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<b>Item No.</b>	<b>Classification:</b>	<b>Date:</b>	<b>Meeting Name:</b>
6.1	OPEN	12 December 2023	Planning Committee B (Major Applications)
<b>Report title:</b>	<b>Development Management planning application:</b> Application 23/AP/1862 for: Full Planning Permission  <b>Address:</b> 747-759 & 765-775 Old Kent Road and Land at Devonshire Grove London, SE15 1NZ  <b>Proposal:</b> Phased mixed-use redevelopment of the site, comprising: <ul style="list-style-type: none"> <li>- Demolition of all existing buildings/structures, site clearance and excavation;</li> <li>- Construction of buildings to provide residential dwellings (Class C3) and flexible commercial, business and service space (Class E);</li> <li>- Construction of buildings to provide purpose built student accommodation including associated amenity and ancillary space, flexible commercial, business, service and community spaces within Classes E/F2(b) (Sui Generis); and</li> <li>- Provision of associated car and cycle parking, open space and landscaping, means of access and highway alterations, installation of plant and utilities and all other associated ancillary works incidental to the development.</li> </ul>		
<b>Ward(s) or groups affected:</b>	Old Kent Road		
<b>From:</b>	Director of Planning and Growth		
<b>Application Start Date</b> 03.07.2023		<b>Application Expiry Date</b> 02.10.2023	
<b>Earliest Decision Date</b> 18.08.2023		<b>Extension of Time End Date</b> 12.06.2024	

## RECOMMENDATION

1. That full planning permission be granted for 23/AP/1862, subject to conditions, referral to the Mayor of London and the applicant entering into a satisfactory legal agreement; and
2. That environmental information be taken into account as required by Regulation 26(1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended); and
3. That the Planning Committee, in making their decision, has due regard to the potential equalities impacts that are outlined in this report; and

4. That following the issue of planning permission, the Director of Planning and Growth write to the Secretary of State notifying them of the decision, pursuant to Regulation 30(1)(a) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017; and
5. That following issue of the planning permission, the Director of Planning and Growth shall place a statement on the statutory register pursuant to Regulation 28 of the Town and Country Planning (Environmental Impact Assessments) Regulations and for the purposes of Regulation 28(1)(h) the main reasons and considerations on which the Local Planning Authority's decision is based shall be set out as in this report; and
6. That, in the event of requirements of paragraph 1 above not having been met by 12 June 2024 the Director of Planning and Growth be authorised to refuse planning permission for 23/AP/1862, if appropriate, for the reasons set out in paragraph 920 of this report.

## **EXECUTIVE SUMMARY**

7. A key redevelopment site and catalyst for change in the Old Kent Road Opportunity Area, the application site (hereafter referred to as 'Devonshire Place') comprises a U-shaped area land located towards the southern end of the Old Kent Road high street. The site is occupied by a petrol station and a former tool hire store currently in meanwhile use. These buildings are separated from each other by a stretch of private highway land forming part of the application site but under the ownership of Southwark Council. Three conservation areas are within a 250 metre radius of the site, two of which are very close at a distance of less than 75 metres. There are also a number of listed buildings nearby, the closest being Gasholder no.13 to the northwest. A warehouse on the adjacent Daisy Business Park site is on the Council's draft list of locally important historic buildings. The Southwark Integrated Waste Management Facility (SIWMF) lies approximately 50 metres north of the site.
8. The applicant represents a joint venture partnership between Shaw Corporation and Regal London who, together, have substantial experience of redeveloping complex urban sites.
9. The potential of the site to make a major contribution to the Council's homes and jobs targets is reflected in the adopted site allocation (NSP69) and the draft site allocation (OKR18), both of which identify the site as appropriate for delivering community facilities, shopping/retail uses fronting the Old Kent Road high street, and a significant quantum of new homes. Both of the allocations recognise that some tall buildings will be necessary to deliver these objectives.
10. This application proposes the construction of four buildings arranged around a series of landscaped public open spaces. The buildings would step down in height from the site's northeastern extremity towards the Old Kent Road high street, with the tallest being 33 storeys and the shortest 16. In brief, the development would deliver:



- 200 conventional (Class C3) affordable homes, in a tenure split of 125 social rent and 75 intermediate;
- Purpose Built Student Accommodation (hereafter referred to as 'PBSA'), comprising 941 bedspaces;
- a 95 square metre community hub;
- two flexible commercial/business units (727 square metres in total), one of which is intended to be a GP surgery, with a fall-back mechanism in place to provide a policy-complaint quantum of affordable workspace in the event that a healthcare provider cannot be secured;
- a 86 square metre café; and
- reconfiguration of Devonshire Grove and associated enhancements to other parts of the local highway network.



**Image 01** (above): View of the proposal looking northeastwards from the nearby car park. Buildings C and D can be seen in the foreground of this view, with Buildings A and B in the background.

