services, food and drink uses (Class A1/A2/A3/A4/A5), flexible non-residential institutions (Class D1) and Assembly and leisure uses (Class D2); Storage, car and cycle parking; Energy centre; Substations; Formation of new pedestrian and vehicular access and means of access and circulation within the site together; and new private and communal open space.

Ref 23/AP/1862

Full planning permission sought for the demolition of the existing buildings on the site for phased mixed-use redevelopment to construct two blocks of affordable housing (use class C3) and two blocks of student housing (sui generis) with Classes E/F2(b) commercial, business, retail and medical uses at ground floor. Pending consideration. Expected to come before committee in the next couple of months.

21. Nos. 8-24 Sylvan Grove, to the east of the site:

Ref 15/AP/1330

Redevelopment of the site to construct a part two, part five, part six and part eight storey building comprising 80 residential units (23 x one bed, 41 x two bed and 16 x three bed) for both private and affordable tenures with associated car parking and landscaping.

Decision:

Granted with legal agreement 21.10.2015 and subsequently completed and purchased by the council as 100% social rent affordable housing.

Pre-application engagement

22. The Applicant undertook a pre-application consultation process (LPA Reference 22/EQ/0236) with officers with regards to the currently proposed development. A Pre-Application Meeting was held in December 2022. Within the pre-application discussions, the council sought further justification on the principle of student housing at the Site, and indicated that it was fully supportive of the proposed provision of social rent family housing, replacement employment floorspace and open space provision. Officers also provided detailed comments in regard to the design of the emerging scheme, including the treatment of external facades, proportions of the ground floor and dual aspect provision.

Consultation responses from members of the public and local groups

Summary of consultation responses

Public consultation:

23. One objection has been received from the ward councillor and two letters of support, including one from the Tustin Community Association.
24. The main issues raised **objecting** to the proposed development are:

- The lack of a policy compliant provision of affordable housing within the development, particularly the social rent element;
- The policy under which the proposed commuted sum is offered was not designed for developments like the subject application;
- The cumulative impact of student accommodation in the Old Kent Road area;

Officer response:

25. Policy P5 of the Southwark Plan requires, subject to viability, 35% on site affordable housing in a direct let student scheme such as this. If the affordable housing can't be provided on site, and in lieu off site payment may be acceptable. In this instance the applicant is providing an element of on-site affordable housing, comprising 3 and 4 bed flats all at social rent, the equivalent of 14.9% on site affordable housing. In addition an in lieu payment of £20.2m would be made the equivalent of £100,000 per habitable room. This would provide the equivalent of 40% affordable housing as a mix of on-site provision and in lieu provision. The payment has been viability tested and is considered to be the maximum reasonable that could be made. The proposals are therefore considered to meet the requirements of policies P5 and P1 of the Southwark Plan.
26. There are a number of student schemes that have been approved, completed and are currently under construction in the Old Kent Road area. London Plan Policy H15 'Purpose-built student accommodation' states in part A that boroughs should seek to ensure the local and strategic need for purpose-built student accommodation is addressed provided that; 1) the development contributes to a mixed and inclusive neighbourhood; Policy P5 of the Southwark Plan does not provide any commentary on the cumulative impact and over concentration of student accommodation. Nonetheless, the London Plan is part of the development plan for the borough and so policy H15 is a material consideration for the determination of this development. Given that there are a large number of residential schemes currently under construction in the AAP area and given that some affordable housing is provided on site, as well as replacement workspace including affordable workspace, a new public open space and community room the scheme is considered on balance to contribute to a mixed and balanced community, in the wider context of approved and emerging developments. The balance is a fine one, but the overall mix of uses in the immediate area, and the contribution the scheme would make to the wider open space and place making strategy of the AAP is considered in this instance to make the development acceptable.
27. The letters of support including one from the Tustin Community Association are given on the basis that the application would provide affordable housing,

high quality student housing accommodation which will free up conventional housing currently being used for student housing; new public spaces, creates and supports local economic vitality, provides new skills and employment opportunities in the Old Kent Road corridor and beyond; a new community space which can be shared and used by the residents within Sylvan Grove and supports the council's objectives for delivery of more affordable homes especially family homes in the Old Kent Road. The regeneration of the Tustin Estate is a key part of this objective, and we see the opportunity to provide 23 family affordable homes close to the Tustin estate as aiding this objective. The homes were seen as possibly aiding decant of the estate and the proposed affordable housing contribution of over £20m would help the council deliver its objective for more affordable family homes in the area.

Officer response:

28. Comments noted.

Statutory consultees

29. Representations have also been received from the following external and statutory consultees.

Greater London Authority (GLA)

30. The GLA's Stage 1 response considers that the comprehensive redevelopment of the site is broadly supported in principle but there are a number of items that need to be addressed before it could be considered to comply with the London Plan.
31. The GLA stage 1 report concluded the following:
- Land use principles: The optimisation of this site for a residential-led mixed-use development is supported in principle, subject to confirmation on whether a Grampian obligation is required to restricting implementation under after a BLE construction contract is in place.
 - Housing: 23 residential units, 100% of which to be delivered as affordable housing units at social rent levels. 688 student bedrooms, 27% of which to be delivered as affordable housing, and following the Viability Tested Route.
 - Urban design and heritage: The site is in an area suitable for tall buildings in accordance with Policy D9(B) of the London Plan. Refinements to internal quality, landscape and public realm should be considered. There would be a low level of less than substantial harm

to nearby non-designated heritage assets, however it is considered that public benefits of the scheme could outweigh the harm.

- Transport: A Grampian obligation may be required for the BLE. Contributions towards public transport enhancements and cycle hire should be secured. Amendments to the delivery and servicing strategy, cycle parking provision and disabled person parking provision is required. A delivery and servicing plan, construction logistics plan, student management plan and travel plans should be secured.

- Sustainable development and environmental issues: Further information is required on energy, whole-life cycle carbon, circular economy, biodiversity, green infrastructure, flood risk, sustainable drainage, and air quality.

Officer response:

32. Land use principles: agreed. It is confirmed that a Grampian condition is not required to restrict implementation of the scheme as the proposed development would continue to form part of the agreed (with GLA and TfL) Phase 1 total of 9,500 homes that can be consented in prior to the BLE being committed to.
33. Housing: Officers have negotiated for a full policy compliant provision for affordable housing for conventional housing to be provided bearing in mind local need for such housing. Due to the applicant not being able to provide the full 40% affordable housing on site, the council required a full viability assessment in line with its adopted Development Viability SPD (2016). This has been submitted and reviewed independently on behalf of the council by BNPP. BNPP has concluded that the scheme is providing the maximum level of affordable conventional housing by way of on-site provision and a payment in lieu to meet the 40% habitable room provision.
34. Urban design and heritage: Agreed.
35. Transport: Amendments have been submitted by the applicant following negotiations to improve servicing to the site to reflect the extant permission and relevant planning conditions and planning obligation clauses are to be attached to the permission to secure the enumerated transport enhancements and objectives.
36. Sustainable development and environmental issues: the applicant has submitted the additional and updated information as enumerated to ensure that those elements will be policy compliant. There are still some issues being assessed due to the late submission of the updated information.

These assessments will be reported in the addendum report and are anticipated to be satisfactory.

Health and Safety Executive (HSE)

37. HSE was notified by the council. No response received.

Environment Agency

38. The EA was notified by the council. No response received.

Metropolitan Police

39. Response received stating that should this application proceed, it should be able to achieve the security requirements of Secured by Design. Recommends the applicant look at certified products. Conditions have been recommended.
40. Officer response: Conditions will be imposed.

EDF

41. EDF was notified by the council. No response received.

NHS

42. NHS HUDU requests a financial contribution of £558,000 towards health infrastructure to mitigate the impacts of the scheme under a clause within a s106 agreement.

Officer response:

43. The s106 contributions and items to be included are set out in the council's s106 SPD and contributions towards HUDU are not included. As such, the requested contribution towards health infrastructure is not considered to be required for the application and would not be supported by officers.

Transport for London (TfL)

44. Principle of development: The proposal would result in a provision that would be equivalent to 252 dwellings. As such, the proposed development

represents an increase of 33 residential units in comparison to the extant permission, which has planning permission for 219 units.

45. As mentioned in the Stage 1 and TfL's detailed comments on this application, there is limited capacity on public transport in the Old Kent Road Opportunity Area in advance of the BLE. This led to TfL, the GLA and Southwark Council agreeing a Phase 1 cap of 9,500 homes ahead of the BLE. We are currently at the cap, with the uplift in residential quantum at this site not currently included.
46. At the time of the committee, it will need to be demonstrated that the proposed uplift at this site can be accommodated within the Phase 1 cap. Should it not be robustly demonstrated as being accommodated, a Grampian obligation, secured within the S106 agreement will be required.

Public Transport Contribution

47. The 1:3 approach for student accommodation has been applied to all relevant developments across the Old Kent Road. This approach has been agreed by GLA, TfL and Southwark. A contribution of £680,400 indexed by BCIS from 2019 should be secured from this scheme.

Walking and Cycling

48. TfL is disappointed with the applicant's response to the night-time Active Travel Zone (ATZ). As noted in our Detailed Comments on this application, the request for a night-time ATZ assessment was made noting the intended occupiers of the proposed development and in light of an improved awareness on Women's Safety issues.
49. Whilst the ATZ assessment can be used as a tool to support the borough making targeted improvements to the active travel environment, they are also used to identify any necessary mitigation that should be delivered as part of a development application to support the development facilitating a strategic modal shift as a high-quality and attractive walking and cycling environment is not only needed within the site boundary, but to and from key trip attractors that residents of the proposed development will be accessing. Any contributions identified towards improving the active travel environment will be proportionate and necessary, in line with London Plan policy and Regulation 122 tests.

Cycle Parking

50. It is noted that there has been changes to the mix of the cycle parking for the student accommodation, which can be briefly summarised as
 - The Provision of 538 spaces of which 27 will be for non-standard cycles

- Of these spaces, 195 are to form 'free to hire' provision.
51. Whilst the overall quantum is still in line with the minimum standards set out in the London Plan, it is noted that a proportion of these cycle parking spaces now take the form of 'free to hire'. As highlighted in our response to other schemes, the provision of a cycle hire scheme should be in addition to achieving at least minimum London Plan standards. Should a cycle hire scheme come forward at this site, it should be free to use, with this being secured in perpetuity, within the S106 agreement.

Cycle Parking Quality

52. Amendments have been made to the cycle parking layout to address quality concerns previously raised by TfL and Southwark. The improvements in access to the cycle parking facilities are welcomed, however there are still a few concerns about the quality of the cycle parking as summarised below:
- It is noted that an overall aisle width of 2.3m to 2.5m is being provided behind the two-tier rack. This is less than what is specified in the London Cycling Design Standards. We do, however, acknowledge that an aisle width of 2.5m is just sufficient to allow safe and efficient loading into the upper tier, but it must be considered an absolute minimum that can be accepted.
 - It is also noted that some of the cycle parking stores are located on the 3rd floor. It must be ensured that two lifts (should one lift break down the other can be used to access cycle parking) are of appropriate dimensions to accommodate all types of cycles. It is noted that the applicant has stated that this will be provided.
 - To accommodate larger and adapted cycles, at least 1.8m between Sheffield stand should be provided.
 - It should be ensured that these spaces are only counting for one space as due to their layout they would only be able to be accessed from one side

Car Parking

53. As mentioned in previous responses, it is welcomed that the proposed development is car-free.
54. It is noted that the applicant is proposing to provide two disabled person parking spaces on site, both of which will have active electric vehicle charging provision. One space will be allocated to the residential development, and the other will be for the use of the commercial and student uses. Further space is being provided for four mobility scooters, each of which will have a charging point.

55. The provision of one space for the proposed residential element is equivalent to 3 per cent of dwellings having access to a disabled person parking space from the outset.
56. A Parking Design and Management Plan (PDMP) should be provided demonstrating how the on-site provision will be managed, and how demonstrate how further spaces can be provided should demand arise.

Delivery and Servicing

57. TfL is still of the view that the submitted delivery and servicing assessment is underestimating the demand of this development. It is also unclear whether the delivery and servicing assessment provided took into consideration the take-away movements to and from this site.

Student Management Plan

58. TfL is disappointed in the response received by the applicant. Noting the quantum of this development, combined with that of the adjoining development, and both utilising on-street loading bays to facilitate the move-in and move-out of students, it is **key** that they work together to minimise their cumulative impact.
59. A Student Management Plan should be secured through the appropriate mechanism and will expect this to include a requirement to co-ordinate with other student accommodation in proximity of the site.

Construction Logistics Plan

60. A Construction Logistics Plan (CLP) should be secured through condition. A commitment to work with other sites to implement measures to reduce the cumulative impact should be included.

Travel Plan

61. A Travel Plan should be secured through the appropriate mechanism.

Officer response:

62. The BLE cap of 9,500 has been met but does include the extant permission for the site which will be superseded by this development proposal if permitted. The cap also includes another site which has a permission for residential development but is subject of a current application for wholly commercial/employment purposes which would be superseded if permission is granted for the pending commercial/employment scheme. The cap also includes a couple of sites where the permissions will expire

soon and there is no indication that the permissions will be implemented. As such, although the cap will be breached by +33 if permission is given for this application, it is not considered that such a nominal breach would significantly affect transport capacity in the Old Kent Road prior to the delivery of the delivery of the BLE.

63. The public transport contribution is agreed and will be secured through the s106 agreement.
64. Walking and cycling issues are agreed and the ATZ will be re-visited and updated and the cycling provision will be subject to a condition imposed on the planning permission.
65. Car parking issues and provision will be secured by planning condition attached to the permission as will be delivery and servicing; a student management plan; a constructions logistics plan and Travel plan.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

66. The main issues to be considered in respect of this application are:
 - Consultation responses from members of the public and local groups;
 - Environmental impact assessment;
 - Principle of the proposed development in terms of land use;
 - Development viability;
 - Tenure mix, dwelling mix and wheelchair dwellings;
 - Quality of residential accommodation – Conventional housing;
 - Quality of residential accommodation – student;
 - Quality of communal amenity space and young people’s play space
 - Amenity impacts on nearby residential occupiers and surrounding area;
 - Quality of accommodation;
 - Amenity impacts on nearby residential occupiers and surrounding area;
 - Design;
 - Public realm, landscaping and trees;
 - Green infrastructure, ecology and biodiversity;
 - Transport and highways
 - Environmental matters;
 - Energy and sustainability;
 - Digital connectivity infrastructure;
 - Planning obligations and Community Infrastructure Levies;
 - Community engagement and consultation responses and
 - Community impacts, equalities and human rights.

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

Legal context

67. 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.
68. 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.

Environmental impact assessment

69. Environmental Impact Assessment is a process reserved for the types of development that by virtue of their scale or nature have the potential to generate significant environmental effects.
70. The council was not requested to issue a screening opinion as to whether the proposed development, due to its proposed size and scale, would necessitate an Environmental Impact Assessment (EIA).
71. The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 set out the circumstances in which development must be underpinned by an EIA. Schedule 1 of the Regulations sets out a range of development, predominantly involving industrial operations, for which an EIA is mandatory. Schedule 2 lists a range of development types for which an EIA might be required due to the potential for significant environmental impacts to arise. Schedule 3 sets out that the significance of any impact should include consideration of the characteristics of the development, the environmental sensitivity of the location and the nature of the development.
72. The range of developments covered by Schedule 2 includes 'Urban development projects' where:
 - the area of the development exceeds 1 hectare and the proposal is not dwellinghouse development; or
 - the site area exceeds 5 hectares.
 - The application site is 0.29 hectares and as such the proposal does not exceed the Schedule 2 threshold.
73. Consideration, however, should still be given to the scale, location or nature of development, cumulative impacts and whether these or anything else are

likely to give rise to environmental impacts of more than local significance. Planning application 23/AP/0582 proposes a student-housing led scheme rising to a height 1 metre taller than the approved scheme, together with public realm improvements and other associated works. Its scale is appropriate to its urban setting and it is unlikely to give rise to any significant environmental impacts beyond those of the approved scheme. Those impacts which are identified through the various submitted reports and studies can be mitigated through appropriate conditions or obligations.

74. For the above reasons, an EIA is not required in respect of the proposed development.

Principle of the proposed development in terms of land use

Relevant policy designations

Overarching strategic policy objectives

75. The National Planning Policy Framework (NPPF) was updated in 2023. At the heart of the NPPF is a presumption in favour of sustainable development. The framework sets out a number of key principles, including a focus on driving and supporting sustainable economic development. Relevant paragraphs of the NPPF are considered in detail throughout this report. The NPPF also states that permission should be granted for proposals unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.
76. The Good Growth chapter of the London Plan includes GG2 “Making the Best Use of Land” and GG5 “Growing a Good Economy”, which are relevant to the proposal. To create sustainable mixed-use places that make the best use of land, objective GG2 states that those involved in planning and development must enable the development of brownfield land, particularly in Opportunity Areas and town centres, and prioritise sites that are well connected by public transport. It also encourages exploration of land use intensification to support additional homes and workspaces, promoting higher density development, particularly in locations that are well-connected to jobs, services, infrastructure and amenities by public transport, walking and cycling. Objective GG5 states that to conserve and enhance London’s global economic competitiveness and ensure that economic success is shared amongst all Londoners those involved in planning and development must, among other things:
- promote the strength and potential of the wider city region;

- ensure that London continues to provide leadership in innovation, research, policy and ideas, supporting its role as an international incubator and centre for learning;
- provide sufficient high-quality and affordable housing, as well as physical and social infrastructure;
- help London's economy to diversify; and
- plan for sufficient employment space in the right locations to support economic development and regeneration.

Old Kent Road Opportunity Area Opportunity Area

77. The site is within the Old Kent Road Opportunity Area, one of four in the Bakerloo Line Extension area. The London Plan sets out an indicative capacity of 12,000 homes and 5,000 jobs for this Opportunity Area over the twenty years to 2041. London Plan Policy SD1 "Opportunity Areas" requires boroughs through their development plans and decisions to:
- support development which creates employment opportunities and housing choice for Londoners;
 - plan for and provide the necessary social and other infrastructure to sustain growth; and
 - create mixed and inclusive communities.
78. The London Plan specifically recognises the value of the proposed Bakerloo Line extension from Elephant and Castle to Lewisham and beyond, which would increase the connectivity and resilience of the area while also reducing journey times to key destinations.

Old Kent Road District Town Centre

79. The site is located just outside, but adjacent to the Old Kent Road District Town Centre, where London Plan Policy SD6 "Town Centres and High Streets" encourages development to, amongst other things:
- promote the vitality and viability of town centres, including by bringing forward mixed-use or housing-led intensification;
 - optimise residential growth potential;
 - accommodate a diverse range of housing, including student housing; and
 - enhance the vitality of the area through the provision of vibrant and well-managed daytime, evening and night-time activities.
80. The key policy at the local level is Southwark Plan Policy P35 "Town and Local Centres". This sets out that, amongst other things, development must:
- ensure main town centre uses are located in town centres and local centres;

- be of a scale and nature that is appropriate to the role and catchment of the centre;
- retain retail floorspace or replace retail floorspace with an alternative use that provides a service to the general public, and would not harm the vitality and viability of the centre;
- not harm the amenity of surrounding occupiers or result in a concentration of uses that harms the vitality, viability and economic growth of the centre; and
- provide an active use at ground floor in locations with high footfall.

Old Kent Road Area Vision

81. The site is located within AV.13, the Old Kent Road Area Vision. In this location, development is expected to:
- Deliver direct benefits to the existing community including new and improved homes including new council homes, schools, parks, leisure and health centres, and the creation of a wide range of jobs. ;
 - Promote car free development and support the Bakerloo Line extension.
 - Help foster a community in which old and young can flourish. There will be opportunities to connect schools to further and higher education institutions with local employers to make the most of diverse employment opportunities in Old Kent Road;
 - Help grow the significant economic base of Old Kent Road not just for office but for a wide range of jobs and skills;
 - Build new homes in a range of types;
 - Link existing public spaces like Burgess Park to each other and new park spaces to create the “Greener Belt” and
 - Demonstrate excellent standards of environmental sustainability

Conclusion on policy designations

82. The principle of redeveloping the application site for a student housing-led development with a Class E (g) component is acceptable, as it would support the role and functioning of the Old Kent Road Opportunity Area. This would of course be subject to meeting other plan requirements such as the creation of a mixed and inclusive neighbourhood. The acceptability of each use is considered in more detail below.

Higher education and associated uses

Policy background

83. The London Plan sets out the strategic vision for the higher education sector. Policy S3 “Education and Childcare Facilities” acknowledges that universities play a vital part in ensuring Londoners have the higher order skills necessary to succeed in a changing economy, and for the capital to

remain globally competitive. Under Part B of the policy is a set of criteria that development proposals for education facilities should meet, including:

- being located in areas of identified need;
- being in locations with good public transport accessibility; and
- fostering an inclusive design approach.

84. Paragraph 5.3.8 of the supporting text to Policy S3 states:

“Higher education in London provides an unparalleled choice of undergraduate and postgraduate degrees, continuing professional development, advanced research, and infrastructure to support business growth, such as incubation space and business support services. It is also a significant employer and attracts major international companies able to benefit from universities’ research reputations, such as in pharmaceuticals and life sciences. Universities also play a vital part in ensuring Londoners have the higher order skills necessary to succeed in a changing economy, and for the capital to remain globally competitive. The Mayor has established a forum for higher education institutions and further education establishments to work with boroughs and other stakeholders to plan future developments, including student accommodation, in locations which are well-connected to public transport”

85. London Plan Policy E8 “Sector Growth Opportunities and Clusters” states that London’s higher and further education providers, and their development across all parts of the city, are to be promoted. Their integration into regeneration and development opportunities to support social mobility and the growth of emerging sectors should be encouraged. The supporting text endorses measures to secure and develop London’s leading role as a centre of higher and further education of national and international importance.

86. Southwark Plan Policy P27 “Education places” says that development for higher and further education facilities will be permitted where they meet identified needs. The draft Old Kent Road Area Action Plan 2020 policy AAP13 “Best Start in Life” states that “We will bring a new university, and other higher and further education facilities to the Old Kent Road and development must contribute to “new and improved higher and further education facilities”

87. Within good bus access to two universities at Elephant and Castle and another at New Cross, the site’s location makes it appropriate for education-related uses. The proposed student housing use would meet an identified need within Southwark for higher education related facilities, while also supporting the CAZ as a centre of excellence for education. Therefore, in

principle the proposal aligns with the requirements of London Plan Policies S3 and E8, as well as Southwark Plan Policy P27.

Student accommodation

Policy background

88. Student housing is classified as non self-contained accommodation and a 'sui generis' use in the Use Classes Order. Student accommodation is also considered as 'housing' for monitoring purposes through the council's and GLA's monitoring reports.
89. The London Plan sets the borough a target of providing 23,550 net new home completions over the next ten years. In order to help meet this target, while also supporting the vibrancy and vitality of the CAZ, London Plan policies SD4 and SD5 promote mixed use development, including housing, as well as locally-oriented retail, cultural, arts, entertainment, night-time economy and tourism functions. Policy SD5 makes clear that new residential development should not compromise the CAZ strategic functions.
90. Policy H15 of the London Plan sets an overall strategic requirement for PBSA of 3,500 bed spaces to be provided annually. The supporting text to Policy H15 is clear that PBSA contributes to meeting London's overall housing need and is not in addition to this need. Section 3.9 of the Mayor of London's Housing SPG states that specialist student accommodation makes an essential contribution to the attractiveness of London as an academic centre of excellence.
91. Policy H15, Part A states that boroughs should seek to ensure the local and strategic need for PBSA is addressed, provided that:
 1. the development contributes to a mixed and inclusive neighbourhood;
 2. it is secured for occupation by students;
 3. the majority of bedrooms and all affordable student accommodation is, through a nominations agreement, secured for occupation by students of one or more higher education providers;
 4. the maximum level of accommodation is secured as affordable student accommodation and;
 5. the accommodation provides adequate functional living space and layout.
92. Part B of Policy H15 encourages boroughs, student accommodation providers and higher education providers to deliver student accommodation in locations well-connected to local services by walking, cycling and public transport, as part of mixed-use regeneration and redevelopment schemes

93. Paragraph 4.15.3 of Policy H15 states that:

“To demonstrate that there is a need for a new PBSA development and ensure the accommodation will be supporting London’s higher education providers, the student accommodation must either be operated directly by a higher education provider or the development must have an agreement in place from initial occupation with one or more higher education providers, to provide housing for its students, and to commit to having such an agreement for as long as the development is used for student accommodation. This agreement is known as a nominations agreement. A majority of the bedrooms in the development must be covered by these agreements”.

94. Where this is not achieved, paragraph 4.15.5 states that the accommodation will be treated neither as PBSA nor as meeting a need for PBSA. Instead, the development proposal will *“normally be considered large-scale purpose-built shared living and be assessed by the requirements of Policy H16 Large-scale purpose-built shared living”.*

95. At local level, the Southwark Plan aims to deliver at least 40,035 homes between 2019 and 2036, equating to 2,355 new homes per annum. Policy ST2 of the Plan states that new development will be focussed in locations including the Old Kent Road Opportunity Area, where the aim will be to balance the delivery of as many homes as possible against creating jobs, protecting industrial and office locations, sustaining vibrant town centres, and protecting open space and heritage.

96. Policy P5 of the Southwark Plan requires PBSA proposals where all the bedspaces would be ‘direct-lets’, as is the case with the scheme proposed at 19-35 Sylvan Grove, as set out below:

- As a first priority deliver the maximum amount of PBSA alongside a minimum of 35% of the habitable rooms as conventional affordable housing (subject to viability);
- In addition to this provide 27% of student rooms let at a rent that is affordable to students as defined by the Mayor of London.

97. Policy P5 is structured in recognition of the acute need for more family and affordable housing within the borough. One of the footnotes to the policy explains that *“allowing too much student accommodation will restrict our ability to deliver more family and affordable housing. By requiring an element of affordable housing, or a contribution towards affordable housing from student housing development providing direct-lets, we can make sure we work towards meeting the strategic need for student accommodation and our local need for affordable homes including affordable family homes”.*

98. As such, the student housing policies of the Southwark Plan and London Plan, Policy P5 and Policy H15 respectively, differ in two key ways:

- Policy H15 prioritises the delivery of the maximum viable number of affordable student rooms (and does not expressly require student housing proposals to deliver conventional affordable housing either on- or off-site), whereas Policy P5 prioritises the delivery of conventional affordable housing; and
- Policy H15 expects at least 51% of the bedspaces (the majority) to be subject to a nominations agreement, whereas Policy P5 requires all the bedspaces to be subject to a nominations agreement subject to viability.

99. Section 38(5) of the Planning and Compulsory Purchase Act 2004 (as amended) confirms that if to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy contained in whichever of those documents became part of the development plan most recently. As the Southwark Plan underwent examination and was adopted more recently than the London Plan, the policies within the Southwark Plan take precedence in this instance. The council faces a complex situation locally with regard to the provision of affordable housing; at the Southwark Plan Examination in Public, the examining Inspectors recognised this challenge as presenting specific local circumstances in Southwark with regard to PBSA, and endorsed Policy P5 cognisant that the policy requirements do not fully align with those of the London Plan PBSA policies. Essentially, this means a student housing planning application within Southwark prioritising the conventional affordable housing contribution may be acceptable in principle in policy terms, despite not fully aligning with the expectations of London Plan Policy P15.

100. When assessing the principle of a student housing scheme, the policies outlined above require consideration of:

- the principle of introducing a housing use to this site;
- the local and strategic need for student housing;
- whether the student housing would contribute to a mixed and inclusive neighbourhood;
- securing the accommodation for student occupation;
- whether a nominations agreement has been secured;
- securing the maximum level of affordable housing subject to viability; and
- whether adequate and functional accommodation and layouts would be provided.

101. The following paragraphs of this report assesses the proposed development against these considerations. Later parts of this report will deal with the other matters that these policies refer to, such as the affordable housing offer, quality of accommodation and transport aspects.

Principle of introducing a housing use to this site

102. Through its assessment of the deliverable housing sites in the borough, the council can demonstrate a five year supply of housing land, plus the necessary 20% buffer required by the housing delivery test. Daisy Business Park is part of site allocation NSP 69 the development of which is anticipated to deliver a minimum of 1,500 homes. The London Plan advises that 2.5 student bedspaces should be treated as the equivalent of a single dwelling; with 688 student bedrooms proposed, the development would contribute the equivalent of 229 (rounded) homes towards meeting the council's housing targets. With the 23 social rented homes provided on site this would deliver the equivalent of 252 homes in total making a substantial contribution to the 1,500 home target in the site allocation. It would also reduce pressure on the local private rented market, in that it would potentially release back to the private rented sector dwellings that would otherwise be in student occupation.
103. The need for affordable housing is a well-established housing need that is to be secured for any redevelopment site that includes residential development, as is this subject scheme. The affordable housing policy requires a mix of tenures incorporating intermediate and social rented as well as unit sizes. The application site due to its size constraints is unable to satisfactorily accommodate a policy compliant provision on-site and so has sought to deliver larger family dwellings (3 and 4 bedrooms) all as social rented accommodation on-site with the remainder being subject to a payment in lieu to provide a total of the equivalent of 40% habitable rooms.
104. While the application site would be appropriate for Class C3 residential development (as evidenced by the extant permission), it has not been assumed for such development in calculating the 5 year housing land supply and buffer. The proposed student and affordable housing scheme would not compromise the council's ability to meet its strategic housing targets set out in the Southwark Plan and London Plan, particularly because student housing contributes towards the borough's housing.
105. For the reasons given above, the proposed student accommodation use would help contribute to the strategic housing delivery targets of the development plan, including the council's vision to "build more homes of every kind in Southwark and to use every tool at our disposal to increase the supply of all different kinds of homes", as set out in Southwark Plan

Policy ST2. The application would make a contribution towards addressing housing need.

Is there a local and strategic need for student housing?

106. There is a demand for more student accommodation across London, which needs to be balanced with making sure Southwark has enough sites for other types of homes, including affordable and family housing. The affordable housing element of the current application is considered further in a separate section of this report.
107. There are several higher education institutions (HEIs) in the borough with teaching facilities and student accommodation. These include London South Bank University (LSBU), Kings College London (KCL), University of the Arts (UAL) and London School of Economics (LSE). The borough is also home to some smaller satellite campuses.
108. The evidence base underpinning the Southwark Plan included a background paper on student housing, dated December 2019. It refers to the council's Strategic Housing Market Assessment (SHMA) Update 2019, which found that:
- major HEIs within Southwark provide a total of 23,500 course places;
 - over 21,000 students aged 20 or above live in the borough during term;
 - at least 50% of these students live in private rented accommodation, while 15% live with their parents; and
 - there are some 7,800 bed spaces in PBSA in the borough.
109. The applicant has submitted its own Student Need Study in support of this application, prepared by Savills. It notes the following key points:

Demand

110. The number of full-time students in London has been increasing steadily, with a 38% rise in full time students since 2014/15. Full-time students are more likely to create demand for PBSA. 373,640 students at London's universities study on a full-time basis, compared to 69,004 (14%) studying part-time. 277,010 (63%) are undergraduates, compared to 165,630 (37%) studying a postgraduate degree. London has 40 universities and contains 100,000 student beds. The student to bed ratio is therefore high at 3.2 (excluding those who live with parents).
111. In Southwark, students comprise 6.5% of the local authority's population. The student population has increased by 27% in the past 10 years. Southwark has 21,585 full time students, of which 7,750 live in the private rented sector (PRS), the sixth highest of any London borough. Southwark

provides 9,602 PBSA beds, 49% of which are owned by private providers and 51% are university-owned halls. With more than a third of all students in the PRS in Southwark, increasing the supply of PBSA has the potential to free up rental stock for other types of households such as graduates and young career starters.

Supply

112. The report identifies circa 500 existing PBSA schemes with around 100,000 beds in London. To reduce the student to bed ratio from 3.2 the capital needs more dedicated supply for housing its world class student population. Much of the existing PBSA stock is concentrated in the centre of London or close to transport connections. 53% of students study in central London, although only 19% of students live in central London. High housing costs restrict students' ability to live close to where they study. Also, there are limited development opportunities for the delivery of PBSA in central London where land values are more prohibitively expensive and there is more competition for land.
113. The application site is accessible from educational institutions such as Camberwell College of Arts, Kings College Hospital, The London College of Communication and London South Bank University in Elephant and Castle, as well as Goldsmiths College and Trinity Laban Conservatoire in New Cross. These locations are very accessible either on foot, cycle or bus. Central London is also accessible with short travel times. The nearby areas of Peckham, Elephant and Castle and New Cross also have vibrant neighbourhoods that are likely to attract student residents. PBSA is only part of the housing delivery planned for Old Kent Road. 12,000 new homes are planned as part of the Old Kent Road Opportunity Area. In this context, the 1,193 PBSA beds being brought forward in the local area will form a small proportion of total delivery and help to form part of a mixed community.

Development pipeline

114. The report identifies 70 schemes with a total pipeline of around 30,000 beds across London. Of the 30,000, c.7,500, or 25%, is under construction. This pipeline is mostly found in clusters in places such as Stratford, Vauxhall, Canary Wharf and North Acton. The PBSA pipeline is emerging in travel zones 2 to 4, areas with good transport links to central London. London's student to bed ratio falls to 3.1 when the pipeline under construction is included, which is still high compared to other university cities. With around 373,000 full-time students at London's universities and around 100,000 PBSA beds in the city, there is clearly pressing demand for further supply across the capital, with 180,000 full-time students occupying housing stock in the wider PRS.

Proximity to HEIs:

115. The application site is well connected, being:
- under 30 minutes walk from Trinity Laban Conservatoire, LCC and Goldsmiths campuses;
 - under 30 minutes by public transport from LSBU, UAL, KCL Guy's, KC Teaching Hospital, KCL Waterloo campuses;
 - under 45 minutes by public transport to a number of other major university campuses including the KCL Strand, LSE, UAL Holborn and University College.
116. The Student Need Study concludes that the scheme will contribute to meeting housing needs from the 24,795 students that have a registered address in Southwark according to HESA. Of these 21,585 are full-time students attending London universities. There are just 2,607 students living with parents and family. This means that there is a significant housing need from students within the borough that live in both the PBSA and the private rented sectors. Based on current supply there are 2 students living in Southwark for every available PBSA bed in the borough (excluding students that live with parents or family). For the ratio to fall to 1.5 students, an additional 4,618 beds would need to be delivered. There is already good provision of PBSA accommodation to the north of the borough with some provision to the south. This site offers an opportunity to deliver purpose built accommodation in an area that does not have any student accommodation. The local area is undergoing significant regeneration, and students will aid the wider regeneration that is taking place.
117. The Student Need Study considers there to be a demonstrable need and demand for student accommodation in the area, which the proposed development would address. In summary, while the proposed accommodation would add to a number of pre-existing direct-let student housing developments in the borough, it would nevertheless contribute towards the borough's and London's stock of PBSA, for which there is an identified need. In this respect, the application addresses the overarching aim of Part A of London Plan Policy H15.

Would the student housing contribute to a mixed and inclusive neighbourhood?

118. Criterion 1 of London Plan Policy H15(A) requires student housing proposals to contribute to a mixed and inclusive neighbourhood.
119. The area surrounding the application site is characterised by a mix of uses, with commercial and conventional residential and uses predominating with retail uses fronting onto the Old Kent Road itself. Directly opposite the site

is a residential block entirely owned by the council at 8-24 Sylvan Grove. The Devonshire Square development adjacent (south) to the site has a consent for a mixed commercial and residential development. There is a pending application for a mixed scheme of student housing in two blocks with 40% conventional affordable in a further two blocks along with retail/doctors surgery at ground floor (LPA Reference 23/AP/1862).

120. If the subject application and the adjoining Devonshire Square were to be consented and constructed, there would be a relatively high proportion of on-site affordable housing, including larger family sized flats across Sylvan Grove in addition to the mix of commercial, residential and retail/surgery uses at ground floor. This scheme and its neighbour would also contribute to the delivery of a significant element of the OKRD AAP open space strategy.
121. If this scheme and its neighbour comprised only student housing and failed to deliver any of the other aspects of the Southwark and draft OKRD AAP then in that instance it could be argued that the development would not be contributing to a mixed community, as the immediate area would be dominated by a single use, and in that sense the development would not be contributing to the creation of an inclusive neighbourhood (not least as conventional affordable housing including family housing would not be present). Where the balance lies is a matter of judgement, and given the immediate and emerging context in this instance, the proposed student-housing led scheme is on balance considered to contribute to a mixed and inclusive community.
122. With regard to the completed student scheme at 272 St James Road and the schemes under construction at 43 Glengall Road, 671-679 Old Kent Road and 313-319 Ilderton Road, it is not considered that together they would negatively impact the neighbourhood in terms of the mix of uses and inclusivity, given the relative distance from the subject site. On this basis, the proposed land use is considered to be broadly in conformity with the London Plan policy. Introducing a modest amount of student housing into an opportunity area location, and one where conventional residential uses are well represented, is not considered to cause harm.

Would the accommodation be secured for student occupation?

123. Criterion 2 of London Plan Policy H15(A) requires the use of the accommodation to be secured for students.
124. The proposed development will be managed by an independent provider, who has yet to be identified. Student-exclusive use will be secured by way of an obligation in the Section 106 Agreement.

125. A supporting paragraph to Policy H15 notes that boroughs should consider allowing the temporary use of accommodation during vacation periods for ancillary uses. The viability evidence base for the Southwark Plan tested direct-let student housing schemes assuming a 40 week term time tenancy with 11 week summer let allowance. In light of this, it is considered reasonable to allow the operator of the proposed student housing scheme to let the rooms during the summer period when not in use by the principal student occupiers. This will be limited to an 11-week period starting in late June and ending in early September, and will be secured through the Section 106 Agreement.

Is a nominations agreement in place?

126. Criterion 3 of London Plan Policy H15(A) requires the majority of the accommodation within a PBSA proposal to be secured for students, and for this to be achieved through a nominations agreement with one or more HEIs.

127. The applicant does not intend to enter into a nominations agreement with a HEI for any of the proposed accommodation; instead, the accommodation will be directly managed by an independent provider. While the proposed development would not comply with Criterion 3 of Policy H15(A) due to being 100% 'direct-let', the locally-specific and more up-to-date student housing policy (Southwark Plan Policy P5) supports direct-let student housing subject to the provision of affordable housing (which is in turn subject to viability) and additionally a proportion of the affordable student accommodation and recognises it as PBSA. Accordingly, it is considered that if a development proposal complies with the affordable requirements that Policy P5 sets out for direct-let schemes, there is a policy compliant basis in this location for student accommodation schemes to not require the securing of a nominations agreement.

Has the maximum level of affordable housing been secured?

128. Criterion 4 of London Plan Policy H15(A) requires the maximum level of accommodation to be secured as affordable student accommodation.

129. As mentioned in earlier parts of this report, it is considered that Southwark Plan Policy P5, in its prioritisation of conventional affordable housing delivery (subject to viability), provides a legitimate alternative pathway for student accommodation proposals to provide maximised affordable housing. While such general needs affordable housing would preferably be delivered on-site, and that is partly achieved in this scheme, a payment-in-lieu may be appropriate in exceptional circumstances and subject to robust justification, as per the council's Section 106 Planning Obligations and Community Infrastructure Levy (CIL) SPD.

130. Turning first to the matter of the London Plan's specific requirement for student housing proposals to deliver affordable rooms, while this is noted, the council's priority is for conventional affordable housing due to the pressing need in the borough. Officers consider that although there would be some benefit to providing affordable student housing, this would be significantly outweighed by the benefits arising from general needs affordable housing delivery. Therefore, the latter should be prioritised. Southwark is one of the top four London Boroughs in terms of the provision of student housing, and already contributes significantly to London's student housing needs (notwithstanding the fact that there remains an unmet demand for student housing in the borough as set out earlier in the report). In reviewing the viability of the scheme, therefore, the payment-in-lieu has been considered in terms of a contribution towards general needs affordable housing, rather than for use in reducing the rent levels of students occupying the site. Including affordable student housing within the development would adversely affect the overall viability, and therefore the level of contribution the development could make to general needs affordable housing.
131. Turning next to the Southwark Plan preference for conventional affordable housing provision to be on- rather than off-site, in the case of this particular site it would prove extremely difficult to accommodate conventional housing alongside student accommodation. This is due to its small footprint and constrained nature, having access primarily only from Sylvan Grove, the need to provide public open space and commercial use on the site, and the need for the affordable housing element to have its own separate core in order to make it attractive to potential Housing Associations to purchase. The applicant had proposed increasing the height of the 7 storey block to 15 storeys in order to increase the on-site provision to 25% but officers are of the view that this would harm the amenity of the adjacent council housing block, the setting of the new open space and the townscape of Sylvan Grove. Accordingly, in this instance, it is considered permissible for the redevelopment of the site not to deliver this particular requirement of Southwark Plan Policy P5, and for an in-lieu equivalent to be secured to fund the delivery of general needs affordable housing elsewhere in the borough.
132. The in lieu payment would in the first instance be directed to council housing redevelopment sites within the Old Kent Road Ward, then in the second instance to Wards adjacent to Old Kent Road and then to sites within the wider borough. This would be secured in the s106 agreement.
133. With a payment-in-lieu having been deemed acceptable in this instance, and given the applicability of Southwark Plan Policy P5, the proposed development has been viability reviewed to determine the maximum viable contribution.

134. In negotiation with officers and the expert viability specialist acting on behalf of the council, and because of the way the total payment is staged across the course of the build programme (25% on implementation; 50% on practical completion of the development; the remaining 25% on first occupation), the applicant has agreed to index-link the equivalent of 25.3% contribution to conventional affordable housing (202 habitable rooms x £100,000) which equates to £20,200,000 (so that the amount payable, at each of the instalment stages, keeps pace with inflation). With a Late Stage Review and an implementation-dependent Early Stage Review to be imposed through the Section 106 Agreement, officers consider that the maximum viable amount of affordable housing has been secured, and that therefore Criterion 4 of London Plan Policy H15(A) has been met, having regard to the expectations of the more up to date Southwark Plan and considering the two development plan policies in the round.
135. The applicant's financial viability appraisal has been reviewed by an independent valuer (BNPP) on behalf of the council and the conclusion of that review is that the scheme with its mix of on-site and payment in lieu is the maximum provision that can be viably delivered. Officers accept the conclusion of the FVR.

Does the accommodation provide adequate functional living space and layout?

136. A supporting paragraph to London Plan Policy H15 states that schemes not securing a nominations agreement for the majority of the accommodation will normally be considered as large-scale purpose-built shared living. The London Plan expects the quality of accommodation within purpose-built shared living schemes to be assessed against the requirements of Policy H16 "Large-scale Purpose-built Shared Living"; these are more onerous than the counterpart standards for PBSA, which are set out in Criterion 5 of Policy H15(A). However, owing to the supportive position of the Southwark Plan regarding the principle of 100% direct-let PBSA, when assessing whether the accommodation proposed by this planning application would provide adequate functional living space and layout, it is considered appropriate to do so against the standards set by Criterion 5 of Policy H15(A) rather than Policy H16.
137. 5 of Policy H15(A) requires the accommodation to be adequate and functional in terms of its living space and layout. Southwark Plan Policy P5 which requires 5% of student rooms as "easily adaptable for occupation by wheelchair users".
138. It is considered that the proposed development would provide good quality accommodation for students, meeting the expectations of the London Plan

Policy H15 Part A (5) and Southwark Plan Policy P5. The spatial arrangement, environmental internal conditions, level of amenity (within the individual units and the communal spaces), and the provision of wheelchair housing would all be adequate, as explained in detail in a subsequent part of this report entitled 'Quality of Accommodation'.

Is the location suitable for student accommodation?

139. Part B of London Plan Policy H15 requires student housing scheme sites to be well connected by transport to local services. Situated within the Old Kent Road Opportunity Area and immediately adjacent the designated District Town Centre, the site benefits from moderate accessibility to public transport (as reflected in its PTAL rating of 3), but does have good access to services and established higher educational facilities. Within half an hour of the site of the site are three university campuses (LSBU, the University of the Arts and Goldsmiths) as well as a wide range of leisure and recreation activities for students, including Burgess Park. Furthermore, at present there is not a large concentration of student accommodation in the opportunity area, something that will be kept under review to ensure that a mixed and inclusive community is not undermined by subsequent development.

Summary on the principle of student housing

140. In conclusion, the site is considered on balance to be appropriate for student accommodation, meeting a demonstrable need and achieving compliance with the requirements of London Plan Policy H15 and Southwark Plan Policy P5. The proposal would provide high quality accommodation for students in an accessible and sustainable area to meet local need and demand, as well as providing on site social rented housing (and in particular 3 and 4 bed flats) and re-providing the commercial space on site which would include affordable workspace.