11. The application site benefits from hybrid (i.e. part outline, part full) planning permission under 19/AP/1239, which is extant but has not yet been technically implemented. The extant consent is for a residential led scheme comprising five buildings, the tallest two of which would be set back from the Old Kent Road high street behind a pair of medium-rise 'street blocks'. There are a number of differences between the extant consent and the 23/AP/1862 planning application proposal, such as the different 'red line' site boundary and the newly-proposed PBSA use, as well as the disposition, heights and architectural design of the buildings. However, 23/AP/1862 retains many of the principles of the extant hybrid permission. These include the level of affordable housing, the

provision of active employment-generating uses on the Old Kent Road high street, and the reconfiguration of Devonshire Grove together with a set-back building line enabling new bus stops and a cycle lane to be delivered on Old Kent Road. The building envelopes established by 19/AP/1239, and the impacts these caused as well as the mitigation the proposal incorporated, is a material consideration in the determination of this new planning application

12. The proposed 941-bedspace PBSA, which would be entirely direct-let (i.e. not linked to any specific university or college) at market rate, would achieve high standards of residential design, providing a range of bedroom typologies supported by a suite of internal communal facilities. The application is supported by a strategy for integrating the student population with the future residential occupiers of the conventional housing as well as the wider Old Kent Road community. A Student Management Plan, to be secured by planning obligation, would ensure the successful long-term management of the premises.
13. The proposal would deliver 200 high quality affordable dwellings, including a policy-compliant proportion of larger family units and wheelchair homes. Benefiting from well-proportioned and logically configured internal accommodation, a predominance of dual aspect and access to good-sized external amenity spaces, the homes would achieve a high quality of residential design. These new dwellings would contribute towards local affordable housing and the Council's housing targets, thereby bringing tangible benefits for the local community. The housing offer is considered to be a substantial benefit of the application. The extant hybrid permission, which is a material planning consideration in the determination of 23/AP/1862, secured 41% (rounded) of the housing in affordable tenures. In this regard, the newly proposed development, which would also secure 41% (rounded), represents an equally good offer.



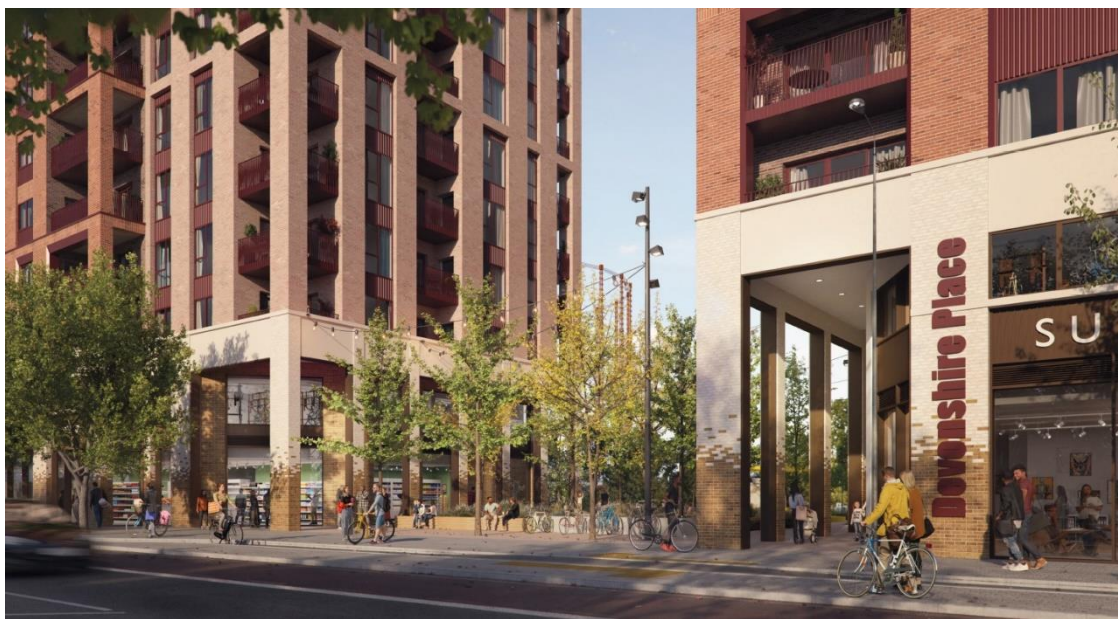
**Image 02** (above): Visualisation of one of the proposed 4-bedroom social rent dwellings, which would be a triple aspect home with wrap-around terrace.

14. 813 square metres of commercial/business floorspace is proposed, arranged as three separate units, two of which would provide an active frontage onto the Old Kent Road high street with colonnaded return elevations framing part of the new public realm. One of these units is envisaged as a healthcare facility, and an



NHS GP Practice interested in taking up occupancy has submitted a letter of intent. The third commercial/business proposed is a café forming part of the overarching PBSA use of the host building; fronting onto a central public square where a bandstand is proposed, the café is intended to draw passers-by from the high street into the heart of the site. The applicant engaged extensively with local stakeholders at the pre-application stage, and the feedback received has informed the design of the proposal, resulting in the provision of a community hub that would be available free-of-charge for residents, community groups and the local Tenants' and Residents' Associations (TRAs). The new public spaces within the development would provide further community and health benefits.

15. The application site is situated in a location where tall buildings are considered appropriate, subject to demonstration that they would achieve an exemplary standard of design and meet the requirements of the London Plan and Southwark Plan in all other regards. Forming an interesting composition and possessing a strong urban character, and with robust and high quality materials specified throughout, the proposed buildings would achieve an exemplary standard of architectural design. They would be set within high quality public realm, featuring numerous new trees, soft landscaping and play facilities.



**Image 03** (above): Visualisation looking north from the Old Kent Road high street, through the proposed public space in-between Buildings C and D and towards the Grade II listed Gasholder No.13, which can be glimpsed in the background.

16. With regard to amenity and environmental considerations, although the proposal would result in daylight and sunlight impacts at a small number of nearby existing properties that depart from the BRE guidelines, the retained levels are still considered adequate for a dense urban area. The applicant's Environmental Statement, which quantifies and evaluates the scheme's expected impacts accounting for all proposed mitigation, has been assessed by officers in collaboration with specialists commissioned by the Council. The conclusion of

the Environmental Impact Assessment process is that the effects can be acceptably managed through planning conditions and obligations.

17. As the report explains, the proposal would make efficient use of a prominently located and under-utilised site to deliver a high quality and sustainable development that accords with the Council's aspirations for the area. In addition to the economic benefits brought by this proposal, such as the employment generating uses and the construction-related jobs and training, a range of financial contributions will be secured to offset the impacts of the development and assist with local and London-wide infrastructural investment.

## PLANNING SUMMARY TABLES

18.

<b><u>Conventional housing</u></b>								
<b>Homes</b>	<b>Private Homes</b>	<b>Private HR</b>	<b>Aff.SR Homes</b>	<b>Aff.SR HR</b>	<b>Aff.Int Homes</b>	<b>Aff.Int HR</b>	<b>Homes Total</b>	<b>HR Total</b>
Studio	0	0	0	0	0	0	0	0
1 bed	0	0	39	102	36	83	75	185
2 bed	0	0	45	180	39	143	84	323
3 bed	0	0	37	190	0	0	37	190
4 bed	0	0	4	24	0	0	4	24
Total	0	0	125	496	75	226	200	722

19.

<b><u>Commercial</u></b>			
<b>Use class and description</b>	<b>Existing GIA</b>	<b>Proposed GIA</b>	<b>Change +/-</b>
E [a] to (f) (Retail/dining/services)	2,625.0	727.0	-1,898.0
E [g] i) (Office)	0		
E [g] ii) and iii) (Light industrial)	0		
E (Affordable workspace)	0	81.3 (as a subset of the above)*	+81.3
B2 (Industrial)	0	0	N/A
B8 (Storage/Distribution)	0	0	N/A
C1 (Hotel)	0	0	N/A
Sui Generis (PBSA)	0	18,977.4	+18,977.4
Sui Generis (community hub)	0	95.4 (as a subset of the PBSA)	+95.4

Sui Generis (publicly-accessible café)	0	86.0 (as a subset of the PBSA)	+86.0
<b>Employment</b>	<b>Existing no.</b>	<b>Proposed no.</b>	<b>Change +/-</b>
Operational jobs (FTE)	3	61	+58
<i>* This 81.3 square metres of space would be provided only if the healthcare facility cannot be delivered.</i>			

20.

<b><u>Parks and child play space</u></b>			
	<b>Existing area</b>	<b>Proposed area</b>	<b>Change +/-</b>
Public Open Space	0	1,685 sq.m	+1,685 sq.m
Play Space	0	1,160 sq.m	+1,160 sq.m

21.

<b><u>Carbon Savings and Trees</u></b>			
<b>Criterion</b>	<b>Details</b>		
CO2 Savings	51% improvement on Part L of Building Regs 2021		
Trees Lost	0 x Category A	0 x Category B	0 x Category C
Trees Gained	68		

22.

<b><u>Greening, Drainage and Sustainable Transport Infrastructure</u></b>			
<b>Criterion</b>	<b>Existing</b>	<b>Proposed</b>	<b>Change +/-</b>
Urban Greening Factor	0	0.43	+0.43
Greenfield Run Off Rate	N/A	2.55l/s*	N/A
Green/Brown Roof Coverage	0	1443sq.m	+1443sq.m
Electric Vehicle Charging Points	0	7	+7
Blue Badge Parking Spaces	0	7	+7
Cycle Parking Spaces	0	918	+918

23.

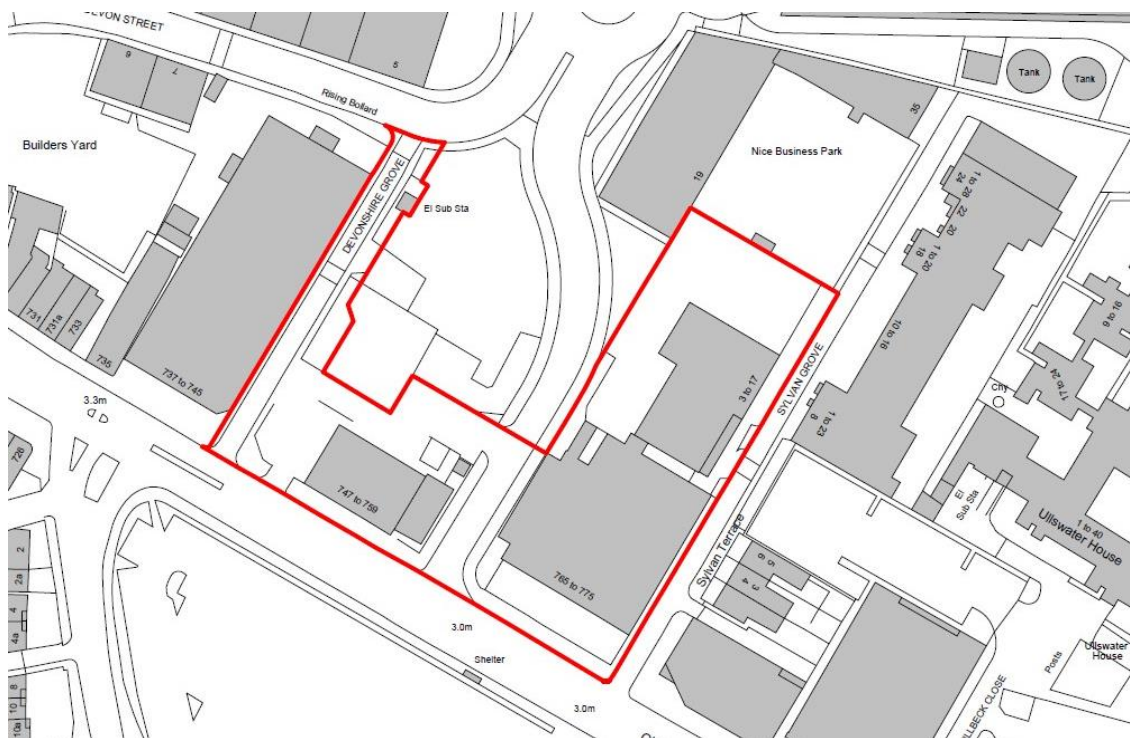
<b><u>CIL and Section 106 (or Unilateral Undertaking)</u></b>	
<b>Criterion</b>	<b>Total Contribution</b>
CIL (estimated)	£4,292,506 (net of relief)
MCIL (estimated)	£2,070,389 (net of relief)
Section 106 Contribution	As per the 'Planning obligations' section of this report