Re-provision of light industrial and commercial floorspace

Policy background

141. Southwark Plan Site Allocation NSP 69 identifies that developments must provide at least the amount of floorspace currently on the site and Draft policy AAP5 "Business and Workspace" of the OKRD AAP states that development must retain or increase the amount of employment floorspace in accordance with the bow tie employment strategy and sub area building typologies. The building typology identified for this site is a mix of uses with small industrial units on the ground floor and residential above. The consented scheme delivered that typology as does this scheme. Officers have worked with the applicant to ensure that the workspace created has a

credible servicing strategy and the space has a dedicated goods lift with easy access from an off and on-street servicing bay. The s106 agreement will require all of the workspace to be fitted out to a specification to be agreed by the council in advance of the occupation of the residential and student housing elements of the scheme. This will need to include, heating, cooling, lighting and toilet and kitchen facilities. The space will also be required to include a water sprinkler system for fire protection purposes.

Summary on the principle of light industrial and commercial floorspace.

142. In summary, the proposals for flexible Class E(g) floorspace is supported in this location, and would make a significant contribution to delivering the Southwark Plan and draft OKRD AAP target of creating a net additional 10,000 jobs within this area. It would therefore contribute towards the vitality and economy of the District Town Centre and Opportunity Area.

Conclusion on uses

143. The proposed land uses of conventional residential dwellings as large family social rented housing; sui generis student housing which counts towards the housing delivery of the borough and enhanced replacement commercial floorspace are appropriate in policy terms for this site within the Old Kent Road Opportunity Area. The introduction of student housing is on balance considered to be acceptable in this instance, facilitating the growth of the Old Kent Road's education offer and bringing economic and housing delivery benefits through a contribution to on and off-site general needs affordable housing. The proposed Class E (g) commercial floorspace would help to deliver one of the key aspirations of the Southwark Plan and OKRD AAP, the co-location of employment and residential uses. The existing and proposed mix of uses within Sylvan Grove, including conventional housing, commercial uses and student housing is considered on balance to contribute to the creation of a mixed and inclusive community within this part of the Opportunity Area. Clearly as further development comes forward within the wider area this would need to be continually reviewed to ensure that this balance was not undermined.

The Old Kent Road Area Action Plan (OKR AAP)

144. As stated above, the OKR AAP places the site within the proposed Action Area Core, and within proposal site OKR 18 which covers the Devon Street and Sylvan Grove area. It stipulates that development must:
- Replace existing employment space, including retail floorspace (A use class); and
 - Provide residential or other town centre uses above employment space; and

- Provide new a new public square off Devonshire Grove; and
- Provide a new access road into the IWMF; and
- Provide on-site servicing.

145. Emerging policy AAP6 of the OKR AAP states that development must:

- Retain or increase the amount of Class B floorspace on site;
- Accommodate existing businesses on site or in the wider Old Kent Road Opportunity Area, or provide relocation options for businesses that would be displaced by redevelopment;
- Ensure a specialist provider would manage the workspace;
- Secure an element of affordable workspace, and;
- Result in an increased number of jobs.

146. The proposal would achieve all of these aspirations as follows:

- The existing B class 1,958sqm GIA floorspace would be re-provided with new flexible Use Class E (g) floorspace;
- A workspace coordinator would manage the workspace;
- 10% affordable workspace would be provided; and
- Approximately 100 construction jobs would be created and up to 7 post development jobs for the PBSA.

147. Officers consider that the key benefits arising from the proposal would be as follows.

Employment floorspace

148. As explained above, there would be a retention of the existing employment use (B1 class). The new floorspace would provide flexible use Class E (g) with an open plan to optimise flexibility and employment opportunities.

149. Officers will also seek to ensure that further requirements are provided within the s106 agreement in order to ensure that the development delivers employment and training for local people.

Business relocation and retention

150. The current building is a 'workspace' style building with a series of small office suites which are occupied on relatively short leases and which there is a regular turnover. There are some tenants who have been there for a few years with some that would be on renewing leases. The applicant shall be re-providing flexible open space which can provide opportunities to deliver a range of sizes of suites to continue to provide SME units; and intend to provide existing tenants with the opportunity to locate to the new

commercial floorspace once operational. The applicant has agreed an obligation in the S106 that will have such a strategy in place.

Affordable workspace

151. The applicant has agreed to provide an element of affordable workspace within the scheme comprising 10% of the commercial floorspace and would be secured through the s106 agreement. The intention is to secure the service charge inclusive of the rent to ensure the space is genuinely affordable.
152. The employment space has been designed to be flexible so that it could accommodate a range of different unit sizes and shared workspaces. An affordable workspace provider would need to be provided and this requirement will need to be included within the s106 agreement.

Design issues

Policy background

153. Paragraph 56 of the NPPF emphasises the importance of good design, considering it to be a key aspect of sustainable development. Chapter 12 of the NPPF “Achieving Well Designed Place” is the key national policy for design. In Particular paragraph 134 requires development to reflect local and national design policies, guidance and SPDs. It sets out that outstanding or innovative design should be given significant weight in decision making, and requires development that is not well designed to be refused.
154. Chapter 3 of the London Plan deals with design related matters. Policy D3 promotes a design-led approach to making the best use of land. Policies D4 and D8 build on this, setting out the design principles for ensuring new development makes a positive contribution in terms of architecture, public realm, streetscape and cityscape. Policy HC1 advises that development affecting heritage assets and their settings should conserve their significance by being sympathetic in their form, scale, materials and architectural detail.
155. London Plan Policy D9 is specifically concerned with tall buildings. The policy sets out a list of criteria against which to assess the impact of a proposed tall building – namely locational, visual, functional, environmental and cumulative. London Plan Policy D4 requires all proposals exceeding 30 metres in height to have undergone at least one design review or demonstrate that they have undergone a local borough process of design scrutiny. The proposed building would, at 109.6 metres above ground level, exceed the 30 metre threshold. It thus engages Policy D9.

156. The importance of good design is further reinforced by Policies P13 “Design of Places”, P14 “Design Quality” and P17 “Tall Buildings” of the Southwark Plan. These policies require all new developments to:

- Be of appropriate height, scale and mass;
- Respond to and enhance local distinctiveness and architectural character;
- Conserve and enhance the significance of the local historic environment;
- Take account of and improve existing patterns of development and movement, permeability and street widths;
- Ensure that buildings, public spaces and routes are positioned according to their function, importance and use;
- Improve opportunities for sustainable modes of travel by enhancing connections, routes and green infrastructure; and
- Be attractive, safe and fully accessible and inclusive for all.

157. Specifically for tall buildings, Policy P17 requires:

- The location to be within a major town centre, an opportunity area and / or the CAZ, where tall buildings are appropriate;
- The location to be at an area of landmark significance;
- Proposals to a proportionate height to the location and site;
- Proposals to have a positive impact on the London skyline;
- Proposals to respond positively to local character and townscape;
- There to be no harmful impact on strategic views;
- Proposals to provide a functional public space; and
- The provision of newly publically accessible space near or at the top of the building where appropriate.

158. It also sets out that the design of tall buildings must:

- Be of exemplary design and quality;
- Conserve and enhance designated heritage assets and make a positive contribution to the wider townscape;
- Avoid harmful environmental impacts;
- Maximise energy efficiency; and
- Have a positive relationship with the public realm, provide opportunities for new street trees, design lower floors to successfully relate to and create positive pedestrian experience, provide wider footways and accommodate increased footfall.

159. The site benefits from an extant permission (LBS Ref. 19/AP/2307), for the construction of a 32 storey and 5 storey mixed-use development comprising commercial and residential. This is a material consideration when assessing

the design quality of the current proposal. In particular the height, scale and form of the proposal are very similar to the earlier consent.

Site layout, public realm

160. There has been no alteration in the distribution of the buildings from the consented scheme, retaining the L-shaped footprint, *which is also consistent with the form of the Victorian warehouse on site*. The proposed massing has marginally increased at ground which has resulted in the removal of the arched colonnade from the previous consent. The proposed protrusion of the building frontages at ground will have a direct relationship to the public square, through highly glazed frontages, ensuring a positive interface with the public realm. The position of the new public space would be visible and easily accessible from Sylvan Grove, with the provision of a community hub fronting this approach. It has been designed to successfully integrate with the proposed Devonshire Place open space, maximising the public realm and improving permeability between the sites and east / west connections.
161. The development incorporates the part retention of the existing warehouse structure, providing a standalone two storey commercial element. The retention of the existing structure is integrated into the ground floor plan. Alterations to the retained structure include the incorporation of increased glazing on the southern gable to activate Devonshire Place open space. Further details on the extent of works to the un-designated asset are summarised in more detail in the heritage section below.



Image: Ground floor site layout

162. During the process of the application, there has been considerable rationalisation of the ground floor plan, to ensure the centralised open space is appropriately activated and welcoming foyer spaces are provided. The L-shaped built form wraps around the public square providing sufficient overlooking through active uses such as, Residential / Student lobbies and

Commercial / Communal floorspace. The student foyer, will provide opportunities for flexible seating and work areas, all student 'back of house' facilities including staff changing rooms, and postal storage are allocated to the rear of the building, ensuring the foyer remains suitably active. (*The student and residential foyers along with the commercial and communal floorspace provide sufficient activation across the open space.*) The floor plan for both the PBSA and residential building accommodates two circulation cores with evacuation points to meet current fire safety regulations for each use.

163. With regard to the ground floor back-of-house facilities, the majority would be located on the north and western elevations, which are predominantly vehicular dominated, providing access to the contained Veolia site. It is inevitable of any proposed development that utilitarian functions will occupy a proportion of the ground floor, officers have worked hard to engage with the applicant to ensure that the majority of non-active frontages are appropriately situated, as well as considering the internal functionality of the building, to provide sufficient servicing circulation for commercial uses, particularly those at upper levels.
164. Whilst there remain a few ancillary uses fronting the proposed public square, these are appropriately located to ensure they are scattered between active uses, such as frequently used lobby areas. The design of the cycle stores, enables an increased glazed frontage, of which officers consider to improve the perceived safety and integration of the uses into the remaining development.
165. The western elevation of the commercial floorspace would adjoin the stand-alone 3 storey building E from the Devonshire Place scheme, but the building would allow for a pedestrian route through.
166. The vehicular servicing area will be located internal to the development along Sylvan Grove, away from the primary residential and student accommodation entrances, minimising any conflict with pedestrians. The proposed commercial, residential and student entrances are accessed via the public square and are easily distinguished providing large welcoming foyer spaces.
167. In summary, the proposed site layout is well-conceived, providing a new public square with activated frontages. The legible entrances of these ground floor uses, and the broader extensive glazed frontage, would bring transparency to the base of the building providing a positive relationship with the new public realm. Whilst there is a loss of the colonnade in the extant permission, it is considered there will still be a positive relationship between the development and the public realm. The proposed public square will open up new routes across Devonshire Place that will improve the functionality of

the wider area and the sites connectivity to a network of open spaces proposed in the AAP, in line with delivering mixed and inclusive communities.

Height, Scale, massing and tall building considerations



Image: Stations and Crossings Strategy from draft OKR AAP

168. The overall height, at 109.6 metres above ground level reaching 34 storeys, exceeds the extant permission by 1.8m (32 storeys, 107.8m consented). Due to an alteration in the proposed use of the building, lower floor-to-ceiling heights are proposed. The proposed marginal increase in height would not result in a substantial impact on the townscape. The consented scheme and the proposed development constitutes a Tier 1 building (over 20 storeys), which should mark strategic locations, as set out in the OKR AAP. The principle of a Tier 1 building was considered acceptable in the extant permission, which identified the location of the development in close proximity to the new Bakerloo tube station with new open space was consistent with the aspirations of the OKR AAP. As such it is considered that the proposed development would broadly follow the heights guidance as set out in the 'Stations and Crossings' strategy in the OKR AAP.



3D Image of the application proposal

169. The application proposes an L-shaped distribution of buildings, comprising the western wing with the retained 2 storey warehouse to the south of the PBSA tower rising to 34 storeys, stepping down to the a 7 storey residential shoulder block to the north of the site. The residential shoulder block mediates the transition in scale to the retained church and residential development along Sylvan Grove.
170. The proposed distribution of the tower, takes into consideration the composition of the Devonshire Place development, providing sufficient separation distances between the taller elements of the development and the tower itself. The location of the tower is consistent with the hierarchy of buildings, places and streets as identified in the OKR AAP.
171. The proposed massing of both buildings will be mostly rectangular in form, with articulation to the form provided through layered bay details and projecting balconies on the lower scaled residential block. The configuration of the L-shaped plan responds to the existing urban grain of the warehouse building. A new public open space at the heart of the site will improve the

east/west permeability of the site as well as an interactive streetscape frontage along Sylvan Grove. The massing of the proposal remains broadly consistent with the consented scheme. Providing more slender proportions when viewed from the south. As detailed further in the architectural section of the report, the façade is appropriately articulated through string course frames, an alteration in colour tones and layered bay detailing. The string course details will frame the modulated façade in three-storey groupings, breaking down the composition of the building when viewed from mid-long range.

172. With regard to the façade designs (of which a detailed assessment is given in a later part of this report) the verticality and repetition of the regular module would create a functional composition that reinforces the rectilinear massing. Distinct string courses provide three-storey groupings across the body of the tower that help to break down the overall composition of the building. In medium and long-range views, masonry string courses and alteration in colour tones would break down the form. In closer views, the retained characteristic of the southern gable and commercial floorspace will ground the tower. With the layered bay detailing providing additional depth to the modular façade.
173. With regard to the top of the tower, a masonry frame will complete the crown of the building, with the use of darker tonal aspects punctuating the form. The framing of the three-storeys is elongated to take into consideration the greater floor-to-ceiling heights of the amenity spaces provided at upper levels, and screen a section of the proposed plant. This provides a sense of differentiation in the grouping found across the body of the building, assisting in distinguishing the top.
174. As assessed in detail in a subsequent part of the report, it is not considered that this proposal, due to its height or scale, would result in any harm to a designated London wide or local protected view, particularly when considered in its cumulative context.
175. In concluding on height, massing and scale, the maximum height of the proposed development, marginally exceeds the height of the extant scheme, which is considered to be indistinguishable in some views from the parameters of the consented scheme. Moreover, the footprints of the proposed buildings are not dissimilar to the counterpart footprints in the consented scheme. The design of the tower has been adapted to be reflective of its PBSA use, with a more modular formation, but provides suitable architectural expressions to provide breaks in the form.
176. With regard to policy compliance with the London Plan Policy D9 and Southwark Plan Policy P17, the following aspects are of consideration:

Landscape contribution

177. The development will provide an additional public square, in conjunction with the public open space being provided as part of the Devonshire Place development. Significant improvements to the public realm and streetscape will be provided, removing the existing extent of hard landscaping on the site. 40% of the total site area will be given to providing open space, to benefit both current and future local residents, this is considered to correspond with the scale of development proposed.

Point of landmark significance

178. The application site, is located in close proximity to the proposed new tube station to the Bakerloo Line extension. The development act as a wayfinding node for the station and, together with the Devonshire Place scheme, form part of a cluster of tall buildings. The proposed development would also define the ground floor public open space. In this regard, the development constitutes a key landmark providing increased legibility of the new station within an Old Kent Road District Town Centre, in the Opportunity Area. As such, the height of the building is considered appropriate for this area.

Highest architectural standard

179. The proposal would be a high quality new-build scheme, incorporating a pallet of robust and rich facing materials, brought together through careful detailing. It would deliver affordable conventional housing, PBSA, commercial and community floorspace. The design itself is well-considered.

Relates well to its surroundings

180. At ground floor level, large framed glazing of principal entrances and foyer spaces, commercial floorspace and community facilities will be provided. The scheme would activate the proposed public square at the centre of the site.
181. The proposed development responds positively to the local character and makes a positive contribution to the townscape, through optimisation of the site and the delivery of a building of high quality. Whilst the development results in the partial demolition of the existing building considered of townscape merit, key features of the building (the southern unique 'M' shaped gable), will be preserved and integrated into the development, providing a positive relationship to the existing character of the site. In addition, the materials palette, which is predominantly brick, is reflective of the industrial and residential vernacular of the local area.

Positive contribution to the London skyline

182. The development would form part of a cluster of emerging large-scale buildings around the new station. A number of which are already subject to consents. The proposed scale of the development is considered to respond to the distribution of height as outlined in the hierarchy of buildings in the AAP.
183. The cumulative impact has been assessed as part of the applicant's HTVIA, which includes consideration of the proposed development within the cumulative context of existing proposed future developments and planning consents. The HTVIA demonstrates that the scale, form and massing of the development would be consistent with the emerging context. By reason of the proposal's massing and architectural treatment, its skyline contribution would be positive, providing a slender profile in the back drop of views along the Old Kent Road.

Mitigated environmental impacts

184. As part of the consideration of tall buildings' suitability, the London Plan requires interrogation of wind, daylight, sunlight penetration, air quality, noise and temperature conditions around the building(s) and neighbourhood. It expects these not to compromise comfort and the enjoyment of open spaces around the building. Other parts of this report assess these matters in further detail, but it is considered that the proposed site layout will provide daylight penetration to the proposed open space at ground and roof level on the residential shoulder block.

Conclusion on massing, height, scale and tall building considerations

185. In summary, although the height of the tallest building would mark a step change in the scale of the immediate area's built form, the proposal as a whole is broadly in line with the draft AAP height strategy for this site.
186. Overall, and having taken account of the effects arising cumulatively with other existing, consented and planned tall buildings nearby, the development's design

Architectural design and materiality

187. Southwark Plan Policy P14 sets out the criteria for securing high quality design. In respect of architectural design and materials the policy requires all developments to demonstrate high standards of building fabric, function and composition. Design solutions should be specific to the site's historic context, topography and constraints. They should also respond positively to

the context using durable, quality materials that are constructed and designed sustainably to adapt to the impacts of climate change.

188. Sylvan Grove sits within site allocation OKR 18 within the AAP and adjacent to OKR13. Both of these site allocations in the OKR AAP contain valued heritage assets which contribute significantly to the Old Kent Road's industrial character. On this site is a Victorian warehouse building mainly characterised by its arched windows and triple pitched gable which faces south towards Old Kent Road.

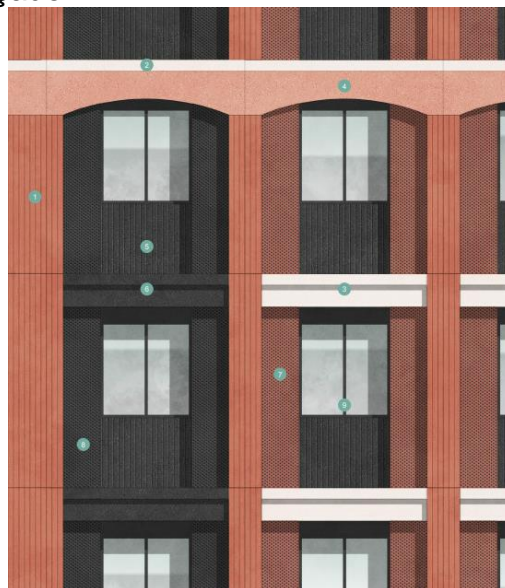


Image: View from Sylvan Grove

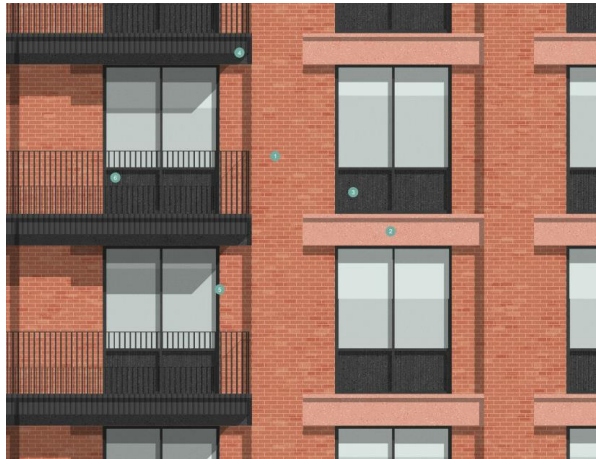
189. The proposal's appearance draws upon the features of the warehouse and the industrial heritage of the wider Old Kent Road area. The development is similar in appearance to the extant permission, however due to the alteration from residential to PBSA, external balconies have been removed, which has subsequently reduced the extent of articulation and depth across the façade. Officers have worked with the applicant to ensure that this has been taken into consideration during the redesign of the tower, utilising other architectural methods to provide sufficient articulation across the tower. Whilst the warehouse characteristics are less pronounced than the previous scheme, the proposal still provides subtle motifs characteristic of the warehouse such as, arched lintels and industrial styled commercial window bays. A sense of verticality is achieved across the tower with distinct string courses providing 3 storey groupings across the body of the structure to help break up the modular design of the building.
190. Key elements underpinning the architectural treatment of the Western tall building are:
- Masonry façade with a mix of brickwork and stone used as an accent to the tones of the red brick.

- Protruding arched string courses, helps break up the composition of the tower, and provide added detail.
 - References to the industrial vernacular, gridded fenestration bays appear regularly across the façade which is common for PBSA, with smaller window openings.
 - Dark toned panels and cladding to give a sense of verticality at the edges of the building.
191. The tall Western building's material palette would be formed principally of brick, in red and terracotta tones, combined with a dark black cladding panel that is incorporated into the design of the bays. The black cladding has been integrated into the proposal to give a sense of recess. Whilst it is uncommon for a building of this scale to incorporate this proportion of dark tonal emphasis, to avoid attributing a sense of heaviness. The applicant, following feedback from officers has provided closer attention to the distribution of the darker tones to ensure they are applied in a meaningful manner and do not overwhelm the façade. The layout is proposed to emphasise the sense of verticality at the edges of the buildings, to contribute to a more slender profile when viewed from long to medium views. Windows and doors would be framed in dark metal, finished with projecting curved stone soldier course detailing. The commercial floor space at the 2nd and 3rd floor is reflected in the architectural expression of the building, providing a visual separation in the uses.
192. Key elements underpinning the architectural treatment of the Northern shoulder block are:
- Masonry façade with a mix of brickwork and stone lintels.
 - Rectangular windows to achieve a more domestic feel.
 - Projecting balconies to articulate the façade.
 - Brick piers, to pick up on the vertical connotations of the tower and frame the bays.
193. While the Northern building's material palette is similar to the Western building, the proportions of the façade module and window openings would be more responsive to the domestic function of the building and its internal layouts. The emphasis lies in the brick piers and stone banding, which perceive a softer and sleek appearance. The use of black is only integrated around window and door openings, at the base of windows, and balcony balustrades. The stone soldier coursing is continued at the top of the building between the brick piers to define the parapet. Terrace balustrading is set back, to minimise its visibility. A light toned materiality is proposed to the underside of balconies soffit, providing a consistency with the colour tones of the soldier coursing when the building is seen in views 'upwards' from the street level. The design of the lower scaled shoulder block provides a human scale and relates directly to the proposed public realm.