## BACKGROUND INFORMATION

### Site details

#### Location and description

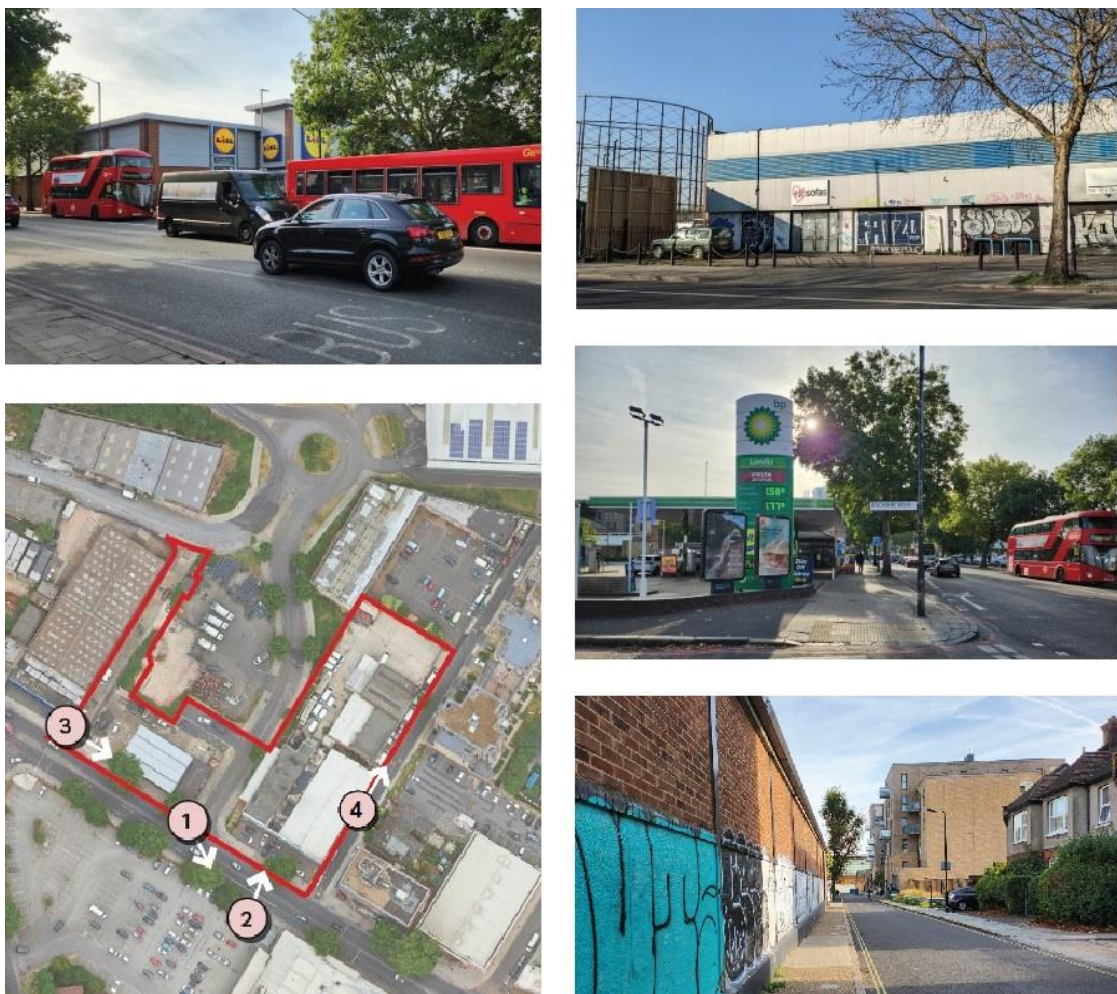
24. The broadly U-shaped application site comprises a 0.72 hectare plot of land located north of Old Kent Road high street. It is bounded:
- immediately to the southeast by the highway of Sylvan Grove (a two-way cul-de-sac), the southeastern side of which is flanked by low and medium-rise housing;
  - immediately to the southwest by the Old Kent Road high street, on the opposite side of which is a single-storey commercial premises (currently occupied by 'Lidl') with associated surface parking for circa 195 cars;
  - immediately to the northwest by the highway of Devonshire Grove (a narrow two-way road that is bollarded at its northern end), which is flanked along the entirety of its western side by a commercial warehouse building (currently occupied by 'Safestore'); and
  - immediately to the northeast by Council-owned land hereafter referred to as "Devonshire Yard" and the Daisy Business Park site.
25. The site is bisected in a north-south direction by Devon Street (South Arm). This one-way dual carriageway currently operates as the egress road for the SIWMF located to the north. Vehicles approaching the SIWMF do so via Devon Street (West Arm) which, similarly to the South Arm, is a one-way dual carriageway.