194. The southern part of the existing warehouse building will be retained, refurbished and integrated into the design of the development. Providing a two storey commercial base. There is a setback from the PBSA tower and the retained warehouse to create a positive relationship between the old and new aspects of the development. Maintaining the double height appearance of the glazed entrances along the base of the PBSA tower, adequately grounding the tall building. The red and terracotta tones responds to the retained brickwork.
195. The materials shown indicatively at this stage are good quality and robust, such that officers consider the appearance and architectural integrity of the building would be sustained through its lifespan. A material sample condition is recommended to help provide added confidence on the quality of the materials, in particular the colour tones and variation of the brick work to complement the retained warehouse and the black cladding. Due to its excess of use, the black cladding should be suitably considered to ensure that it complements the masonry brick and does not dull down the appearance of the façade.



Typical Elevation Bay- PBSA tower



Typical Elevation Bay – Shoulder block

Image: Design and materiality of PBSA tower and residential block

196. Ground floor frontages have been designed to frame and activate the public realm, with large glazed openings for both the residential and non-residential uses, to create a positive relationship between internal and external uses. The base of the tower comprises two layers, providing a double height foyer at ground, with commercial floor space and ancillary cycle storage at the 2nd and 3rd floor level. The main body of the PBSA structure follows a regularised grid pattern, using horizontal lintels to frame the bays by three-storeys to break up the overall composition. Appearing orderly and considered. Alterations in colour tones and the materiality also help to accentuate the proportions of the tower. A robust canopy distinguishes the top of the building, using the darker tones to punctuate the form and express the framing of the crown with lighter weight brick piers and a stone parapet. Overall it is considered that the proportions of the student tower have been appropriately considered to provide a strong base, middle and top.
197. The distribution of the buildings, gives the perception of the tower being setback from the public square and residential shoulder block when viewed from Sylvan Grove. Providing a clear separation in the hierarchy of the buildings, from the retained warehouse to the tower and residential lower scaled shoulder.
198. The architectural treatment of the proposed buildings would be consistent with the architectural approach at Devonshire Place, whilst providing an adequate amount of variation in the skyline, where the hierarchy of the buildings will be visible in the cluster, providing legibility to the new tube station.

199. Bay studies for the PBSA and residential accommodation have been provided with the submission to demonstrate design quality. Where a layered approach achieves added depth to the façade. The applicant has advised that external ventilation will be integrated into the perforated metal panels within the bays, to avoid disrupting any brick detailing. Notwithstanding, a full set of detailed drawings will be secured by condition to ensure the intricate details, ventilation strategy and depth of the facades depicted in the in the application-stage drawings materialise in the as-built scheme. A full scale mock-up of the panels on the tower will also be require to be built on site and approved by condition.
200. Overall, and with the abovementioned planning conditions enabling officers to retain control over the detailed resolution, the proposal would achieve a high quality architectural design consistent with the draft AAP guidance.

Design Review Panel

201. Whilst this scheme was not reviewed by the design review panel, it was considered that the changes from the permitted scheme were minimal and therefore did not require a re-review by DRP at this stage. In compliance with the requirements of London Plan Policy D4, the proposals were subject to a multiple-stage design scrutiny process from planning, urban design and conservation officers. This scrutiny process undertaken a pre-application stage, and throughout the planning application stage. Examples of how the scheme's design was positively progressed through collaboration with officers include:
- An updated ground floor plan to ensure sufficient ground floor activation and efficient use of ancillary uses for commercial uses.
 - Alterations to the architectural design to consider the proportions of the taller building, providing a clear base, middle and crown. As well as consideration to be given to the distribution of the darker toned cladding.
 - Requested bay details to ensure sufficient depth would be provided on the façade, providing a high quality finish and the proposed location of any external vents.
202. It was ultimately decided that, given the previous / extant consent on the site, and because the proposed development was broadly within these parameters, it was not necessary for the scheme to be fully reviewed by the council's independent Design Review Panel.
203. As such, it is considered that an adequate amount of scrutiny has been undertaken to satisfy the requirements of Policy D4.

Townscape and visual impact analysis (TVIA)

204. The submitted assessment considers the impact of the proposed scheme from a number of different viewpoints in the surrounding area as detailed in the following paragraphs.

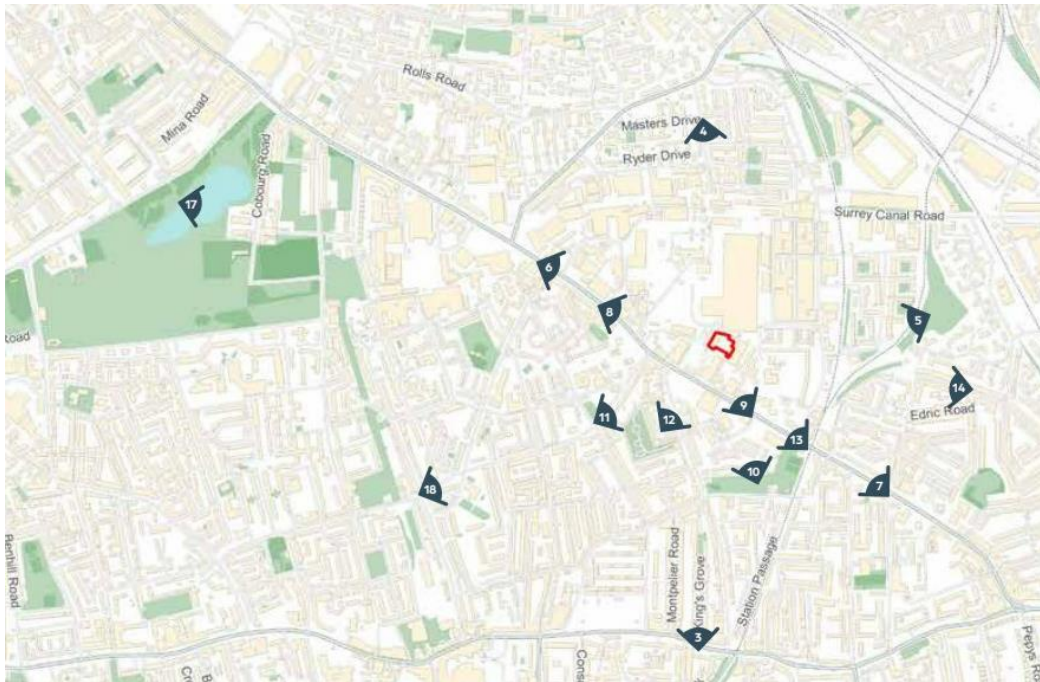


Image: View locations (excluding views 1 and 2)

205. Officers have reviewed the TVIA and the views presented and will provide an analysis and comment on those views that are most sensitive, have high heritage and townscape significance or prominence in this report.

View 1 Kenwood (LVMF 3A.1)

206. The view is identified as an important panorama of London in the London View Management Framework (LVMF) and seeks to protect the skyline silhouette of St Paul's Cathedral. The LVMF views likely to be impacted upon by the proposed development are 2A.1 from Parliament Hill and 3A.1 from Kenwood. The proposed development will appear to the west of St Paul's Cathedral and would not impact the skyline silhouette of the Strategically Important Landmark. The proposed development would have a negligible impact on the view.

View 2 Parliament Hill (LVMF 2A.1)

207. View 2 is situated at the summit of Parliament Hill. The proposed development will be screened by the Guy's Hospital tower and would not impact the skyline silhouette of the Strategically Important Landmark. The proposed development would have no impact on the view.

View 5 Bridgehouse Meadow Park

208. This view is located at the western edge of Bridgehouse Meadows Park and the viewpoint is looking west, approximately 550m from the site. Bridgehouse Meadows Park is designated by Lewisham Council as a 'Public Open Space'. Within the backdrop there are also glimpses of the Grade II listed No 13 gasholder. The proposed development would be visible in the backdrop of the view. The proposed development has slender proportions that will create an attractive skyline profile. In the wider context, it will be seen as part of the cluster around the new station to the Bakerloo line extension. In the cumulative context, the approved developments would be visible in the background. The schemes will demonstrably change the skyline in views south, marking the transformative change envisioned in the Opportunity Area.

View 6 Old Kent Road looking south east

209. View 6 is located along Old Kent Road, east of the junction with St James's Road. The foreground of the view comprises of Old Kent Road. In the middle ground, the Grade II listed No 13 gasholder is perceptible above interposing development. The proposed development would be visible in the backdrop of the view, north of Old Kent Road but it is designed with slender proportions that will create an attractive skyline profile. The duration of the view along Old Kent Road is long due to its historic Roman alignment and the proposed development will form a prominent feature, visible over a significant distance. The scale of development will mark the public square at ground floor. In the wider context, it will be seen as part of the cluster around the new station to the Bakerloo line extension. As such, it will reinforce the proposed hierarchy of buildings, places and streets identified in the AAP. In the cumulative context the proposed development would have a negligible impact on the view as it would be largely occluded by cumulative development in the foreground, including Ruby Triangle.

View 7 New Cross Road, junction with Pomeroy Street

210. The view includes a cluster of the Grade II listed buildings including Carlton Cottages and 3-15 New Cross Road. The view demonstrates that the proposed development would be almost entirely occluded by the collection of point blocks in the Tustin Estate. The proposed development

may be glimpsed through the gaps between buildings in the Estate, but would have a negligible impact on the composition of the view or the experience of receptors travelling west along New Cross Road.

View 8 Old Kent Road in front of Christ's Church

211. In the middle ground of the view, the tall and large Grade II listed No 13 Gasholder is visible and forms a landmark within the frame. The proposed development will be visible to the north of Old Kent Road. In views travelling east, it will contrast with the rotund shape of the gasholder. The contrast between the two, slender and broad, perforated and solid-masonry, will be an attractive juxtaposition. In the wider context, it will be seen as part of the cluster around the new station to the Bakerloo line extension. As such, it will reinforce the proposed hierarchy of buildings, places and streets identified in the AAP. In the cumulative context the proposed development would be seen in conjunction with Devonshire Place. The scale (height) of the proposed development would be in accordance with the hierarchy of buildings in the emerging context. Providing a consistent shoulder height along Old Kent road, with buildings stepping up in height to the proposed development, aiding legibility to the proposed new tube station, in accordance with the AAP.



Image: View 8 from Old Kent Road– (cumulative with Devonshire Place)

View 10 Brimington Park

212. This is located on the southern edge of Brimington Park looking towards the north. The foreground of the view is characterised by a grassed area interspersed with mature trees. Within the middle ground 1 to 50 Clifton Crescent front onto the residential street of Clifton Crescent. The Victorian stock brick terraces are between two and three storeys and are statutory listed at Grade II. The proposed development would be visible in the backdrop of the view. In the cumulative context the proposed development would be partly occluded by the proposed Devonshire Place development, located to the immediate south-west of the Site. The developments would mark the emerging cluster identified in the AAP.

View 12 Caroline Gardens

213. The viewpoint is located within the Caroline Gardens Conservation Area which contains a series of listed buildings which are associated with the Caroline Gardens estate and Licensed Victuallers' Benevolent Institution. The proposed development would be partially visible in the backdrop of the view, with the lower half of the building being obscured by interposing development and mature trees. The proposed development has slender proportions that will form an attractive skyline feature and will improve the visual amenity of the view with high quality architecture. In the wider context, it will be seen as part of the cluster around the new station to the Bakerloo line extension. The cumulative context demonstrates further significant change to the view. The variation in scale would form an attractive skyline profile. The proposed development would be seen in conjunction with Devonshire Place. The scale (height) of the proposed development would be subservient to the Devonshire Place scheme, in accordance with the hierarchy of buildings, places and streets identified in the AAP.



Image: View from Caroline Gardens

Borough Protected Views

214. Policy P22 'Borough Views' in the Southwark Plan 2022, states that development must preserve or where possible positively enhance the borough views which have been identified. The Borough View potentially impacted on by the proposed development is the linear view of St Paul's Cathedral from Nunhead Cemetery.
215. The assessment of this view is that the proposed development would be obscured by tree branches to such an extent that it would be virtually indiscernible, even in winter. It is considered that there would be no harm to this view.

Heritage and townscape considerations

Impact on character and setting of a listed building and / or conservation area

216. The principle of the partial demolition of the existing Victorian warehouse was established under the extant permission LBS ref: 19/AP/2307. Additional assessment is provided for this application.



Image: Proposed south elevation and reconstructed two storey gable end

217. The application site is not situated in a conservation area nor does it contain any listed buildings. The nearest designated heritage asset is the Grade II listed Gasholder No.13. Whilst the existing buildings and structures on the site contribute to the industrial heritage of the area, they do not share a historical group value with the listed gas holder. A number of wider benefits will be brought forward which have the potential to improve the setting of the gasholder and help secure its long-term conservation. The wider cumulative setting of the gasholder will be altered through the emerging context of taller development within the vicinity, considering its setting forms part of an opportunity area. Whilst there are other listed buildings further afield from the site, these would be some distance from the proposed development and would be screened by the emerging tall buildings in the Opportunity Area. The proposed public square will open up new routes across Devonshire Place that will improve the functionality of the wider area and the sites connectivity to a network of open spaces proposed in the AAP.

218. There are a number of Conservations Areas within the wider vicinity of the site namely: Kentish Drovers and Bird in the Bush Conservation Area; Caroline Gardens Conservation Area and Hatcham Conservation Area (located in Lewisham). Whilst they are not adjacent to the site, the development will appear in their setting. The submitted Heritage and Townscape Visual Impact Assessment demonstrates that the proposed development in the emerging cumulative context would result in a neutral impact on the setting of the Conservation areas.
219. The Kentish Drovers and Bird in the Bush Conservation Area, located approx. 100m south west of the site is characterised by typical early residential development that fronts onto Old Kent Road within an industrial setting. The taller elements of the tower will appear over the roofs of the sub-urban houses, viewed in the distance. The tower will be visible in a back drop of other towers including Ledbury Estate. On balance, it is considered to have a neutral impact on the significance of the Conservation area.
220. Caroline Gardens Conservation Area, situated on the west side of Asylum Road. The conservation area boundary is tightly drawn around the complete almshouse development. While the development would be visible, the experience of the conservation area and the listed buildings as a historic almshouse estate would remain unchanged and the impact would be neutral. Alongside the cumulative context of Old Kent Road which is appreciable in this view, the proposed development is not considered to become a dominant feature. As demonstrated in the submitted visual Impact assessment, the proposal would preserve the setting of the Caroline Gardens Conservation Area and the listed buildings within its boundary.
221. Hatcham Conservation Area location in the boundary of Lewisham, due to the separation distance between the conservation area and the site and the limited visibility given the cumulative emerging development along Ilderton Road, the proposed development would preserve the setting of the conservation area.
222. As such, the proposal is considered to preserve the setting of surrounding conservation areas through reading as a separate addition in the back drop of the settings. In the cumulative context the proposed development would form part of the changing townscape, in line with the emerging scale of development within in the opportunity area.
223. The existing Victorian Warehouse, formerly known as Daisy Business Park is included on the draft local list. Policy P26 'Local List' of the Southwark plan, requires that 'development must take into account locally listed buildings that positively contribute to local character'. As outlined in the OKR AAP the western wing of the existing warehouse building is considered to

be of townscape merit. It is noted that the building contributes to the historic urban and industrial character of the area from the late Victorian era, although has been subject to later adaptations and in its current form, provides an impermeable site, with a lot of hard standing car parking. The western Devon Street elevation is not fenestrated and has no features of architectural interest and has been altered from previous iterations. The eastern elevation comprises arched windows, which feature gauged brick window headers and the southern gable features an 'M' shaped profile roof. Along with the southern gable, a section of the west and eastern elevation will be retained as part of this development (extent of demolition is illustrated below in red). The retention and integration of these aspects into the development is considered to preserve the townscape interest of the building. The unique southern gable will be a characterful feature on the southern elevation of the proposed development and will facilitate 2 storey commercial floorspace.



Ground Floor Demolition Plan

First Floor Demolition Plan

Image: Extent of demolition



Image: The southern gable wall of the existing building

224. The NPPF (para 203) with regards to non-designated heritage assets states “The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.” The design and layout of the development reflects the urban grain and characteristics of the warehouse, retaining the southern gable and a 3 bay section of the east and western elevation within the L-shape form of the building. The retention of the ‘M’ shaped profile roof positively integrates a key architectural feature of the warehouse into the development. The proposed ground and first floor fenestration will be characteristic of the windows found in this style of industrial building. As a whole, the materials and the design of the proposal reinforces the industrious character and style of the warehouse building. (More detail on the architectural design of the proposal can be found in relevant paragraphs above.) Great weight is given to the conservation of the asset, through imposing a number of conditions which will enable a historic building recording, sensitive restoration works, and protection of the retained facades during demolition and construction.
225. The partial demolition of the non-designated asset will also facilitate the introduction of affordable residential accommodation, a new public open space and a community hub, all of which form part of the public benefits of the scheme. The development would improve the sites connectivity to a network of open spaces, provide a new community facility to assist in delivering mixed and inclusive communities.
226. In summary, whilst officers note that the development will result in partial demolition of a non-designated asset. On balance, it is considered that the scale of harm will be sufficiently outweighed by the public benefits of the

scheme, the preservation of principal features and the re-integration of the development site into the wider area. A detailed recording of the asset is secured via a condition. Officers consider that the part retention and integration of the existing building on the site would be in keeping with the aspirations of the AAP.

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

227. In conclusion, it is clear from the assessment that the proposed development would be visible in some of the views assessed. However, in the majority of cases, the impact is considered to be neutral. In the cumulative context the development would be seen in conjunction with other taller development providing the back drop to the setting of surrounding Conservation Areas. The quality design of the proposal, provides a positive addition to the townscape. The partial demolition of the warehouse is considered on balance, to be acceptable and will be well documented through the imposed 'building recording' condition. The southern gable will be retained and renovated preserving a key characteristic of the building through positively integrating the feature into the development. Regard has been given to the scale of harm and is considered to be outweighed by the public benefits of the scheme.

Quality of residential accommodation

Internal PBSA quality of accommodation

228. Although student housing falls within the "Sui Generis" use class, it comes with many of the same functional, amenity and environmental requirements as conventional residential development. As such, it is necessary to give regard to the development plan policies concerned with residential uses when considering the acceptability of student housing proposals.

229. The Southwark Plan does not prescribe any minimum space standards with respect to student accommodation. Policy P15 "Residential Design", which sets out the standards for new homes generally and includes a 17-point criteria, is clearly designed for conventional residential housing. Nevertheless, it is not unreasonable to expect student housing proposals to achieve some of those criteria, namely:

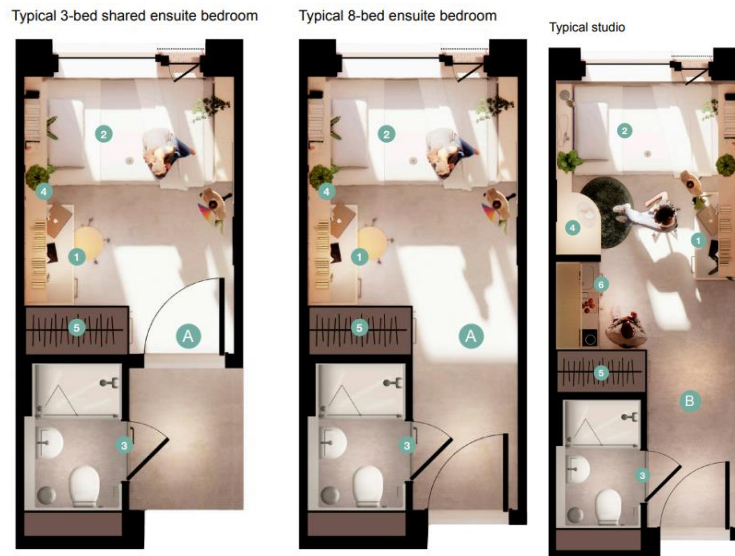
- Criteria 1 - Provide a high standard of quality of accommodation for living conditions;
- Criterion 6 - Provide acceptable levels of natural daylight by providing a window in every habitable room;

- Criterion 7 - Achieve a floor to ceiling height of at least 2.5 metres for at least 75 per cent of the Gross Internal Area of each dwelling to maximise natural ventilation and natural daylight in the dwelling; and
- Criterion 14 - Provide communal facilities.

230. There are no other local-level requirements that student housing proposal should meet in terms of quality of accommodation.

Spatial arrangement

231. The majority of the 688 student bedrooms would take the form of en-suite 'studios' containing all the necessary facilities to meet the sleeping, living and food preparation needs of the individual occupier or En-suites (as part of cluster flats). A smaller proportion of the units would be three-bedroom shared flats (described by the applicant as 'threedios'), where the occupiers would have a private bedroom but share the kitchen, living and bathroom facilities. The smallest studio would be 14.76 square metres GIA and the largest would be 17.05. With regard to the 'three-dios', these would range from 21.39 to 21.55 square metres GIA, with the bedrooms in each being 8.3 and 8.89 square metres GIA. The proposed layouts include furnishings to illustrate how queen sized beds, dining and seating space could be accommodated within each of the units in a way that would not be cramped or impractical for use. On balance, the flats are considered to be of an adequate size and layout.



232. The proposed student bedrooms would achieve 2.9 metre floor-to-ceiling heights, which exceeds the minimum recommended for student accommodation. The floor-to-ceiling heights at level 33 increase to 3.7

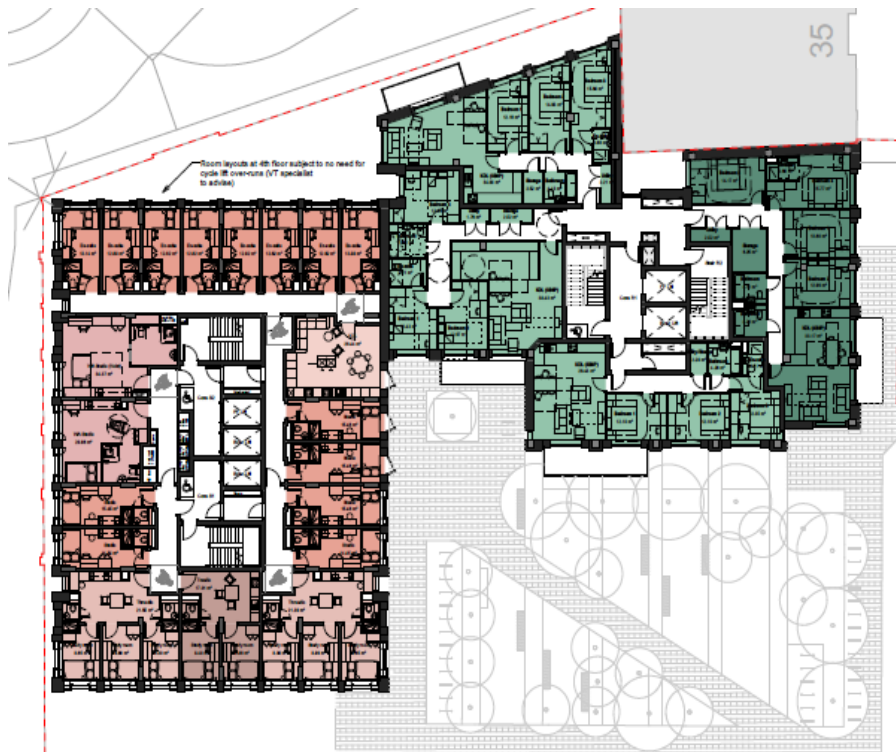
metres providing greater headroom in the communal amenity space, giving a sense of a spacious environment.

Environmental comfort

233. A Noise Impact Assessment has been provided to support the application and in accordance with the recommendations of the report, appropriate conditions are recommended to ensure that satisfactory environmental acoustic conditions would be achieved.
234. A subsequent section of this report entitled 'Energy and Sustainability' deals in more detail with the environmental strategy for the accommodation.

Outlook, sense of openness and privacy

235. Outlook, sense of openness and privacy are all very important considerations for student housing proposal, as unlike conventional housing which provides occupiers with multiple rooms and a variety of outlooks, the single-aspect bedrooms would be in many cases the only space inhabited by the occupiers, and they would do so for much of the year.
236. The Residential Design Standards SPD recommends a minimum of 21m between the backs of properties to prevent any overlooking, and 12m where properties would face each other across a highway or other public realm.
237. The development is not within close proximity to any residential habitable windows surrounding the site, with 8-24 Sylvan Grove located on the opposite side of Sylvan Grove, with a separation distance in excess of 12m between facing elevations. The proposed development is located at an angle that would not allow any direct overlooking into future neighbouring Devonshire Place development. The proposed commercial Building E in the Devonshire Place development located to the west of the residential units in this scheme have been carefully designed to limit any overlooking.
238. Mitigations such as, acute angled windows (on floor levels 4-10), adjacent to the affordable housing block have been provided to remove any opportunities for overlooking. As such, it is considered that there will be an adequate level of privacy provided.



Angled windows from PBSA to prevent overlooking of adjoining conventional housing units

Daylight / sunlight

239. An Internal Daylight / Sunlight report has been provided as part of this application. The report demonstrates that over the first 3 accommodation floors, 57 of the 66 rooms will achieve the respective target illuminance value appropriate for the rooms' usage over at least 50% of the rooms' area, with many of the rooms achieving significantly above the required minimum. This is considered to be comparable with other student developments in the borough. As a result of the compliance rate and sufficient daylight & sunlight levels at the lower floors, it is considered that the daylight & sunlight amenity within this proposal would be adequate for the future residents.

Wheelchair accessible rooms

240. The proposed development would provide the following wheelchair accommodation:

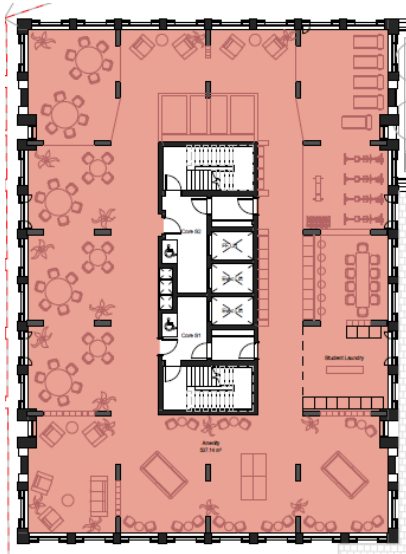
- 40 studios would be 'wheelchair accessible' i.e. fully fitted-out and readily usable by a wheelchair user at the point of completion [M4(3)(2)(b) equivalent]; and

241. The 40 wheelchair user studios would represent 5.8% of the total number of bedspaces, meeting the minimum requirement of Southwark Plan Policy P5. The 40 'wheelchair accessible' studios would ensure options are available for potential wheelchair occupiers who need to move in immediately and could not wait for adaptation works to be carried out (e.g. those who have gone through clearing and are applying for accommodation just before the start of term). The wheelchair user accommodation would be secured through Section 106 Agreement. Corridors and circulation cores would all be M4(3) compliant, ensuring accessible access across the development.

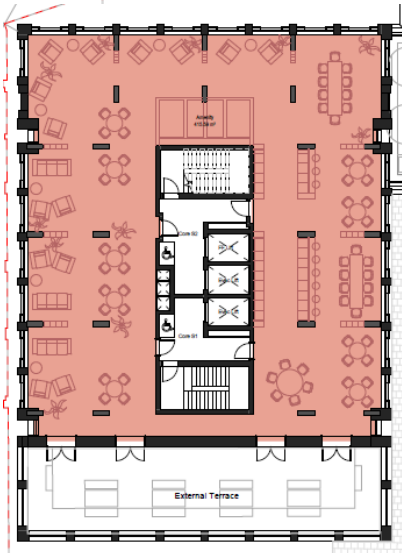
Communal facilities

242. In addition to the private and shared spaces within the units themselves, internal communal amenity spaces are proposed. The majority of which, would be situated across the 32nd and 33rd floor. A range of facilities would be offered within these spaces including:

- A ground floor foyer, to be furnished with informal seating and a postal room provided in the student back of house facilities;
- Co-working space (including designated quiet spaces, and laundry facilities);
- A gym, games room and cinema room;
- An external roof terrace with views south across the city.



32nd Floor Plan



33rd Floor Plan

Image: PBSA Communal Amenity Space

243. In total, these communal amenity spaces would be 1059.5 square metres GIA, which equates to 1.54 square metres per student. This is considered to be in accordance with the levels of internal communal amenity space provided on other student schemes across London and the borough.
244. The concentration of amenity spaces at upper levels is usually avoided, to provide a range of different spaces distributed throughout the building. Although, given the scale of the amenity space provided, benefiting from views across the city, is considered acceptable.

Access to outdoor space

245. The proposed development would provide an external roof terrace at the 33rd floor, providing 113 square meters of dedicated communal outdoor space. As well as the provision of the proposed public square at ground level, which will provide external amenity for occupiers of the PBSA and the affordable residential accommodation.
246. A financial contribution for the shortfall in outdoor amenity space is to be provided.

Conclusion on quality of residential accommodation

247. In conclusion, the proposal would achieve adequate quality living accommodation for students. A range of room sizes and sufficient communal amenity spaces are proposed, achieving adequate internal natural light and outlook. The development would provide adequate functional living spaces and layout for future student occupiers, thereby complying with London Plan Policy H15, while also meeting the four relevant criteria of Southwark Plan Policy P15.

Quality of residential accommodation – conventional affordable housing

Policy background

248. Adopting a design-led approach, Policy D6 of the London Plan 2021 sets out the quantitative and qualitative requirements of new residential accommodation. Quantitative metrics include the minimum size of dwellings, rooms and outdoor spaces. Qualitatively, the policy seeks to maximise dual aspect and naturally-lit layouts, make tenures imperceptible from each other, and ensure robust maintenance and management strategies are in place.
249. Policy P15 of the Southwark Plan 2022 advises that planning permission will be granted provided the proposal achieves a high standard of residential accommodation. The full range of local-level standards for internal accommodation are set out in the council's Residential Design Standards SPD.

Tenure Integration

250. London Plan Policy D6 requires housing developments to maximise tenure integration in the interests of achieving mixed communities. It states that all affordable housing units should have the same external appearance as

private housing, and that all entrances should be indistinguishable from each other. Policy SP2 of the Southwark Plan 2022 echoes these objectives, requiring residential schemes to achieve equity of esteem from street level and avoid segregation of tenures.

251. The development comprises only affordable conventional housing on site, which has been designed to provide a high quality architectural appearance. Whilst there is a differentiation in the design treatment of the buildings, this is considered to be reflective of the different uses proposed and variation in scale of the buildings. It is not considered that there will be a reduction in the quality of the external appearance of the affordable development as a result of this. The architectural treatment of the proposed shoulder block would be consistent with the design of conventional housing providing a welcoming entrance foyer which will be accessed from the public open square.

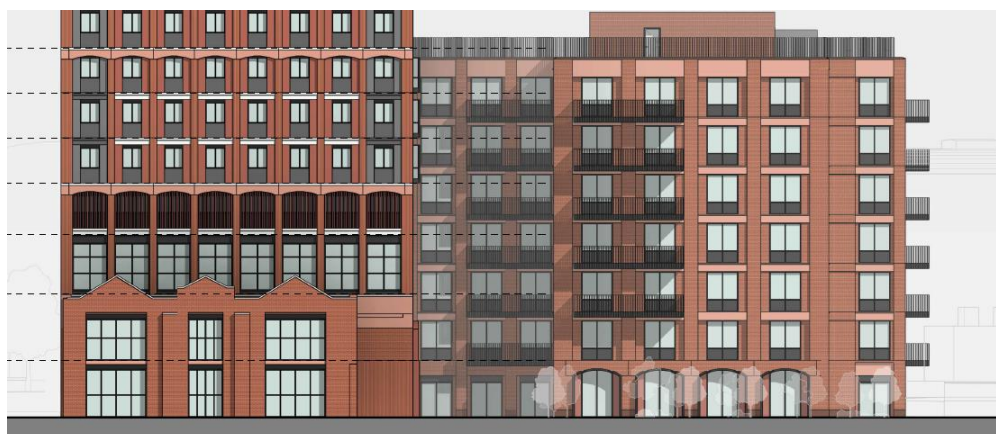


Image: Proposed South Elevation

Dwelling sizes, room sizes and provision of built-in storage

252. The internal area of all of the proposed homes would satisfy the minimum floor areas set out in the council's Residential Design Standards SPD. All 23 dwellings would be logical and efficient in their layout, with practically-shaped rooms and minimised circulation space. Additionally, compliant levels of built-in storage would be provided within the homes.
253. In summary, the dwelling, room and built-in storage sizes are considered acceptable.

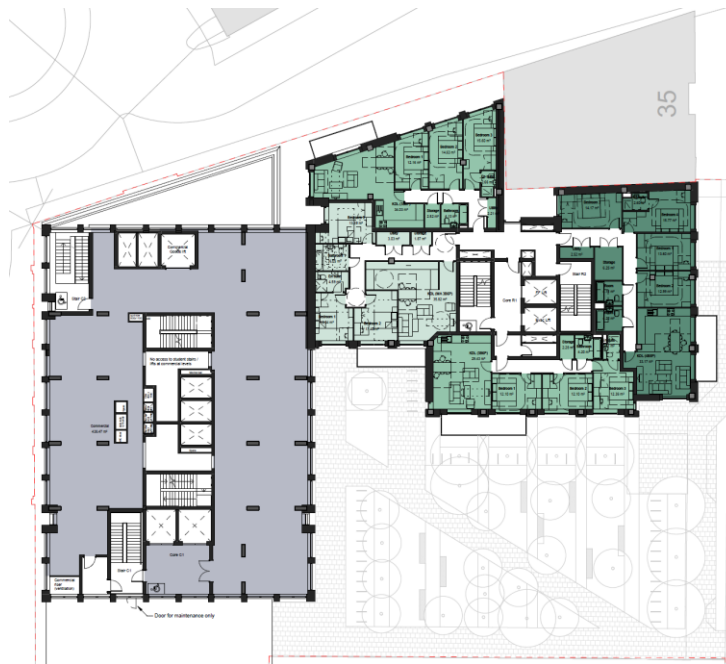


Image: Typical Floor Plan – Proposed Second Floor Plan

Wheelchair dwellings

254. This planning application proposes 3 'wheelchair accessible' units compliant with M4(3), amounting to 13% of the total number of dwellings. These would be provided in the 3b6p units, on the 1st, 2nd and 3rd floor. All other dwellings would be designed to achieve the M4(2) standard. The number and layout of wheelchair dwellings meets the policy requirements. With the wheelchair user accommodation and marketing requirements to be secured through the Section 106 Agreement, the proposed provision is acceptable.

Floor-to-ceiling height

255. All dwellings would have a floor-to-ceiling height of 2.9 metres. This exceeds the minimum requirements stipulated by London Plan Policy D6 and the council's Residential Design Standards SPD, which are 2.5 metres and 2.3 metres respectively. This would contribute to the sense of space within all the dwellings.

Aspect and outlook

256. A proportion of the north facing units by reason of being at the lower levels would face the Veolia waste distribution flank wall. The set back of the built form and angle of the facade from the site boundary, achieves a greater separation distance of 12m between the flank wall of Veolia and the proposed development. It is considered that 66% of dwellings would be dual aspect, however all single aspect units are orientated to the south.

257. In summary, considering the constraints of the site, the quality of the aspect would be best for the units facing the open space and onto Sylvan Grove and outlook would be reasonably adequate for those facing onto the Veolia site.

Daylight / Sunlight

258. As indicated in the report submitted as part of this assessment, the test was a sample size of 12 flats, focused exclusively on the lower 3 levels of the building. 16 of the 47 residential rooms assessed achieve their respective Daylight target illuminance value appropriate for the room's usage over at least 50% of the room's area. Where derogations are present, these are often as a result of the presence of balconies which provide outdoor amenity space, and therefore there needs to be some degree of trade off between amenity and internal natural light levels.

259. In respect of Sunlight, 6 of the 12 flats achieve the sunlight exposure recommendations. Inevitably north facing flats will achieve low sunlight levels, as acknowledged in the BRE.

Environmental comfort

260. A subsequent section of this report entitled 'Energy and Sustainability' deals in more detail with the environmental strategy for the accommodation. Conditions are recommended requiring pre-occupation testing of the separating floors and walls to demonstrate that the relevant acoustic performance standards, as prescribed by the Building Regulations, have been met. This will ensure that the occupiers of the dwellings do not experience excess noise, transmitted either vertically or horizontally, from adjacent sound sources. Similarly, a condition is recommended requiring all habitable rooms to be protected against excessive vibration noise values.

On-site storage facilities for refuse

261. The proposed residential block would have dedicated communal refuse facilities, in appropriate locations conveniently accessed via the central circulation cores for the residential occupiers.

Conclusion on quality of conventional residential accommodation

262. The proposal would deliver 23 new affordable homes benefitting from a good provision of private and communal amenity space, a reasonable quality of outlook overall, a majority of dual aspect accommodation at 66%, a logical layout and practically-sized rooms. While a small proportion of the tested rooms would not pass the BRE daylight and sunlight recommendations, this is in most cases attributable to the presence of over-

sailing balconies, the residential amenity benefits of which must be factored into the planning balance. The design of the building would be typical of conventional residential dwellings, providing a high quality architectural treatment, which picks up on the vertical connotations of the adjacent PBSA tower, providing a glazed and welcoming foyer entrance for residents. For these reasons, it is considered that the conventional residential accommodation would achieve overall a good quality of internal design.

Amenity impacts on nearby residential occupiers and the surrounding area

263. The importance of protecting neighbouring amenity is set out in Southwark Plan Policy P56, which states “development should not be permitted when it causes an unacceptable loss of amenity to present or future occupiers or users”. The 2015 Technical Update to the Residential Design Standards SPD 2011 expands on policy and sets out guidance for protecting amenity in relation to privacy, daylight and sunlight.

Daylight and sunlight

264. The NPPF sets out guidance with regards to daylight/sunlight impact and states “when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site”. The intention of this guidance is to ensure that a proportionate approach is taken to applying the BRE guidance in urban areas. London Plan Policy D6 sets out the policy position regarding this matter and states “the design of development should provide sufficient daylight and sunlight to new and surrounding houses that is appropriate for its context”. Policy D9 states that daylight and sunlight conditions around tall building(s) and the neighbourhood must be carefully considered. Southwark Plan policies identify the need to properly consider the impact of daylight/sunlight without being prescriptive about standards.
265. The BRE Guidance sets out the rationale for testing the daylight impacts of new development through various tests. The first and most readily adopted test prescribed by the BRE Guidelines is the Vertical Sky Component assessment (VSC). This test considers the potential for daylight by calculating the angle of vertical sky at the centre of each of the windows serving the residential buildings which look towards the site. The target figure for VSC recommended by the BRE is 27%, which is considered to be a good level of daylight and the level recommended for habitable rooms with windows on principal elevations. The BRE have determined that the daylight can be reduced by approximately 20% of the original value before the loss is noticeable.

266. The second method is the No Sky Line (NSL) or Daylight Distribution (DD) method, which assesses the proportion of the room where the sky is visible, and plots the change in the No Sky Line between the existing and proposed situation. It advises that if there is a reduction of more than 20% in the area of sky visibility, daylight may be affected.

Properties assessed for daylight impacts

267. The application was accompanied by a daylight and sunlight assessment undertaken in accordance with the BRE guidelines. The document assesses the extent to which the proposed development would affect the dwellings in the following buildings:

1. 97-77 Manor Grove
2. 1-8, 9-16,17-24 Hillbeck Close;
3. 8-24 Sylvan Grove
4. 5 Sylvan Grove.

The properties were tested for VSC and NSL impacts.

268. The applicant's daylight and sunlight assessment also undertook façade study testing of the approved scheme on the adjacent site at Devonshire Square. That study concluded that the impact on that scheme would not be materially different to that for the approved scheme on this subject site ((19/AP/2307). A new planning application has been submitted for the Devonshire Square site and is pending determination. The relationship of the buildings on the two sites remain broadly similar and officers consider that the impacts would continue to be broadly similar.

269. Provided below is an image of the surrounding existing buildings (in dark grey) showing their relationship to the application site (in turquoise):



97 to 77 Manor Grove

270. These properties located on the Tustin Estate are fully compliant in terms of BRE daylight and sunlight testing.

1 to 8, 9-16, 17-24 Hillbeck Close

271. Whilst these properties have been tested it should be noted that since the properties were assessed they have been demolished as part of the Phase 1 Tustin Estate redevelopment. The Tustin Phase 1 proposals tested the impact of the approved scheme on this site, 19/AP/2307 on the new homes being constructed. Those daylight and sunlight impacts were found to be acceptable. The new scheme impacts are unlikely to be materially different given the similarities in height mass and bulk between the approved scheme and the one under consideration.

8-24 Sylvan Grove

272. This eight and five-storeyed residential block is located opposite the application site, on Sylvan Grove and comprises 100% council housing.



Image: Example of balconies at 8-24 Sylvan Grove

273. For the purposes of analysis the balconies on the block have been “removed”, as otherwise they tend to limit daylight. The analysis also notes that a larger reduction in VSC is likely due to the projecting wings within the buildings plan form. These also tend to limit daylight as a consequence of the buildings design. The applicant assessed impacts on Living Kitchen Dining Rooms (LKDs) on Kitchen Diners (KDs) and on bedrooms. The scheme was completed in 2018 so the assessment was based on as built drawings of the block. In terms of LKDs, 7 of those assessed would receive VSCs of 9.9% to 13.7% which is below the BRE guidelines (highlighted in yellow in the image below). However as mentioned it should be noted that these windows are to a degree impacted by side returns and proximity to the sites boundary that already limit access to daylight. This contrasts to window w14/112 (in red) that achieves a VSC of 15.4%, which the report concludes indicates that it is the design of the building that is limiting daylight levels to a degree.
274. Of the KDs 15 windows serving 12 KDs have been assessed, of which 6 are fully compliant with BRE guidance and 9 have retained VSC levels of circa 5-11%. Again the report notes that existing values are already relatively low at 13%-18% due to the buildings design and layout, and in particular the returns located either side of the windows effected. Finally daylight impacts to bedrooms were considered. It should be noted that BRE guidance acknowledges that bedrooms are overall less sensitive to change. In all 84 bedrooms are served by 123 windows 46 of which would experience reductions greater than 20% and retained VSC levels of less than 15%. 21 of these windows are associated with rooms served by

additional windows which are BRE compliant. This is considered on balance to be acceptable.

5 Sylvan Grove

275. This is a two storey residential building on the opposite side of Sylvan Grove. Daylight and sunlight impacts are fully BRE complaint.

Sunlight

276. The applicant's daylight and sunlight report has assessed the impact of the proposed development on the sunlight received at all windows facing within 90 degrees of due south. The BRE guide states that nearby windows must be assessed using the three-stage process set out below to determine if, as a result of the development, the sunlight levels would reduce to an extent that the room may feel colder and less pleasant.

277. The first stage is to determine if the window would experience:

- a reduction in sunlight to less than 25% Annual Probable Sunlight Hours (APSH); or
- a reduction in sunlight to less than 5% Winter Probable Sunlight Hours (WPSH); or
- both of the above.

278. If one of the above criteria is triggered, the next stage is to determine if:

- the window's resulting APSH is less than 0.8 times its former value; or
- the window's resulting WPSH is less than 0.8 times its former value; or
- both of the above.

279. Where one of the criteria in Stage 2 is met, the final stage is to determine if the overall loss of sunlight across the whole year would reduce by more than 4% of APSH.

280. The six properties assessed for daylight impacts have also been assessed for sunlight impacts. As noted 97-77 Manor Grove and 5 Sylvan Grove meet BRE sunlight guidelines. The properties at Hillbeck Close have been demolished, however the properties that are currently being constructed to replace them have been tested in respect of the scheme approved on this site and those sunlight impacts were considered to be acceptable.