**Image 04** (above): Location plan, showing the site edged in red.



26. The existing land uses on the site comprise a petrol filling station at 747-759 Old Kent Road, and a former HSS Hire Store at 765-755 Old Kent Road. The petrol station comprises a typical canopy structure above the fuelling forecourt alongside a small convenience kiosk. With regard to the former HSS Hire Store, since the relocation of HSS to new premises at Ruby Street in 2019, the building has been in meanwhile use as a workspace for artists, creative businesses and makers (Class E). This meanwhile use was facilitated by officers as part of the partnership working on this site. The premises themselves are a collection of former employment and warehouse buildings, constructed generally of brick with flat and pitched roofs, having been significantly altered over the years. In between the former Hire Store and the Old Kent Road high street is a forecourt area, which provides parking for up to 8 vehicles, with further areas to the rear capable of accommodating at least a further 20 vehicles.



**Image 05** (above): Photographs of the existing site (numbered 1 to 4, clockwise from top left) with the viewpoints annotated on the map (bottom left).

## Surroundings

27. The local area is characterised by a range of land uses, including residential, commercial industrial, educational, cultural and leisure uses. There is also the SIWMF to the north of the site, accessed from Devon Street.

28. Immediately east of the site and Sylvan Grove is the approved development proposals for Tustin Estate, led by Southwark Council – this comprises a hybrid permission for 167 new homes approved in detail, and up to 523 further affordable and market homes in outline.
29. Although the immediate surroundings currently comprise low-to-medium rise building typologies, the Old Kent Road area continues to be subject to substantial change. There are a series of planned tall building clusters coming forward within the Opportunity Area, including to the north near Burgess Park, at Cantium Retail Park, Ruby Triangle and in the Asylum Road / Devonshire Grove areas. These development clusters are aligned with the ‘Stations and Crossings’ strategy set out in the Old Kent Road Area Action Plan (hereafter referred to as the draft OKR AAP). The ‘Stations and Crossings’ strategy seeks to distribute tall buildings at key stations or crossings on the Old Kent Road, to create a distinct and coherent hierarchy of buildings, places and streets. This context is reflective of the intensification and densification the wider Opportunity Area is undergoing.



**Image 06** (above): Model of the proposed development (shown in green), in the context of consented/implemented major developments (shown in yellow) and major proposals currently at planning application stage (shown in pink).

30. The application site is key to establishing the aforementioned Asylum Road / Devonshire Grove ‘Station’. The land to the north of the site, which is known as ‘Daisy Business Park’ benefits from extant planning consent for a building of 32 storeys (ref: 19/AP/2307). An alternative proposal for a development of a similar height and scale has since been submitted, and is pending the Local Planning Authority’s determination (ref: 23/AP/0582), further detail about which is given in a later part of this report. Together the Daisy Business Park and the Devonshire Place sites are intended to deliver a cluster of taller buildings that will act as a marker for a planned Bakerloo Line tube station to be delivered on land opposite at 760 Old Kent Road. The redevelopment of these two sites will, therefore, result in a change to the general scale, density and grain of the built environment in this particular part of the Old Kent Road area.