281. In respect of 8-24 Sylvan Grove 33 rooms are material to a sunlight assessment. Of those 4 do not meet BRE guidelines of these 3 are west facing bedrooms. These rooms will receive 9-18% APSH. The final room is

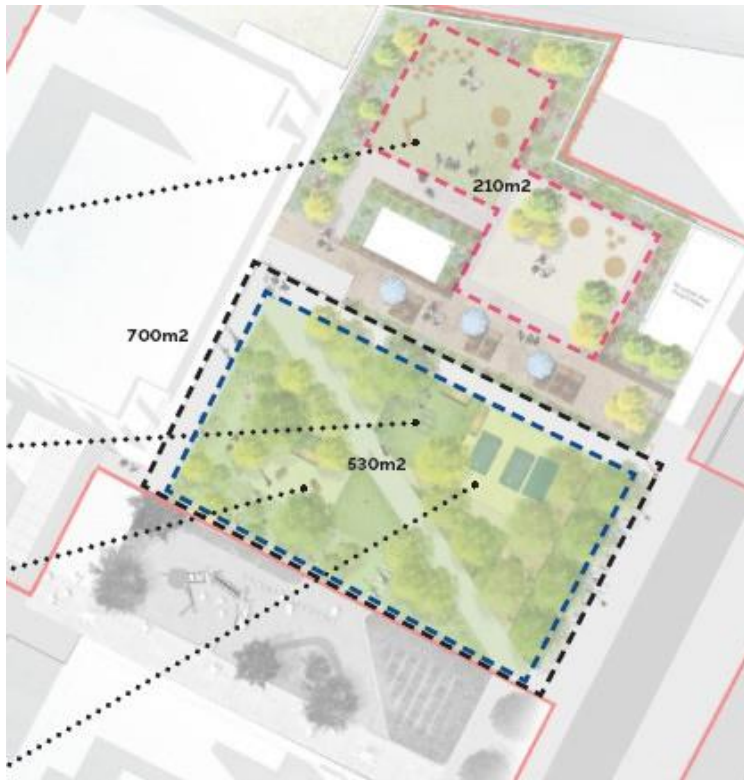
an LKD which will receive 4% APSH albeit the report notes that its level is already low at 14%.

Conclusion on daylight and sunlight

282. The development would result in some daylight and sunlight impacts to 8-24 Sylvan Grove that fall outside BRE guidance, some of which, but not all, are attributable to the design of 8-24. It should also be kept in mind that the scheme under consideration has a very similar height mass and bulk to the extant planning consent on this site and that the daylight and sunlight impacts are unlikely to be materially different to that scheme (19/AP/2307). This is an important material consideration for the determination of this application. In negotiating the provision of on-site affordable housing for this scheme the developer did propose increasing the size of the block closest to 8-24, to increase that provision but was advised not to, in part to avoid having a greater impact on daylight and sunlight to those existing homes.
283. Given the location within the Old Kent Road Opportunity Area, where more intensive development is expected and where the BRE guidelines should be applied flexibly following the design-led approach to density promoted by the London Plan, the impacts are on balance acceptable. As noted above, the BRE guidelines are not mandatory. Some of the impacts would go beyond the recommended guidelines but these are not of such significance that it would warrant a reason for refusal of an otherwise acceptable development. Furthermore, the impacts are of a very similar in their extent to those previously deemed acceptable under the implemented permission, 19/AP/2307.

Provision of a new public open space

284. The proposed development would deliver high quality public realm of 711 sqm. This is essentially an extension to the public open space proposed in the Devonshire Square site. The AAP master plan promotes the provision of new public open space on the application site which would be a direct benefit to the residents of Sylvan Grove. This application would be providing that space in line with the revised masterplan. The public garden square would be a significant improvement over the existing site conditions and would increase park and open space provision locally in line with the strategic spatial and planning objectives.



- Under 5's doorstep play to roof terrace
- Playable landscape within garden square for under 5's, 5 - 11, 12+ and 16 & 17 year olds
- Overall extent of public realm within the garden square (excluding area under colonnades) = 700m2

Image: Play space strategy and distribution across the site

Public open space

285. In addition to the existing amenity space requirements set out above, emerging Policy AAP10 of the draft OKR AAP requires the provision of 5sqm of public open space per dwelling or a financial contribution in lieu. This would equate to 1,265 sqm of public open space for the scheme.
286. The proposal would provide a total of 711sqm of public open space. This large space with play area incorporated would complement the proposed green space within the Devonshire Square site, thus enhancing the green oasis highlighted in the revised AAP. The proposed garden square extends across Sylvan Grove providing public realm improvements to the existing street and maximising the development's provision of public open space. Officers have worked with the adjoining site at Devonshire Square to agree

a joint approach to ‘Sylvan Gardens’, as both landowners would contribute to delivery of this new public open space. The proposed 711sqm is therefore not the total size of this space, but the share provided by this application. The total size of this public open space would be bigger when both schemes are complete, totalling 1,069sqm.

287. The applicant has also carried out an overshadowing assessment on the amenity space. These results depict both the direct sunlight without the Devonshire Square development in place and with the development in place. Regardless of the scenario assessed, both amenity spaces achieve 2 hours or more of direct sunlight to at least 50% of the area, indeed each of the amenity spaces achieve over 90% demonstrating full compliance with the BRE Guidance. This demonstrates that the communal amenity space and the public square would be well lit.

288. As there will be a shortfall of 554sqm for the public space required on a per dwelling basis, the applicant is required to make a contribution of £113,570.00 based on the 253 dwellings proposed (at a cost of £205 per sqm as set out in the AAP) this will be secured by the legal agreement.

289. New improved paving and links into and out of the site provide other kinds of public realm benefits including spill out space for the commercial uses and activity.

Communal open space

290. The application proposal provides a policy compliant communal space in excess of 50sqm on the roof of the affordable housing block.

Playspace

291. The playspace requirement for the application is wholly for the conventional residential accommodation and it is to be located on the roof of the lower block. Access to the playspace is via a lift to ensure that it is accessible for all users. The playspace provision is set out in the table below and demonstrates that it is policy compliant.

	Policy Requirement	Proposal
Doorstep play (0-4 years)	166 sqm	169 sqm
Local Play (5-11 years)	160 sqm	160 sqm
Youth Play (12+ years)	180 sqm	180 sqm
TOTAL	506 sqm	509 sqm

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

292. Whilst there is a shortfall in public open space, all communal amenity space, and play space is provided on site, and the scheme has responded to revisions to the A AP masterplan by providing a new public open space, and associated indoor communal space which would be co-joined with the neighbouring public open space on the Devonshire Square development. This would directly benefit both new residents and the residents opposite at 8- 24 Sylvan Grove. The scheme would provide an attractive square that is publically accessible, creating improved permeability and connections for existing and future residents and workers.
293. Due to the shared core and the sharing of the communal amenity space, the applicant has agreed that service charge costs to social rent tenants would be capped within social rent cap levels and this would be secured by a s106 agreement.

Green infrastructure, biodiversity and trees

294. Policy P59 of the Southwark Plan requires that major development must: Provide green infrastructure with arrangements in place for long term stewardship and maintenance funding; that the public space Provide new publically accessible open space and green links. New Green infrastructure should be designed to: 1. Provide multiple benefits for the health of people and wildlife; and; 2. Integrate with the wider green infrastructure network and townscape / landscape, increasing access for people and habitat connectivity; and 3. Be adaptable to climate change and allow species migration while supporting native and priority species; and 4. Extend and upgrade the walking and cycling networks between spaces to promote a sense of place and ownership for all.
295. Policy P60 requires that development must contribute to net gains in biodiversity by including features such as green and brown roofs, green walls, soft landscaping, nest boxes, habitat restoration and expansion, improved green links and buffering of existing habitats. 2. Any shortfall in net gains in biodiversity must be secured off site through planning obligations or as a financial contribution.
296. Policy P61 states that Development will be permitted if trees are planted as part of landscaping and public realm schemes, commensurate to the scale and type of development, and the character of the neighbourhood. 2. Development must retain and protect significant existing trees; Development will be permitted if trees are planted as part of landscaping and public realm schemes, commensurate to the scale and type of

development, and the character of the neighbourhood. 2. Development must retain and protect significant existing trees. The applicant has submitted a Tree survey and the only vegetation growing within the site is a row of shrubbery and young trees close to the car park entrance which are Category C trees. Other trees included in the survey are 3 street trees and a group of four young Hornbeam growing in a grass verge adjacent to the recycling depot. All off-site trees are to be retained and fenced off outside of the construction site. The only arboricultural impact will be the loss of two young trees T1 and T2 as well as adjacent shrubs. They are considered to have a low amenity value and their removal will not have a significant impact on the visual amenity of the locality.

297. It is proposed to plant a minimum of 80 trees which is significantly more than what is currently on site. The long term impact of the development will be a significant increase in tree cover and an improvement in local amenity.
298. The council's urban forester has reviewed the proposals and considers that the proposed landscaping has a restrictive planting species palette. The application currently shows an over-abundance of four species which would not accord with the council's aims to increase biodiversity. It is suggested a 10/20/30 split at grade and a change to the numbers for each species is secured under a hard and soft landscaping condition together with a condition for an intensive (biodiverse) green roof/terrace at Level 7.
299. The 10-20-30 rule is a guideline to reduce the risk of catastrophic tree loss due to pests. The rule suggests an urban tree population should include no more than 10% of any one species, 20% of any one genus, or 30% of any family. This can be applicable to single sites as well as in regard to the whole.
300. With regards the UGF scoring for the site. The applicant has sought to increase the UGF value for the site from 0.297 to 0.316. The only further opportunity to increase the overall score of 0.316 would be to install attenuation measures at Level 34 roof scape, albeit that a blue roof may only increase the scoring by 0.1 for the extent of squared metres. The UGF is accepted to be increased to 0.316. Due to the site's size constraints and the existing very low UGF score (0), the failure to meet the adopted 0.4% for residential development is accepted.
301. The relationship between the Resident Lobby and the Community Room and the outdoor space needs a bit more thought as to how this may best be used. Particularly in respect of the indicative planting scheme.
302. As such it is recommended that this can be dealt with by the hard and soft landscaping condition.

303. The overall landscape theme is for a 'garden square', which would sit adjacent to the larger civic space in the Devonshire Square development. The garden square extends across Sylvan Grove providing public realm improvements to the existing street and maximising the development's provision of public open space and having the potential to connect the 3 predominantly residential buildings at the northern end of Sylvan Grove. The landscape design is considered to allow for through routes across the site and would respond well to the activities planned for the ground floor of the proposed development and available to both residents, visitors and those working in the commercial building. The public realm and streetscape would be fully accessible, and would provide level thresholds between internal and external spaces and across the public realm.
304. In order to ensure consistency within the site and with adjoining land owners at Devonshire Square who will deliver the adjoining public space the landscape proposals for this development need to be carefully coordinated with those of the neighbouring site. There have been a number of meetings with adjoining landowners to ensure that this is the case. Officers are currently developing an open space strategy for the OKROA and the principles of that strategy would be applied in discharging the conditions.



Image: Open spaces including Devonshire Square development

Public open space connecting with the adjoining site Devonshire Square (approved extant scheme)

Secure by design

305. The Metropolitan Police design adviser considered that the scheme meets the requirements of Secured by Design (SBD) and is suitable to achieve SBD accreditation. Continued liaison with a designing out crime officer will enhance this. The scheme ensures active frontages and would overlook the proposed public square for passive surveillance. Details of secured by design measures can be secured by a condition.

Noise

306. The site is located within the district town centre with existing commercial uses, the IWMF to the rear of the site and neighbouring residential development to the east of the site on Sylvan Grove. The proposed purpose built student accommodation and conventional residential development when complete would adjoin the existing IWMF and the future residential development at Devonshire Square to the south.
307. The dominant noise sources affecting the site of the proposed development are road traffic and noise associated with the IWMF. The council's Environmental Protection Team (EPT) has reviewed the proposals and having made some observations regarding the type of British Standards assessment, no objections are raised. The submitted noise impact assessment considers the impact associated with the current operation of the IWMF and within the scope of the scheme has employed good practice in the design such as the inclusion of winter gardens at the lower levels to provide mitigation to external balcony spaces. The applicant has also provided an outline façade noise mitigation strategy to meet BS8233:2014 and therefore council recommendations.
308. The noise break-in can be controlled by designing a suitable façade and ventilation strategy. This should attenuate the external noise level sufficiently to meet the internal ambient noise level requirements for residential dwellings. Noise insulation recommendations have also been provided based on the predicted façade noise levels.
309. Paragraph 182 of the NPPF defines the Agent of Change principle as follows: "Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established."
310. It is considered that the proposed development would integrate well with existing businesses surrounding the site. It is noted that there is an existing church operating on the adjoining land, but church services operate once a week. EPT's database shows no complaints about the church from the residents of 8-24 Sylvan Grove, some of whom are very close. The conventional residential accommodation would be constructed with sufficient sound insulation, including the glazing to deal with the IWMF and would be sufficient to deal with the small church if it is still present

when the development is completed. The proposed development would be of a similar mix of uses and would be compatible with the future uses of the surrounding site.

311. Representations have been received from the adjoining IWMF operators Veolia requesting that the previous conditions in regard to noise and odours are imposed on any planning permission that may be granted. Those conditions have been agreed with the applicant and are attached to this decision.
312. The submitted noise impact assessment report has been reviewed by EPT and a condition to secure appropriate internal noise levels is recommended, which should minimise the likelihood of noise complaints against the existing industrial occupiers (notwithstanding that the surrounding context would change in the near future).

Odour

313. In response to the previous submission and following further consultation with Veolia, the operator of the Southwark IWMF, immediately to the north of the application site, an additional assessment on odour was undertaken to consider the likely odour impacts which could arise at the proposed development from the operation of the IWMF. The model demonstrated that the proposed receptor locations are unlikely to experience odour impacts greater than those that are predicted to arise at existing ground level locations. The IWMF has existing operating conditions that require odour emissions to not give rise to significant impacts at existing receptors. EPT has also reviewed this and based on the modelling, it is considered that the introduction of new residential receptors as part of the proposed development would not put new receptors at an unacceptable risk of odour effects. The applicant has agreed to the re-imposition of the previous odour condition to protect the amenities of the new residential occupiers and the operation of the established business, Veolia.

Transport issues

314. SLP Policy P45 Healthy developments, requires that development must be easily accessible from the walking and cycling network. SLP Policy P49 Public transport, seeks to ensure that development supports the borough's public transport network. SLP Policy P50 highways impacts, seeks to ensure that there are no negative impacts from new development. SLP Policy P51 Walking, seeks to ensure that development will ensure the delivery of the council's walking strategy so that the borough will be fully accessible. SLP Policy 53 Cycling, seeks to ensure that development will help to significantly increase the number of people who cycle and the

number of trips made by bicycle, and to ensure that the borough's streets will support easy and safe cycling. Cycle parking standards in relation to the PTAL and use class of the development proposal are set out as part of Policy SLP P53. SLP Policy P54 Car Parking, seeks to ensure that development will support the borough's sustainable growth without adverse environmental impacts and carbon emissions through car free development in highly accessible areas and reduced reliance on the private car. Residential and non-residential car parking standards in relation to the PTAL and use class of the development proposal are set out as part of Policy SLP P54. SLP Policy P55 Parking standards for disabled people and the physically impaired, seeks to ensure that the mobility needs of disabled and mobility impaired people are provided consistently, conveniently and to a high standard.

315. The submitted Transport Assessment (TA) is considered to provide an adequate appraisal of the relevant transport and highway related matters including an assessment of the potential for journeys to be made by sustainable modes of transport as well as detailed estimates of vehicular trips resulting from the development.

Existing condition

316. To the south of the site is currently occupied by a hardstanding car park accommodating approximately 47 car parking spaces and is accessed off Sylvan Grove. Sylvan Grove is an unclassified, a two-way carriageway, cul-de-sac which has access to Old Kent Road and terminates at the Daisy Business Park. The site is PTAL 3 and is not within a Controlled Parking Zone (CPZ) but will be within the new borough-wide CPZ area. The site has an existing vehicle access which will need to be removed and relocated to account for the new turning and blue badge car parking area positioned within the building curtilage. There is an existing speed cushion on Sylvan Grove that will need to be relocated to accommodate safe usage of the proposed on-street loading bay. A strip of at least 2.4m will also need to be adopted behind the proposed on-street loading bay to maintain continuous adopted pedestrian footway to this site and those beyond it to the north.
317. Sylvan Grove is subject to a 20mph speed limit with traffic calming in the form of speed bumps. Single red line restrictions at the southern end of the road extend from Old Kent Road and double yellow line markings are present on the remainder of the carriageway. An on-street loading bay is also located opposite the site and Car Club bay is also located some 50m distant.

Cycle Parking

318. The proposed cycle parking has significantly evolved during the time this application has been considered, The current cycle parking quantum is shown below:

Visitor Cycle Parking

319. To be provided across the site in accessible and convenient locations, and to meet with London Plan / Southwark Plan requirements. The total visitor cycle parking spaces would be up to 79 and would be proposed to be located within the front courtyard/garden square of the development.

Commercial Cycle Store

320. Formed of 46-48 bicycle parking spaces, of which 36 are two-tier racks, 8 are standard Sheffield style stands, and 2-4 are designed for larger / cargo / adapted bicycles depending on the size of bicycles that will be parked in these spaces. For robustness of the assessment; the scheme is considered to provide 46 spaces for the Commercial Employment space.

Affordable Residential Cycle Store

321. Formed of 49 bicycle parking spaces, 18 of which are upper racks spaces in a two-tier rack system, whilst 18 are in the form of Sheffield stands underneath the upper racks, and 10 in the form of standard Sheffield stands. A further area with 3 Sheffield stands is to be provided outside of the cycle store, within an access route. This accommodates 2 larger / cargo / adapted bicycles with 4 spaces being standard size Sheffield stands.

Student Accommodation Cycle Store

322. Formed of 583 spaces spread across basement and 3rd floor. 195 (33.5%) of these total spaces are to be provided will be in the form of a 'cycle share' scheme on site and used to park those bicycles; that scheme will allow students to book a bicycle for a few hours, half a day, a full day, or longer. This provides students with an optimal cycle parking offer allowing them to easily book a bicycle if they don't have, or don't want to have, their own bicycle and will be secured to be maintained in perpetuity in the s106.
323. Of the 583 spaces which are for students to park their own bicycles, 486 (83.4%) of spaces are in two-tier racks with all lower tiers in the form of Sheffield stands (41.7%), whilst 40 (6.9%) of spaces are compact two-tier racks and 30 (5.2%) of spaces are in standard Sheffield stand form. 4.67% of total spaces are provided for non-standard bicycles in the form of 22 wider

cargo bike spaces and 5 long cargo bicycles spaces for extra-large cargo bikes, of which 2 spaces will be occupied by 2 cargo trikes as part of the cycle share scheme. This latter element of cargo trikes can assist students will large food shops, small furniture and other shops and potentially reduce reliance on taxi's and other delivery services.

324. The parking will be secured with a compliance condition. This means that detailed plans of the proposed cycle stores and routes to these cycle stores, will need to be agreed including dimensioned cycle store drawings with cross-sections showing clear headroom heights, aisle widths, levels and gradients.
325. S106: Cycle Share scheme, and it's maintenance and provision in perpetuity, is to be secured within the s106 agreement.

Cycle Hire Expansion Contribution

326. The developers must contribute £50 per residential unit / £50 per 100sqm of commercial space / £25 per student room or co-living room to expand the Cycle Hire scheme to support travel by sustainable modes to / from the proposed development. The contribution is to be secured in a s106 agreement.

Cycle Hire Membership s106

327. In this instance, free membership in perpetuity is to be provided to the on-site Cycle Share scheme, in the absence of any nearby Cycle Hire stations at this point in time (funds from various adjacent schemes will need to be pooled to provide a Cycle Hire Docking Station within proximity of the site. The timescales for this are currently unknown. This is to be secured in a s106 agreement.

Cycling Routes

328. This site does not directly interface with the proposed Leisure Route that will run 50meters to the south of the applicant site. Other sites will deliver this specific scheme. There are no other identified schemes in proximity to this site.

Car Parking

329. No car parking to be provided at this site, with the exception of 2 Blue Badge (BB) parking bays within the building, and an on-street loading bay.

Blue Badge (BB) Parking Spaces

Standard C3 Residential

330. The applicant has provided a single BB bay (4.35%) for the 23 affordable residential units. 3% is the minimum provision required. The space accords to design requirements and will be secured via a Compliance Condition.

Student Accommodation

331. The applicant has provided a single BB bay (0.15%) for the 668 student rooms. The space accords to designs requirements and will be secured via a Compliance Condition. Whilst this is considered a very low provision, the location of the proposed development on a major bus corridor, with accessible buses, should satisfy the need for student's with mobility impairments to travel. Furthermore, the University sites in central London do not provide Blue Badge parking for students, which means that a vehicle is not required to attend lectures and on-campus events.

CPZ Parking Permits

332. Access to CPZ Parking Permits will not be permitted for any use classes within the site, within any area of the borough in any existing or future CPZs. This is to be secured as part of the s106 agreement.

Vehicle Access / Crossovers

333. The vehicle access proposed serves as the only access point to the garaged car parking area, and also serves as a potential location for some larger vehicles to reverse into, and turn, as Sylvan Grove is in effect a cul-de-sac. The existing vehicle crossover will need to be removed to facilitate the introduction of the on-street parking layby. The council's Highways s278 team would need to be liaised with to discuss the proposed s278 works in due course.
334. All s278 administration and works will need to be completed at the applicant's expense and will require entering into a s278 agreement to be secured as part of the s106.

Delivery and Servicing

335. The AAP clearly states that delivery and servicing activities should occur off-street where they can do so, and this is reinforced by P50 of the Southwark Plan for safe and efficient delivery and servicing activities that minimise the number of vehicle journeys and their impacts on the borough as a whole. Due to the complex nature of this specific site, and the extant

permission for a building with limited off-street delivery and servicing facilities, officers have accepted that some activities can occur on-street.

336. The proposed on-street layby on Sylvan Grove will provide for some of the on-site requirements in terms of deliveries and servicing activities, however an existing on-street loading bay on the opposite side of Sylvan Grove will need to be modified to accommodate turning manoeuvres into the new site access. This may form part of s106 off-site work or could be included within the s278 works if the Highways s278 team deem this acceptable. A TMO amendment will be required, with a new TMO for the new on-street loading bay.
337. Since the development results in an overall reduction in vehicle trips to/from this site location, we consider the proposed arrangement to be acceptable for this specific site. A Delivery and Servicing Management Plan (DSMP) will be required and will be conditioned. Additionally, a DSMP bond and monitoring fee will be requested and secured via a s106 agreement.

Electric Vehicle Charging Points (EVCPs)

338. EVCPs are required to London Plan standards, which as of 2023 are 20% active and 80% passive provision, considering all parking spaces, and should be maintained in perpetuity. Details to be secured by Condition.

Car Club Provision and Membership

339. Affordable Residential unit Membership to a local and easily accessible car club within 850 metres of the application site must be offered for 3-years for free, from first occupation of any newly occupied properties.

Gradients & Site Levels

340. Spot levels must be provided for any area of the proposed completed site (whether part of a building, open space or vehicular access) at any floor level that the building will access the public highway from - this is to ensure that the interface with the public highway does not require any changes to the existing level of the public highway.
341. Wheelchair users in particular will need to be considered in detail in terms of access to the front door of the block from the back edge of the public highway; and also their passage through internal areas of buildings, to/from Blue Badge Bays which must be provided as level as possible 1:1, and routes to/from larger disabled / adapted cycling parking spaces must also be considered in detail in terms of gradients.