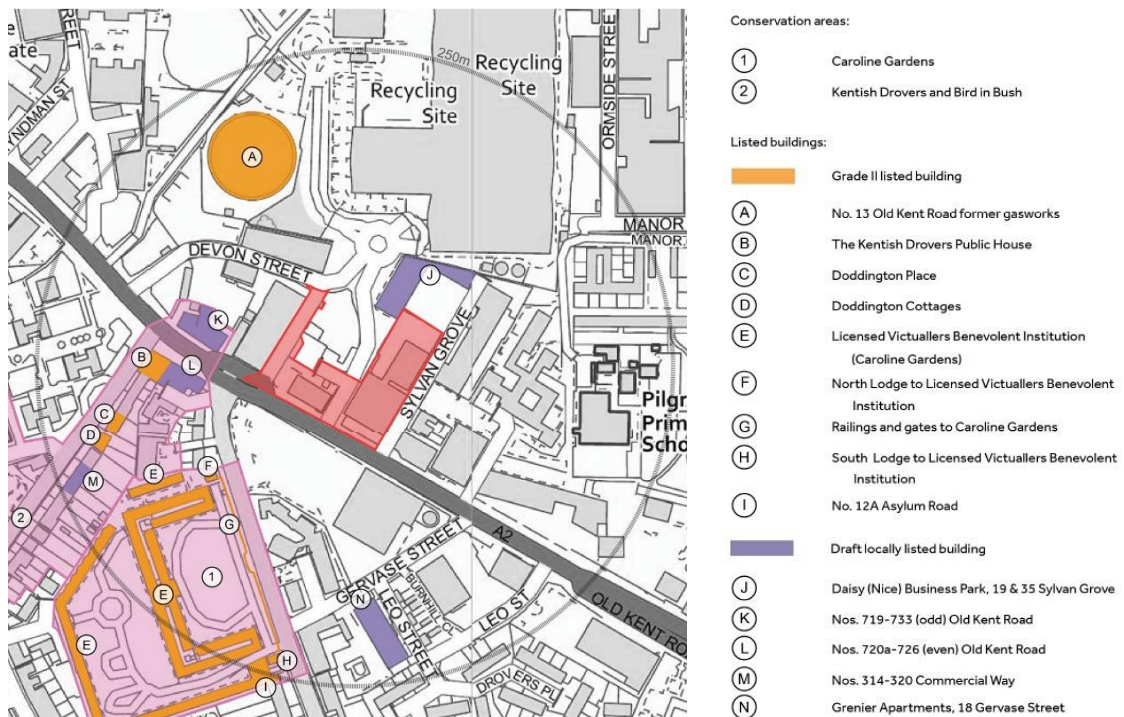
## Designations

31. The following policy, socioeconomic and environmental designations apply to the application site:
- Site Allocation NSP69 (Devon Street and Sylvan Grove) in the Southwark Plan 2022;
  - Old Kent Road Area Vision AV13;
  - Old Kent Road Opportunity Area;
  - Old Kent Road Strategic Cultural Area;
  - Old Kent Road Action Area;
  - Old Kent Road Action Area Core;
  - the Urban Zone;
  - Hot Food Takeaway Primary School Exclusion Zone;
  - Flood Zone 3 (in an area benefitting from flood defences);
  - East Southwark Critical Drainage Area;
  - the Air Quality Management Area;
  - “East Central” Multi-Ward Forum Area; and
  - Community Infrastructure Levy Charging Zone 2.
32. The application site sits within the Core Area of the draft OKR AAP. More specifically it sits within Sub-Area 4, ‘Hatcham, Ilderton and Old Kent Road (South)’. Within this Sub-Area, the application site forms part of the OKR 18 parcel, ‘Devon Street and Sylvan Grove’, which covers 3.0 hectares of land and has an indicative capacity of 1,500 new homes and 1,203 additional jobs. While the majority of the OKR 18 parcel is designated as a Locally Significant Industrial area or as Strategic Protected Industrial Land within the draft OKR AAP and/or the Southwark Plan, the application site does not fall under either of these designations.
33. With regard to heritage designations, the site is not located within a conservation area and there are no statutorily listed buildings at the site or within its immediate vicinity. The site is in close proximity to:
- the Kentish Drovers and Bird in Bush Conservation Area, the boundary of which is approximately 40 metres away to the west at its closest;
  - the Caroline Gardens Conservation Area, the boundary of which is approximately 70 metres away to the south at its closest; and
  - Livesey Conservation Area, approximately 250 metres to the northwest),
34. Within approximately 100 metres of the site are following listed buildings and structures, all Grade II:
- the Gasholders to the north-west (Gasholder No.13 Old Kent Road former gasworks);
  - the Kentish Drovers Public House (720 Old Kent Road); and
  - a number of buildings and structures in the Caroline Gardens Conservation Area (1-100, 101-110 Asylum Road and the railings and gates to Caroline Gardens).

35. The following nearby buildings feature on the Council's draft list of locally important historic buildings, the consultation for which closed in late 2022:

- Daisy Business Park, 19 and 35 Sylvan Grove.
- 719-733 (odd) Old Kent Road;
- 720a-726 (even) Old Kent Road;
- 314-320 Commercial Way
- Grenier Apartments, 18 Gervase Street

36. The site is within the 'North Southwark and Roman Roads' Tier 1 Archaeological Priority Area.



**Image 07** (above): Map of the site (depicted in red) in the context of nearby designated and non-designated heritage assets.

37. Although the site is not within any borough views, it falls within the Protected Vista Extension of Strategic View 3A.1 (Kenwood Viewing Gazebo to St Paul's Cathedral) and Strategic View 2A.1 (Parliament Hill summit to St Paul's Cathedral).

38. There is no existing public space within the application site, with the nearest major parks being Burgess Park, located 1 kilometre to the west of the site, and Southwark Park, located 1.3 kilometres to the north. There are smaller parks closer by at Tustin Common, Caroline Gardens, Brimington Park and Bridgehouse Meadows. A major public space is planned at Livesey Park, north of the site, the centrepiece of which will be the former Gasholder.

39. There are five existing trees located within the site: three London Plane trees on the footway of the Old Kent Road high street (all Category B), a Common Lime

tree on Sylvan Grove (Category B) and a smaller London Plane on Devon Street (also Category B).

40. With regard to transport connectivity, the site has a Public Transport Accessibility Level (PTAL) rating of between 3 'good' and 5 'high'. The variation in PTAL rating is due to the presence of Queen's Road Peckham Station, which for part of the site is just outside the PTAL distance threshold of 960 metres. However, the station is within a reasonable walking distance along Asylum Road from all parts of the site. The site can therefore be considered to benefit from a PTAL of 5.
41. The future 2031 PTAL forecast is also 3-5. However, this does not take into account the site's location directly opposite the proposed future Bakerloo Line Extension (BLE) underground station. To be named "Old Kent Road", this station will further enhance public transport accessibility when it comes forward, increasing the application site's rating beyond a 5, most likely to a 6, and therefore to an 'excellent' level of accessibility.
42. There are several bus stops in close proximity to the site, namely:
  - Commercial Way (Stop WB), which is adjacent to the site on the south side of Old Kent Road high street;
  - Commercial Way (Stop EP), which is approximately 100 metres northwest on Old Kent Road high street; and
  - Old Kent Road / Ilderton Road bus stops, which are located approximately 200metres southeast on Old Kent Road high street.
43. Bus services are available on the 21, 53, 172, 453, N21, N53, and P12, providing connectivity to the Lambeth, Aldwych, Marylebone, Holloway and wider London.
44. With regard to local cycling infrastructure, the closest dedicated route is National Cycle Route 425, which runs east to west across the Old Kent Road area from Burgess Park to Rotherhithe. Cycleways 10 and 35 also run along part of National Cycle Route 425. There are no cycle lanes (segregated or integrated) along the course of the Old Kent Road high street
45. The nearest short-stay cycle storage facilities are:
  - at Lidl, approximately 25 metres to the southeast of the site, comprising three Sheffield stands (six spaces);
  - outside 722 Old Kent Road, approximately 50 metres to the northwest, comprising two Sheffield stands (four spaces);
  - at the junction of Gervase Street and Old Kent Road, approximately 75 metres to the southeast of the site, comprising four Sheffield stands (eight spaces);
  - to the front of the Pilgrim's Way shopping parade, between 75 and 100 metres to the southeast of the site, comprising Sheffield stands in a cluster of two and a cluster of four (twelve spaces) in total.

46. With respect to parking and servicing infrastructure locally, nearby there are:
- loading bays (accommodating up to ten small vehicles) on Devon Street (West Arm), approximately 50 metres north of the site;
  - one Blue Badge parking space (at Gervase Street, approximately 250 metres to the south of the site);
  - three Car Clubs, as follows:
    - Zipcar on Friary Road, 450 metres away (a 9 minute walk);
    - Zipcar on Green Hundred Road, 450 metres away (a 9 minute walk); and
    - Zipcar on Verney Way, 600 metres away (a 12 minute walk).
47. Although the site is not within a Controlled Parking Zone (CPZ), the Trafalgar CPZ –which covers North Peckham and the area around Trafalgar Avenue– is nearby, its northern boundary being the section of Old Kent Road high street onto which the application site fronts. This CPZ is operational weekdays from 08:00 to 18:30.
48. The highways of Devonshire Grove, Devon Street (South Arm) and Sylvan Grove are all part of the borough network. The Old Kent Road high street is a TfL highway. All these highways are also subject to a Local Development Order (LDO), approved by Southwark Cabinet on 13 June 2023. The LDO permits the construction of an underground network of 7 kilometres of insulated pipes to carry heat from the South-East London Combined Heat and Power (SELCHP) facility in South Bermondsey to properties around Old Kent Road and Peckham for the purposes of supplying heating and hot water.
49. The site's southwestern boundary aligns with, but is just outside of, the safeguarded area of the potential future Bakerloo Line Extension promoted by Transport for London.



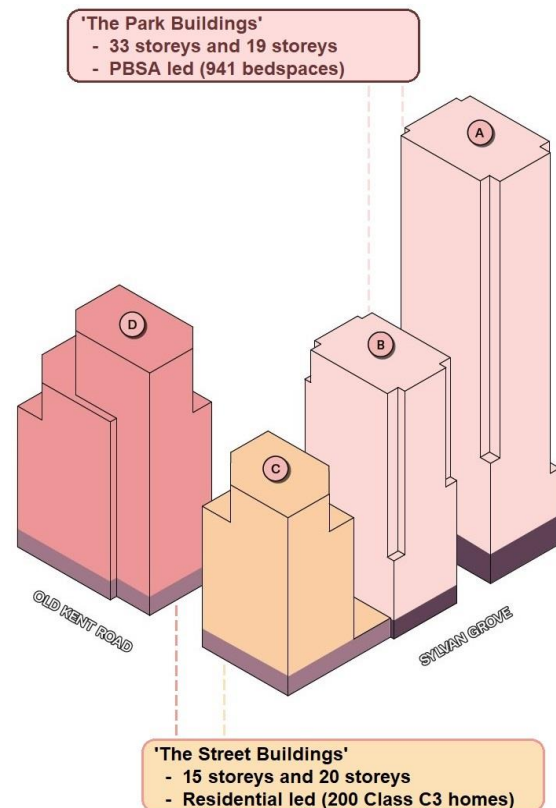
**Image 08** (above): Excerpt of TfL's BLE safeguarding directions, showing (edged in red) the land subject to safeguarding and in (in blue) the area of surface interest where the "Old Kent Road" station is planned, with the site edged in green.

## Details of proposal

50. This application seeks full planning permission for the phased comprehensive mixed-use redevelopment of the site to provide four buildings –named ‘A’, ‘B’, ‘C’ and ‘D’– set within new landscaped public realm. The proposed development entails the demolition of the existing buildings at 747-759 Old Kent Road (the petrol filling station) and 765-755 Old Kent Road (the former HSS Hire), as well as an electricity substation on Devonshire Grove.

51. Buildings A and B, which the applicant describes as the ‘Park Buildings’, would occupy the rear part of the site with frontages along Sylvan Grove. Both would contain PBSA. Buildings C and D, which the applicant describes as the ‘Street Buildings’, would be located on the south western portion of the site. Both of these buildings would be conventional housing led. Flexible commercial floorspace is proposed at the base of Buildings C and D, fronting onto the Old Kent Road. Buildings A and B would share a common architectural language, as would Buildings C and D.