Pedestrian Sightlines

342. Pedestrian sightlines of 1.5m x 1.5m are required either side of the opening in the boundary for a vehicle access from the back edge of the public highway, and not within the opening, with no features higher than 0.6m within this area. This must be demonstrated on a submitted plan for subsequent review.

Move in / Move out Strategy

343. Further details should be secured by Condition, to ensure that move-in move-out activities can be satisfactorily accommodated within the site boundary / the proposed on-street layby in co-ordination with the proposed large-scale student schemes within immediate proximity of this site on Sylvan Grove. These student accommodation schemes must work together to avoid road safety issues through the blocking of Sylvan Grove, and should engage with nearby landowners and businesses to seek solutions to this issue.

S278 Agreement

344. Will include the following requirements;
- Resurfacing of footways around the site,
 - Removal of redundant vehicle crossovers and restoration to full-height kerb footway,
 - Introduction of new and/or resurfaced vehicle crossover,
 - Relocation of existing speed cushion to alternative suitable location,
 - Contribution of £120,000 for the reconstruction of the Sylvan Grove carriageway from its junction with Old Kent Road to the other end,
 - A Bond for value of works, plus a monitoring fee, will be secured by Highways.

S106 Agreement

345. Will include the following requirements;
- Cycle Hire Contribution,
 - Bus Service Improvement Contribution,
 - 3-years free Membership to nearby Car Club for affordable residential and 1-year for commercial users,
 - Delivery and Servicing Management Plan Bond and Monitoring Fee,
 - Revocation of Parking Permits for all proposed properties and units
 - Off-site Highways works,
 - Contribution to TfL led Healthy Streets scheme, which covers the Old Kent Road.

Conclusion on Transport and Highways

346. The development is supported because it provides good quality pedestrian and cycle permeability and will contribute to delivering Healthy Streets. It would have appropriate management to reduce the impact of servicing and delivery, subject to the s106 obligations and conditions.
347. The development of this site would provide the necessary pedestrian connections through the site and to the remaining of the Devonshire Square site delivering the aspirations of the AAP. It would open up routes to connect to Ilderton Road, Old Kent Road and east towards Sylvan Grove and west towards the gasworks.

Energy and sustainability

348. Chapter 9 of the London Plan deals with all aspects of sustainable infrastructure and identifies the reduction of carbon emissions as a key priority. Policy SI2 “Minimising Greenhouse Gas Emissions” requires all developments to be net zero carbon with a minimum on-site reduction of 35% against the Part L 2021 baseline for both commercial and residential uses. Non-residential development should achieve a 15% reduction in emissions through energy efficiency measures. Where developments are unable to meet net zero carbon targets any shortfall between the minimum 35% and zero carbon must be mitigated by way of a payment towards the carbon offset fund. The energy strategy for new developments must follow the London Plan hierarchy (comprising ‘be lean’, ‘be clean’, ‘be green’ and ‘be seen’) and this must be demonstrated through the submission of an Energy Strategy with applications, as well as post construction monitoring for a period of 5 years.
349. Southwark Plan Policies P69 “Sustainability Standards” and P70 “Energy” reflect the approach of the London Plan by seeking to ensure that non-residential developments achieve a BREEAM rating of ‘Excellent’ and include measures to reduce the effects of overheating using the cooling hierarchy. The policies pursue the ‘lean, green, clean and seen’ principles of the London Plan and requires non-residential buildings to be zero carbon with an on-site reduction of at least 40% against the Part L 2021 baseline. Any shortfall must be addressed by way of a financial contribution towards the carbon offset fund.

Energy and carbon emission reduction

350. Following the resolution of Part L software modelling issues in December 2022, The GLA has updated its Energy Assessment Guidance 2022 to confirm that all new major planning applications submitted from 1 January 2023 should now be assessed against Part L 2021 of the Building

Regulations when assessing policy compliance for SI2, which is the case for this scheme.

Be Lean

351. In terms of meeting the 'be lean' tier of the hierarchy, a range of passive and active measures are proposed. The passive measures include:
- window 'g' values of 0.45 to maximise beneficial solar gain in winter and limit excessive solar gain in summer;
 - optimised glazing ratio to reduce solar gains whilst ensuring access to daylight.
 - low air permeability to reduce leakage through the façade and roof; and
 - very high level of fabric performance across the whole development .
352. The active measures include:
- low energy proposed lighting throughout the student and residential accommodation;
 - low energy light fittings with auto on / auto off presence detection where appropriate elsewhere in the development; and
 - energy efficient heat recovery ventilation systems in the student bedrooms.
353. These 'demand reduction' measures will achieve a 17% reduction in carbon emissions.

Be Clean

354. The site is within an area identified as having district heating potential, as set out in the draft OKRD AAP. In order to deliver the District Heat Network (DHN) a Local Development Order (LDO) has recently been made in the OKRD which effectively grants planning permission for the DHN. As identified in the applicant's energy statement the DHN will source its energy from the South East London Combined Heat and Power Plant (SELCHP). A business case has been developed by Veolia who operate SELCHP with grant funding from government and the support of LBS and GLA. The construction of the DHN is anticipated to come forward over the next two years. However no district heating network with connection opportunities exists at present. As such, all parts of the student accommodation would be served by a centralised energy centre, which itself would draw from a centralised air-source heat pump system (ASHP).
355. By designing-in a futureproofed connection to the building, the opportunity to link the development into a wider district heating system would be

safeguarded. This meets the requirements of Policy SI 3 of the London Plan and Policy AAP3 “Climate Change Emergency” of the draft OKRD AAP.

356. As no immediate connection to a district heating network is proposed, no carbon savings are reported from the ‘be clean’ stage of the energy hierarchy.

Be Green

357. With respect to the ‘be green’ tier of the hierarchy, the applicant has proposed the following technologies:

- air source heat pumps (a mix of low and high temperature models) to supply heat, cooling and hot water to the commercial premises and hot water to student accommodation
- Passivhouse envelope resulting in low space heating demand to student accommodation to be met by low carbon electricity heating panels
- Cold Slab system for levels 04 to 08 of the student accommodation
- Individual Exhaust Air Heat Pumps (EAHP) in each residential unit providing heating and direct hot water
- photovoltaic panels to be located at rooftop level to supply direct current electricity.

358. On a side-wide basis, carbon emissions would be reduced by 25.8% through these ‘be green’ measures. The applicant has demonstrated that opportunities for renewable energy by producing, storing and using renewable energy on-site have been maximised.

Be Seen

359. Introduced as part of the London Plan 2021, ‘be seen’ is the newest addition to the GLA’s energy hierarchy. It requires developments to predict, monitor, verify and improve their energy performance during end-use operation. All applications should conduct a detailed calculation of unregulated carbon emissions as part of the compliance with the ‘be seen’ policy and associated guidance.

360. The applicant’s Energy Statement calculates that unregulated per annum CO2 emissions for the development would be 71.4 tonnes.

361. The applicant’s Energy Statement states that this stage will require the calculation of the operational energy during the detailed design stage, monitoring, verification and reporting of energy performance throughout the construction and usage of the building for the first five years. It is recommended that the on-going requirements for monitoring energy

consumption and generation, and the associated reporting to the GLA in line with policy, be secured through a planning obligation.

Total energy savings

362. Southwark Council’s carbon offset cost is £95 for every tonne of carbon dioxide emitted per year over a period of 30 years. This is the equivalent of £2,850 per tonne of annual residual carbon dioxide emissions.
363. The proposal would reduce on-site regulated carbon dioxide emissions by 41% over a notional building minimally compliant with the Building Regulations 2021, which is above the 40% on-site target. The performance is summarised in the below table:

Development CO2 Emissions from each stage of the Energy

Part L 2021 Baseline	Total Regulated Emissions	CO2 Savings	Percentage saving
With Be Lean applied	104.6 tonnes CO2		
With Be Lean applied	87.2 tonnes CO2	17.4tonnes CO2	17%
With Be Clean applied	87.2 tonnes CO2	0 tonnes CO2	0%
With Be Green applied	61.4 tonnes CO2	25.8 tonnes CO2	25%
Cumulative saving	43.2 tonnes CO2		<u>41%</u>
Shortfall on zero carbon	61.4 tonnes CO2		

364. The energy savings, as detailed above, which take into account the decarbonisation of the electricity grid, demonstrate the good environmental and sustainability credentials of the proposed development. The total per annum shortfall in savings relative to carbon zero would, at a rate of £95/tonne for 30 years, generate an offset contribution of £172,254.

Development CO2 Emissions from each stage of the Energy Hierarchy

365. The £172,254 contribution will be secured through the Section 106 Agreement, with appropriate adjustment clauses should there be any improvements to the carbon emissions in the post-planning design development stages.

Whole life cycle and carbon capture

366. London Plan Policy SI2 requires all major development proposals to be supported by a whole life cycle carbon assessment. This assesses the embodied and operational emissions associated with redevelopment.

367. 'Embodied carbon' is the term used to describe the carbon emissions associated with:

- extraction and manufacturing of materials and products;
- in-use maintenance and replacement;
- end of life demolition, disassembly and disposal; and
- the transportation relating to all three.

368. 'Operational carbon' is the carbon dioxide associated with the in-use operation of the building. This usually includes carbon emissions associated with heating, hot water, cooling, ventilation and lighting systems, as well as those associated with cooking, equipment and lifts.

369. Driven by the aim of achieving net carbon zero for new development by closing the implementation gap, whole life cycle carbon assessments are monitored at the pre-application, submission and post-construction stages. Policy P70 of the Southwark Plan reinforces the need to calculate whole life cycle carbon emissions through a nationally recognised assessment and demonstrate actions taken to reduce life cycle carbon emissions.

370. The submitted whole life carbon assessment for the planning application considers the operational carbon and embodied carbon of the proposal throughout its life from construction, use and deconstruction. The assessment finds that over a 60-year study period, the development's operational and embodied load would be:

371. A baseline impact of 961 kgCO₂e/m² and an upfront impact of 453 kgCO₂e/M².

372. The scheme meets the benchmark set by the GLA for Modules A1-A5 is 850kgCO₂e/m², with an aspirational benchmark of 500 kgCO₂e/m² GIA. While the performance for Modules B to C falls short of the benchmark, it does so by a relatively small degree. Two conditions to require two further stages of whole life-cycle carbon assessment in the detailed design and completion stages are proposed.

Circular Economy

373. Southwark Plan Policy P62 “Reducing Waste” states that a Circular Economy Statement should accompany planning applications referable to the Mayor. Circular economy principles include conserving resource, increasing efficiency, sourcing sustainably, designing to eliminate waste and managing waste sustainably at the highest value. London Plan Policies GG5 “Growing a Good Economy”, D3 “Growth Locations in the Wider South East and Beyond” and SI7 “Reducing Waste” and all mention circular economy principles and the benefits of transitioning to a circular economy as part of the aim for London to be a zero-carbon city by 2050.
374. A detailed Circular Economy Statement was submitted with the application, which sets out strategic approaches, specific commitments and the overall implementation approach.
375. The broad strategic approaches for the development include adopting lean design principles, minimising waste, specifying materials responsibly and sustainably, and designing for longevity, adaptability and flexibility. Ways this will be achieved include:
- Excavation will be muck away for reuse on third party sites;
 - Materials will be sourced locally wherever possible;
 - using steel with 97% recycled content;
 - cement types will be optimised to reduce embodied carbon;
 - an economy of design through repetition;
 - prefabrication of risers;
 - the unitised curtain wall will be made with highly recycled aluminium;
 - sizing the ASHP to meet the heating loads efficiently to ensure there is no wasted over capacity; and
 - allowing for all major plant to dismantled and removed.
376. Specific targets committed to by the applicant include:
- All steel will be 97% recycled;
 - 30-40% GGBS (Ground Granulated Blast Furnace Slag) will be used.
 - Ensure that the contractor prepares and implements a Site Waste and Resource Management Plan (SWMP/RMP).
377. The application has addressed the requirements of London Plan Policy SI7 “Reducing Waste and Supporting the Circular Economy”, Southwark Plan Policy P62 “Reducing Waste”, and has referenced the GLA’s guidance in producing the Circular Economy Statement. Conditions are proposed requiring post-completion reporting. Subject to these conditions, the

proposal is considered to comply with the sustainable materials element of Policy P17 “Tall Buildings”.

Overheating and cooling

378. London Plan Policy SI4 “Managing Heat Risk” details that major development proposals should demonstrate how they will reduce the potential for internal overheating and reliance on air conditioning systems in accordance with the cooling hierarchy. Policy P69 “Sustainability Standards” of the Southwark Plan states that development must reduce the risk of overheating, taking into account climate change predictions over the lifetime of the development, in accordance with the cooling hierarchy.

379. The six-step hierarchy that should be followed when developing a cooling strategy for new buildings is as follows:

- minimise internal heat generation through energy efficient design; then
- reduce the amount of heat entering the building through the orientation, shading, albedo, fenestration, insulation and green roofs and walls; then
- manage the heat within the building through exposed internal thermal mass and high ceilings; then
- use passive ventilation; then
- use mechanical ventilation; then
- use active cooling systems (ensuring they are the lowest carbon options).

380. The residential units and the student accommodation will be solely naturally ventilated spaces with MVHR units. Opening windows will be provided for occupant comfort. However, given that the acoustic report from the previously approved scheme showed that the south west façade may be restricted from openings and in order to mitigate against the risk of overheating and future climatic changes additional acoustic vents and external shading is required. Details of these will be required by condition. The applicant’s energy assessment also notes that acoustically attenuated vents may be required for the residential units. The need for such vents will also be captured through condition.

Meeting CIBSE TM59 requirements

381. In order to meet these requirements the student accommodation would require 50% of windows to be fixed, vents to be openable during day/night time of 40% for East-West-North facades, south west faced has fixed windows and acoustically attenuated vents openable 54% and windows of g value 0.45. The residential accommodation would require 50% of windows

to be fixed, window restrictors of 250mm openable during day and night time, windows with a G value of 0.45 and the south west windows would require an additional overhang of 200mm. As noted these details would be required to be submitted by condition.

382. The steps taken in accordance with the cooling hierarchy, as set out above, would reduce the need for cooling, they would be sufficient to avoid overheating risk throughout the year in all parts of the proposed development.

Summary

383. Following the cooling hierarchy, the applicant has demonstrated that the building cooling demand has been kept as low as possible with minimal solar gains sufficient to guarantee the occupiers' and users' comfort, in line with the criteria set out in CIBSE TM 59 guidance. With the proposed measures taken into account, the overall building efficiency would be enhanced. This is considered to be in compliance with London Plan Policy SI4 and Southwark Plan Policy P69.

BREEAM

384. Policy P69 of the Southwark Plan states that non-residential development must achieve a BREEAM rating of 'Excellent'. The applicant's BREEAM indicates 'Excellent' can be achieved, and a planning condition is recommended to secure this.

Water efficiency

385. The Sustainability Strategy submitted by the applicant confirms that the proposed development aims to minimise water consumption such that the BREEAM excellent standard for the 'Wat 01' water category would be achieved, as required by London Plan Policy SI5. This will be achieved through the specification of features such as:

- water-efficient sanitary fittings,
- a water meter on the mains water supply; and
- a leak detection system will be installed.

Digital connectivity infrastructure

386. The NPPF recognises the need to support high-quality communications infrastructure for sustainable economic growth and to enhance the provision of local community facilities and services.

387. To ensure London's long-term global competitiveness, Policy SI6 "Digital Connectivity Infrastructure" of the London Plan requires development proposals to:

- be equipped with sufficient ducting space for full fibre connectivity infrastructure;
- achieve internet speeds of 1GB/s for all end users, through full fibre connectivity or an equivalent.
- meet expected demand for mobile connectivity; and
- avoid reducing mobile capacity in the local area.

388. The applicant has not confirmed in writing that the development would have the incoming duct arrangements to suit the provisions from the local networks, or that by the time construction works are underway 1GB/s fibre should be available. In this District Town Centre location, it is very unlikely that delivering such digital infrastructure would prove difficult, and as such it is considered acceptable in this instance for the requirements of Policy SI6 post-decision through a Digital Connectivity Strategy planning condition.

Socio-economic impacts

389. London Plan Policy E11 "Skills and Opportunities for All" requires development proposals to support employment, skills development, apprenticeships, and other education and training opportunities in both the construction and end-use phases. This requirement is also covered by Southwark Plan Policy P28 "Access to Employment and Training", with the methodology for securing these opportunities prescribed by the council's Section 106 Planning Obligations and Community Infrastructure Levy SPD (2015 with 2020 Update).

390. In accordance with the policy framework, there would be a requirement for this development to deliver 57 sustained jobs to unemployed Southwark residents, 57 short courses, and take on 14 construction industry apprentices during the construction phase, or meet the Employment and Training Contribution. These would all need to be filled by the applicant in accordance with a Construction Phase Employment, Skills and Business Plan. These obligations will be secured through the Section 106 Agreement.

391. The maximum Employment and Training Contribution is £274,650.00 (£245,100.00 against sustained jobs, £8,550.00 against short courses, and £21,000.00 against construction industry apprenticeships). An employment, skills and business support plan should be included in the S106 obligations within a prescribed methodology.

392. In terms of direct employment, the student housing element of the proposal has the potential to deliver up to 3 FTE positions, while the retail/service/dining unit has the potential to create up to 4. The maximum FTE when the development is completed site would, therefore, be 7 jobs.
393. **Affordable Workspace:** Agreed 10% commercial space, for 30 years, and will prioritise able workspace for existing small and independent businesses occupying the site that are at risk of displacement.
394. **Procurement:** As there will be 1,000sqm or more of gross new floorspace, the applicant should allow local businesses to tender for the procurement of goods and services generated by the development both during and after construction.

Ecology

395. A Preliminary Ecological Assessment has been submitted in support of this application. The site in its current condition is of little or no ecological value and therefore its redevelopment offers the opportunity to enhance biodiversity opportunities. The mitigation measures include the timing of vegetation clearance works and/or to avoid impacts on nesting birds and the enhancement measures include the introduction of landscape planting with native species or species with a known value to wildlife, and the provision of bat and bird boxes.
396. The council's Ecology Officer has reviewed the proposals and concludes that there are no further surveys required. Conditions have been recommended to secure house sparrow terraces under the amenity roof and bat tubes. It is also considered reasonable to condition that there be the soft landscaping ecological enhancements and biodiverse roofs. The assessment also recommends appropriate ways to clear vegetation and this would be included in the Construction management plan.

Flood risk and water resources

397. The application site is located within Flood Zone 3, which is considered to be 'High Risk' but does benefit from the Thames tidal defences.
398. The proposed development has been designed to ensure that the buildings would be protected from surface water flooding through a new drainage system. Sustainable Drainage Systems (SUDs) in the form of combined blue-green roof system at roof level in conjunction with permeable paving for the access roads, below ground attenuation storage and infiltration systems at ground level.

399. The council's Flood Risk and Drainage team reviewed the submitted material and Drainage Strategy for the extant scheme and has requested additional information to allow for a full review of the subject application scheme. The updated information has not yet been submitted by the applicant. Due to the need for expediency to get the report in front of the members of the committee, your planning officers have requested the additional information be submitted but in case the information is not forthcoming, a pre-commencement condition has been attached to this permission. The applicant has submitted a revised strategy which seeks to demonstrate that the development would limit surface water discharge rates to greenfield rates (2.2 l/s) for the 1% AEP storm + climate change allowance using a range of SUDs features. The final strategy will need to be confirmed at detailed design stage. A condition is therefore recommended for the submission of a final drainage strategy for review and consideration if any changes are made at that stage.
400. A greenfield runoff rate offset of £366 per cubic metre will be secured in the event that there is a shortfall in attenuation required to limit surface water run off, which is required by the draft AAP 11.

Fire safety strategy

401. The applicant has submitted a high level fire strategy prior to the submission of the amended plans and details the key fire safety design principles within the proposed development. It is intended that the fire safety proposals will satisfy the requirements of the relevant legislation. All single level apartments will be provided with a fire detection and fire alarm system in accordance with the relevant recommendations. The strategy also highlighted the minimum fire resistance requirements for the structural elements and compartmentation. A condition has been attached to the draft decision notice to require details of the sprinkler system to all the commercial units to be submitted and approved. All of the residential units would also have a sprinkler system.

Archaeology

402. The site is currently within the Bermondsey Lake Archaeological Priority Zone (APZ) designated for its potential for prehistoric and paleo-environmental remains. Once Southwark's new archaeological priority areas are formally adopted, the application site will be within the Tier 1 'North Southwark and Roman Roads' Archaeological Priority Area. Significant archaeological remains predominately of prehistoric and Roman date have been discovered in the general Old Kent Road area from a number of sites. However, previous excavations which have taken place to the immediate west, north and south of the application site have been largely negative. The applicant has submitted a desk based assessment

(DBA) which is a very thorough piece of archaeological research with an updated addendum. The DBA identifies the potential for archaeological remains to survive on this site. The council's Archaeological Officer has reviewed the DBA and raises no objections and has recommended conditions.

Environmental considerations

Contaminated land

403. The applicant has submitted a Phase 1 environmental risk assessment given the past industrial and commercial uses on the site. The assessment confirms that on account of the site's previous industrial use, there are numerous sources of contamination recorded both on the site and in its vicinity. The site itself is considered to represent a high to medium risk to all identified receptors, and accordingly further targeted ground investigation is required to quantify risks to future users and surrounding receptors and inform any remediation and mitigation controls that may be necessary.
404. The submitted material has been reviewed by EPT. A condition has been recommended to deal with contaminated land which has been included with this recommendation.

Air quality

405. The site lies within an Air Quality Management Area (AQMA). This means the air quality is poor, with high levels of pollutants including particulate matter (PM10) and nitrogen dioxide (NO2). Southwark Plan Policy P65, Improving Air Quality, requires that development must achieve or exceed air quality neutral standards; and address the impacts of poor air quality which is to be achieved through design solutions (building orientation and layout; ventilation systems and urban greening) with any shortfall in air quality standards to be secured off site through planning obligations or as a financial contribution. London Plan Policy SI1 Improving Air Quality, requires development proposals to tackle poor air quality, protect health and meet legal obligations: proposals should not lead to further deterioration of existing poor air quality; not exceed air quality limits/delay compliance in areas that currently exceed legal limits and not create unacceptable risk of high levels of exposure to poor air quality.
406. The applicant has submitted an air quality assessment, reporting on the potential impacts of the proposed development on local air quality. This identified that during the construction phase there would be a medium risk of impacts in the absence of suitable mitigation. It has recommended that suitable mitigation be provided through a series of measures set out in a

detailed dust management plan prior to the start of demolition and construction works. Once operational and occupied, the development is not expected to raise significant air quality impacts. An air quality neutral assessment has shown that the proposed development would meet both the Building Emission Benchmark and Transport Emission Benchmark and is therefore air quality neutral. The mitigation measures will be secured through the CEMP required by the s106 Agreement.

407. The council's EPT has reviewed the assessment and raised no concerns or objections relating to air quality.

Wind and microclimate

408. The applicant has submitted a Pedestrian Level Wind Microclimate Assessment, which looks at the likely impacts of the proposed development on wind and microclimate in terms of pedestrian safety and comfort and to ensure that wind conditions around the site do not adversely interfere with the intended pedestrian activities, so that all public spaces have amenable environmental conditions.

409. Three scenarios have been analysed:

- Baseline: the existing wind environment at the site
- Proposed: the proposed development within the context of existing surrounds
- Cumulative: the proposed development within the context of future/consented surrounds.

410. It concludes that although many areas of the site would have acceptable wind conditions in the presence of the proposed development, several locations within and around the site would have wind conditions that are windier than desired for their respective uses. Furthermore, there would also be several occurrences of strong winds which require mitigation measures. The assessment provides details of the locations which would require mitigation measures in the context of the existing surrounding buildings. In the cumulative scenario, the conditions would improve as the Devonshire Square development would be in place, but there would be localised windier conditions in some areas. It recommends that in the event the Devonshire Square development does not come forward prior to the proposed development the suggested mitigation measures should be developed and verified through further wind tunnel testing to ensure effectiveness of the mitigation strategy.

411. Officers consider that it is reasonable to require the suggested mitigation measures and details to be submitted (included with landscape detailed design condition). Subject to the imposition of a wind mitigation condition,

the impacts of the scheme on the local wind microclimate would be acceptable.

Planning obligations

412. London Plan Policy DF1 “Delivery of the Plan and Planning Obligations” and Southwark Plan Policy IP3 “Community Infrastructure Levy and Section 106 Planning Obligations” advise that planning obligations can be secured to overcome the negative impacts of a generally acceptable proposal. These policies are reinforced by the Section 106 Planning Obligations and CIL SPD, which sets out in detail the type of development that qualifies for planning obligations. The NPPF echoes the Community Infrastructure Levy Regulation 122 which requires obligations to be:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development

413. In accordance with the Section 106 Planning Obligations and CIL SPD, the following contributions have been agreed with the applicant in order to mitigate the impacts of the development:

CIL

414. The site is located within Southwark CIL Zone 2, MCIL2 Band 2 Zone. Based on the floor areas provided in the applicant’s CIL Form 1 (GIA) dated 01-Mar-2023 and planning application form dated 01-Mar-2023, the gross amount of CIL is £5,320,250.75 (pre-relief). Subject to the correct CIL forms being submitted on time, CIL social housing relief of approximately £1,292,150.96 can be claimed for a number of types of affordable housing. Thus, the resulting CIL amount is estimated to be **£4,028,099.79 net of relief**. It should be noted that this is an estimate, floor areas will be checked when related CIL Assumption of Liability and Relief Claim Forms are submitted, after planning approval has been secured.

Section 106

OBLIGATION	MITIGATION / TERMS
VIABILITY AND AFFORDABLE HOUSING	
AFFORDABLE HOUSING ON SITE PROVISION	Delivery of 23 social rented homes on site.
AFFORDABLE HOUSING	Financial contribution of £20,200,000.00 in lieu of providing on-site affordable housing, equivalent to the

PAYMENT IN LEIU	<p>maximum viable amount (as agreed between the applicant's viability consultants and the council's independent assessor).</p> <p>The total sum is to be paid in three tranches linked to stages of construction, as follows:</p> <ul style="list-style-type: none"> • Instalment 1: 25% prior to implementation • Instalment 2 50% on practical completion • Instalment 3: 25% at first occupation
AFFORDABLE HOUSING EARLY STAGE REVIEW	<p>Early Stage Review Mechanism to be triggered if substantial implementation has not occurred within 24 months of planning permission being granted.</p>
WHEELCHAIR HOMES	<p>At least 10% of dwellings to be fully wheelchair accessible (including marketing allocation and fit out). At least 5% of student bedrooms to be fully wheelchair accessible.</p>
LOCAL ECONOMY: EMPLOYMENT AND TRAINING	
CONSTRUCTION PHASE JOBS/ CONTRIBUTIONS	<p>Development to:</p> <ul style="list-style-type: none"> • Deliver 57 sustained jobs to unemployed Southwark residents. • Deliver 57 short courses. • Take on 14 construction industry apprentices during the construction phase. <p>Or make the pro-rata Employment and Training Contribution which, at maximum, would be £274,650.00. This breaks down as:</p> <ul style="list-style-type: none"> • £245,100.00 against sustained jobs. • £8,550.00 against short courses. • £21,000 against construction industry apprenticeships.
CONSTRUCTION PHASE EMPLOYMENT, SKILLS AND BUSINESS	<p>The Plan would be expected to detail:</p> <ul style="list-style-type: none"> • methodology of training, skills, support etc.; • targets for construction skills and employment outputs; • methodology for delivering apprenticeships; and • local supply chain activity methodology.

<p>BUSINESS RELOCATION AND RETENTION STRATEGY</p>	<p>None of the existing tenants shall be removed from the Site until a Business Relocation and Retention Strategy has been submitted to and approved by the council.</p> <p>The strategy would be expected to detail:</p> <ul style="list-style-type: none"> • Existing levels of non-residential GIA floorspace separated by use class, including vacant units and yards; • A schedule of existing businesses operating on Site including business sector, estimated number of employees and lease terms; • Proposed levels of non-residential GIA floorspace; • Details of engagement with existing businesses on Site regarding re-provision of premises or relocation options; and • Details of engagement with the council and workspace providers to secure occupiers new employment space.
<p>AFFORDABLE WORKSPACE</p>	<p>At least 10% of employment floorspace proposed to be secured as affordable workspace in accordance with an Affordable Workspace Specification to be submitted.</p> <p>The Affordable Workspace shall be secured as such for a period of at least 15 years from when the Affordable Workspace is first occupied.</p>
<p>OPERATION AND MANAGEMENT OF STUDENT ACCOMMODATION</p>	
<p>STUDENT MANAGEMENT PLAN</p>	<p>Prior to occupation of the development, a Final Student Management Plan is to be submitted to and approved by the council. The Final Student Management Plan shall be based on the principles established by the application-stage Student Management Plan and shall include details of:</p> <ul style="list-style-type: none"> • the day to day operation of the student housing to ensure noise and disturbance is minimised during the day- and night-time (including codes of behaviour / conduct and other protocols for managing breaches of acceptable behaviour); • the logistics and coordination of the move-in and move-out arrangements to minimise disruption to the public highway (and shall include specified management measures in respect of both the move-in and move-out period, not just the former, including coordination of arrangements with other

	<p>student residences in the area so as to avoid overload at peak times);</p> <ul style="list-style-type: none"> • deliveries and servicing management; • security and surveillance measures; and • strategies for establishing and managing relationships and lines of communication with local residents and other potentially affected parties. <p>The approved Final Student Management Plan (as amended from time to time) shall be complied with throughout the lifetime of the development.</p>
<p>USE OF PREMISES</p>	<p>The student accommodation is:</p> <ul style="list-style-type: none"> • not to be used and occupied for anything other than its authorised purpose as accommodation available for letting as student accommodation to students; • to be used at all times as a single planning unit, with no part of it to be rented, sold, sub-let, licensed or otherwise disposed of in any form as a separate planning unit; and • with respect to all parts of the basement and ground floor of the building, prohibited from being used in the future for sleeping accommodation. <p>The student accommodation may be let to part time and full time students from UK registered educational institutions during the holiday period.</p>
<p>PUBLIC REALM</p>	
<p>DETAILED DESIGN</p>	<p>The development shall not be occupied until a Public Realm Specification has been submitted to and approved by the council.</p> <p>The development shall not be occupied until the Public Realm works have been completed to the reasonable satisfaction of the council and a Provisional Certificate issued by the council in respect of all the Public Realm Works.</p> <p>The Developer shall be liable for the full cost of the Public Realm Works.</p>

HOURS OF ACCESS	The Public Realm shall be open 24 hours a day every day of the week including Bank Holidays (with the exception of the rights of closure detailed below).
RIGHTS OF CLOSURE	The developer shall be entitled to close the Public Realm (with prior notification to members of the public) for up to one day per year so as to prevent public rights of way being obtained.
Off-site Public Open Space Mitigation	
LOCAL OPEN SPACE ENHANCEMENT CONTRIBUTION	Prior to occupation, the developer is to contribute £113,570.00 (index linked) for improvement and maintenance works to local open space, required because of the on-site open space deficiency.
	Applicant: Not yet Agreed
ARCHAEOLOGY	
MONITORING AND SUPERVISION CONTRIBUTION	On signing of the Section 106 Agreement, a sum of £11,171.00 is to be paid by towards monitoring and providing technical archaeological support during the works on and in the vicinity of the site.
TRANSPORT IMPACTS MITIGATION	
TfL DOCKING STATION CONTRIBUTION	<p>Prior to implementation, with the exception of any site clearance/demolition and archaeological investigative works, the developer is to contribute £19,400.00 towards expansion of one or more TfL cycle docking stations in the vicinity of the site.</p> <p>The contribution has been calculated as follows:</p> <ul style="list-style-type: none"> • £50 per residential unit (£1,150) • £50 per 100sqm commercial space (£1,050) • £25 per student bed (£17,200)
DELIVERY AND SERVICING MONITORING PLAN	Prior to occupation, a Delivery and Servicing Monitoring Plan is to be submitted to and approved by the council. The Delivery and Servicing Monitoring Plan shall set out the method for monitoring and recording the number of servicing and delivery trips to and from the development.
DELIVERY AND SERVICING MANAGEMENT BOND	Prior to occupation, a Delivery and Servicing Bond is to be paid to the council. The bond will be £8,631.40 , comprising: <ul style="list-style-type: none"> • a cash deposit of £7,013.40 (index linked), calculated on the basis of £100 per residential unit

	<p>(equivalent) and per 500sqm non-residential floorspace; and</p> <ul style="list-style-type: none"> • a monitoring fee of £1,600.00 to cover the council's costs of assessing the quarterly monitoring. <p>For a period of two years from opening of the student accommodation scheme, the daily vehicular servicing activity of the site is to be monitored (in accordance with the approved Delivery and Servicing Monitoring Plan) and returns made on a quarterly basis. If the site meets or betters its own baseline target the Delivery and Servicing Management Cash Deposit will be returned to the developer within 6 months of the end of the monitoring period. If the site fails to meet its own baseline the cash deposit will be made available for the council to utilise for sustainable transport projects in the ward of the development.</p> <p>Irrespective of whether the development meets or fails to meet its baseline target, the council will retain the monitoring fee.</p>
BUS SERVICES CONTRIBUTION	Prior to occupation, with the exception of any site clearance/demolition and archaeological investigative works, the developer is to contribute £680,400.00 (index linked) towards improved bus services in the vicinity of this development.
CAR CLUB SCHEME	Prior to occupation of the development residential homes, a Car Club Scheme shall be submitted to the council. The residential homes shall not be occupied until the details of the agreement with the Car Club Operator have been approved.
CONTROLLED PARKING ZONE	The Developer shall ensure that, prior to the occupation of each residential and student unit, the occupiers of the relevant unit and any subsequent occupiers are informed that they shall not be entitled to a Parking Permit to park a vehicle in a Parking Bay (unless they are the holder of a disabled person's badge).
HIGHWAY IMPACTS MITIGATION	
SCOPE OF S278 WORKS	Prior to implementation, with the exception of any site clearance/demolition and archaeological investigative

	works, the developer is to submit the Section 278 Highway Works Specification, detailed design and estimated costs to the council (specifically the Local Planning Authority, who shall liaise with the Highways Authority) and receive its approval in writing.
ENERGY AND SUSTAINABILITY	
FUTURE-PROOFED CONNECTION TO DISTRICT CHP	Prior to occupation, a CHP Energy Strategy must be approved setting out how the development will be designed and built so that all parts of it will be capable of connecting to any future District CHP.
CARBON OFFSET PAYMENT 1	<p>The development as built is to achieve the carbon reduction set out in the submitted Application Stage Energy Strategy.</p> <p>Prior to implementation, with the exception of any site clearance/demolition and archaeological investigative works, the developer shall pay an off-site contribution of 50% of the total application stage predicted carbon shortfall (60.4 tonnes/CO2). This equates to 30.2 tonnes/CO2. Calculated applying the council's current tariff rate of £95/tonne for 30 years, this is £86,127.00 (index linked).</p>
CARBON OFFSET PAYMENT 2	<p>No later than 4 weeks following occupation of the development, the owner shall submit an Occupation Stage Energy Strategy to the council for approval.</p> <p>The Occupation Stage Energy Strategy shall demonstrate how the development will achieve the Agreed Carbon Targets in accordance with the principles contained in the Application Stage Energy Strategy.</p> <p>In the event that the Occupation Stage Energy Strategy demonstrates the application stage predicted savings have been met or exceeded, the applicant shall pay the Carbon Green Fund Contribution 2 – £86,127.00 (index linked) – (thereby fully offsetting the differential between on-site as-built carbon savings and net zero). Only following receipt of the Carbon Green Fund Contribution 2 will the council issue its approval in writing.</p> <p>In the event that the Strategy demonstrates carbon savings greater than the outstanding balance of 60.4 tonnes/CO2</p>

	<p>have been achieved, the developer will be eligible for a proportionate disbursement from the monies paid as part of Carbon Offset Payment 1.</p> <p>In the event that the Occupation Stage Energy Strategy demonstrates the as-built scheme falls short of the application stage predicted savings, the applicant shall accompany their submission with an Energy Strategy Addendum setting out additional energy efficiency proposals to achieve the Agreed Carbon Targets. If the council agrees to the proposed additional measures, the owner shall implement all of the measures within six months of the council’s approval of the Addendum. If the council and owner cannot come to an agreement on the proposed additional measures, the owner shall pay a further carbon offset contribution (to be calculated applying the council’s carbon offset tariff in place at that time) within 28 days of the council issuing their request.</p> <p>The Occupation Stage Energy Strategy shall be complied with in completing and occupying the development.</p>
<p>REVIEW OF AGREED CARBON TARGETS</p>	<p>On the first and third anniversaries of occupation, the applicant shall submit a Post-Occupation Energy Review verifying that the Agreed Carbon Targets continue to be achieved in the immediate post-occupation period.</p> <p>In the event that the Year 1 Post-Occupation Energy Review and/or the Year 3 Post-Occupation Energy Review reveals the actual post-occupation carbon savings performance of the building to be inferior to the Agreed Carbon Targets, the applicant will be obligated to submit an Energy Strategy Addendum and to follow the same set of steps as detailed in the equivalent ‘CARBON OFFSET PAYMENT 2’ scenario.</p>
<p>BE SEEN MONITORING</p>	<p>Within 8 weeks of the grant of the planning permission, the owner shall submit to the GLA and the council accurate and verified estimates of the ‘Be Seen’ energy performance indicators.</p> <p>Prior to occupation of the development the owner shall provide to the GLA and the council updated accurate and verified estimates of the ‘Be Seen’ energy performance indicators.</p>

	<p>On the first anniversary of occupation or following the end of the Defects Liability Period (whichever is the later) and at least for the following four years after that date, the Owner shall submit to the GLA accurate and verified annual in-use energy performance data for all relevant indicators.</p> <p>In the event that the ‘in-use stage’ evidence shows that the ‘as-built stage’ performance estimates have not been or are not being met, the owner shall identify the causes of underperformance and the potential mitigation measures. The owner shall submit to the GLA and the council a Be Seen Mitigation Measures Plan comprising of measures that are reasonably practicable to implement, along with a proposed timescale for implementation. The measures shall be implemented in accordance with the approved Be Seen Mitigation Measures Plan.</p>
ADMINISTRATION	
MONITORING	<p>Payment to cover the costs of monitoring these necessary planning obligations (with the exception of those that have monitoring contributions already factored-in), calculated as 2% of total sum.</p>

415. In the event that a satisfactory legal agreement has not been entered into by 28 May 2024, it is recommended that the director of planning and growth refuses planning permission, if appropriate, for the following reason:

“The proposal, by failing to provide for appropriate planning obligations secured through the completion of a S106 agreement, fails to ensure adequate provision of mitigation against the adverse impacts of the development through projects or contributions, contrary to: Policy DF 1 (‘Planning Obligations’) of the London Plan 2021; Policy IP3 (‘Community Infrastructure Levy (CIL) and Section 106 Planning Obligations’) of the Southwark Plan; and the Southwark ‘Section 106 Planning Obligations and Community Infrastructure Levy SPD’ 2015”.

Statement of community involvement

416. Consultation was carried out by the applicant prior to the submission of the planning application. The applicant has submitted a Statement of Community Involvement and the Engagement Summary (required by the Development Consultation Charter). The consultation was carried out with

the local community and key stakeholders from the area and included the following forms of activity:

- Held three one-to-one meetings with key stakeholders in February and March 2023 (Old Kent Road ward councillors; Veolia and Ledbury Estate Tenant & Residents Association);
- Hosted a website to provide stakeholders with information on the development plans. 22 users visited the website in 214 sessions since the revisions were posted;
- Pre-application discussions and meetings with Southwark Officers.

417. To summarise, the queries expressed from the consultation exercise were:

- Loss of housing;
- Veolia issues (odour/noise and road layout) from the adjoining waste management facility on the residential accommodation and its impact on the operations of the waste management facility;

Community impact and equalities assessment

418. The Public Sector Equality Duty (PSED) contained in Section 149 (1) of the Equality Act 2010 imposes a duty on public authorities to have, in the exercise of their functions, due regard to three "needs" which are central to the aims of the Act:

1. The need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act
2. The need to advance equality of opportunity between persons sharing a relevant protected characteristic and persons who do not share it. This involves having due regard to the need to:
 - Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic
 - Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it
 - Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low
3. The need to foster good relations between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to tackle prejudice and promote understanding.

419. The protected characteristics are: race, age, gender reassignment, pregnancy and maternity, disability, sexual orientation, religion or belief, sex, marriage and civil partnership.
420. The council must not act in a way which is incompatible with rights contained within the European Convention of Human Rights
421. The council has given due regard to the above needs and rights where relevant or engaged throughout the course of determining this application. The positive impacts have been identified throughout this report.

They include:

- Accessible accommodation: Three (13%) of the social rented dwellings and 40 student beds (5.8%) would be wheelchair accessible, as would all of the ancillary and common spaces within the student housing scheme. Two wheelchair parking spaces would also be provided.
 - Employment and training opportunities: Local unemployed people would benefit from jobs and training opportunities connected with the construction stage.
 - Improved and more accessible public realm: The proposed public realm at the front of the building in association with the adjoining Devonshire Grove site, as well as the agreed improvements to footways and highways within the vicinity of the site, would all be designed to assist people with mobility impairments. Physical measures such as level or shallow gradient surfaces and dropped kerbs would benefit disabled and older people in particular.
 - Public safety: Safer public spaces (through the various proposed active and passive security and surveillance measures) would benefit all groups, but in particular older people, disabled people and women. The cycle store within the building has been designed with sight lines from the student housing reception and a lobby and the commercial element to prevent tail-gaiting, complemented by CCTV surveillance.
 - The church next door to the scheme has a Latin American congregation. It is not considered that this development would in any way compromise the operation of the church.
422. Officers are satisfied that equality implications have been carefully considered throughout the planning process and that Members have sufficient information available to them to have due regard to the equality impacts of the proposal as required by Section 149 of the Equality Act 2010 in determining whether planning permission should be granted.

Human rights implications

423. This planning application engages certain human rights under the Human Rights Act 1998 (the HRA). The HRA prohibits unlawful interference by public bodies with conventions rights. The term 'engage' simply means that human rights may be affected or relevant.
424. This application has the legitimate aim of providing new residential, student housing, flexible commercial development together with public realm improvements and other associated works. The rights potentially engaged by this application, including the right to a fair trial and the right to respect for private and family life are not considered to be unlawfully interfered with by this proposal.

Positive and proactive 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

CONCLUSION

425. The principle of a mixed use student residential led redevelopment of the site within a tall building which will deliver policy compliant affordable housing offer comprising on-site social rented large family dwelling plus an off-site payment in lieu, would be in line with the aspirations of the Southwark Plan and draft Old Kent Road Area Action Plan to deliver homes and employment opportunities within site allocation NSP69/ OKR 18.
426. The increased provision of flexible commercial and employment floorspace on the site along with the introduction of policy compliant Affordable Workspace as well as a new public open space and community facility for the wider area is considered to be a significant benefit of the scheme which would contribute to the delivery of a mixed and inclusive community.
427. The proposed development would provide two blue badge parking spaces and 678 long stay and 79 visitor cycle parking spaces. The slight increase in building heights from the approved extant scheme whilst retaining the same building footprint would maintain and provide a satisfactory townscape and neighbourly response. The proposed courtyard and merger

with the adjoining Devonshire Place scheme would secure and improved public realm for existing and new residents of Sylvan Grove.

428. The impacts of the scheme on neighbouring properties in relation to daylight and sunlight would not result in detrimental harm to the living conditions of neighbouring occupiers. Furthermore, in cases, where the results would not satisfy the BRE Guidelines, the retained levels would be within the range considered acceptable for an urban location. The impact would be similar to that of the approved extant scheme.
429. The architectural design is considered to be high quality and would significantly improve the site within the context of the surrounding area and would maintain the quality of the previously approved and extant scheme.
430. It is therefore recommended that planning permission be granted subject to conditions, referral to the Mayor of London and the completion of a s106 Legal Agreement under the terms as set out above.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: 2419-19 Application file: 23/AP/0582 Southwark Local Development Framework and Development Plan Documents	Environment, Neighbourhoods & Growth Department 160 Tooley Street London SE1 2QH	Planning enquiries: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 0207 525 7194 Council website: www.southwark.gov.uk

APPENDICES

No.	Title
Appendix 1	Recommendation (draft decision notice)
Appendix 2	Relevant planning policy
Appendix 3	Planning history of the site and nearby sites
Appendix 4	Consultation undertaken
Appendix 5	Consultation responses received

AUDIT TRAIL

Lead Officer	Stephen Platts, Director of Planning and Growth	
Report Author	Paul Ricketts, Team Leader	
Version	Final	
Dated	16 November 2023	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Finance	No	No
Strategic Director of Environment, Neighbourhoods and Growth	No	No
Strategic Director of Housing	No	No
Date final report sent to Constitutional Team		16 November 2023