**Image 09** (right): Diagram of the arrangement of Buildings A, B C and D in relation to the Old Kent Road high street and Sylvan Grove.



### Buildings A and B

52. Building A is the northernmost and tallest of the four proposed buildings, rising to 33 storeys (116.05 metres AOD). It would comprise 641 PBSA units, with a 95.4 square metre community hub located at ground floor level fronting the newly created publicly-accessible outdoor amenity space, “Sylvan Gardens”.
53. The lower floors would contain cycle storage space and various communal amenity spaces such as lounge areas, a gym, a quiet study zone, on-site laundry and a management office. These communal amenity spaces would amount to 987.8 square metres in total, equating to an average of 1.54 square metres per student. The upper floors would comprise a range of student cluster bedrooms served by shared living/kitchen/dining facilities, with a number of studios and premium studios also provided.
54. A basement is proposed beneath Building A. With a maximum excavation depth of 3.5 metres, the basement’s coverage would be very similar to the building’s ground floor footprint. The internal spaces would be given over to ancillary



mechanical, electrical and other plant requirements to serve the proposed development. The basement would be futureproofed to accommodate a potential connection to the DHN coming forward in the wider area.









**Images 10, 11 and 12** (clockwise from top right): Building A's crown treatment; Building B's base treatment; and a visualisation of the two buildings as seen looking eastwards from Devonshire Grove.

55. Building B, to be located southwest of Building A, would be set back from the Old Kent Road high street behind Building C. Standing to a height of 19 storeys (71.88 metres AOD), Building B would comprise 300 PBSA units and an 86 square metre café located at ground floor level facing west. In a similar arrangement to Building A, the lower storeys would comprise communal student amenity space and cycle storage, with the upper floors containing cluster flats (i.e. en-suite bedrooms sharing living/kitchen/dining facilities), studios and premium studios. In total, 427.8 square metres of internal communal amenity space would be provided, equating to 1.43 square metres per student.
56. The 941 PBSA units to be delivered across the two buildings are all to be direct-let. A nominations agreement –whereby all or some of the rooms would be operated directly by a higher education provider– has not been agreed. Instead, it is expected that the scheme would be managed by Homes for Students, the largest independent student accommodation provider in the UK.

57. The community hub provided in the base of Building A would be offered to the local community for their use, subject to booking. The applicant's intention is for the PBSA management company to operate it in accordance with a community use agreement (secured via the Section 106 Agreement).

58. The applicant envisages that the publicly accessible café element in the base of Building B could be operated as part of the wider student amenity offer in the short term, but once other developments come forward in the area and footfall increases, it could be demised to a high street or independent tenant.

-  Bin Store/ Plant
-  Community Hub
-  Student Amenity
-  Student Facilities
-  Student Offices
-  Publicly-accessible cafe



**Image 13** (above): Ground floor plan of Buildings A (towards the top of the image) and B (towards the bottom).

59. In terms of their form and massing, the buildings are conceived as controlled rectilinear volumes extruded from rectangular footprints, the proportions of A's footprint being slightly larger than those of B's. At incremental points up the profile of each building, the corners would be notched, with the resulting void carried vertically through the full height of the structure. The buildings are intended to read a pair, the only major differentiating feature being their heights.

60. With regard to the elevational treatments, the principal façade system would be composed of deeply projecting metal piers, interspersed by similarly pronounced lateral elements every four storeys; together, these would produce a regular gridded effect with a vertical emphasis. To mark the base of the buildings, the piers would be a crisp white at Levels 00 and 01, switching to a creamy white from Level 02 upwards. Colourful expressions would also be used at the base and key entrance points. Each of the bays within the gridded frame would comprise two halves, one clad in a full-height finely ribbed panel, the other formed of a single metal-framed window complemented by dark metal spandrels. The finely ribbed panels would fade in colour as height increases, those on the lowest storeys being reddish-brown and those on the highest storeys having a peach hue.

61. The crown of both buildings would take the form of four portico-style screens, one to each of the elevations, broken by the cut-aways at the building corners. Being an extension of the principal façade system, the screens would be formed of creamy-white metal piers matching the storeys below.



**Images 14 and 15** (above left and right right): Visualisation of Buildings A and B, looking northwards from Sylvan Grove; materials palette for Buildings A and B, comprising off-white metal framing and ribbed panelling in varying tones of brown, red and peach.

62. At the base of the two buildings along their principal (Sylvan Grove) frontages, widened footway is proposed, together with at-grade planting beds. The existing large lime tree on Sylvan Grove, which is subject to a Tree Preservation Order, is to be retained and re-bedded as part of the soft-landscaped kerblin. A fully inset 18-metre long loading bay running parallel to the highway is proposed to the front of Building B, with a further servicing and maintenance bay to be created as part a new turning head in between the entrances to Building A and Building B. The turning head would also provide one Blue Badge parking space.

### Buildings C and D

63. Building C, situated at the corner of Old Kent Road high street and Sylvan Grove, would rise to a maximum of 15 storeys (57.62 metres AOD).
64. This proposed building comprises 75 shared ownership affordable dwellings in a mix of 1 and 2 bedroom apartments, all of which would have their own private external amenity space. At ground floor level, flexible Class E space is proposed on the Old Kent Road frontage – this 249 square metre space could be operated as a medical facility and a letter of intent has been provided by a local GP Surgery. Raised one storey above ground level, a podium play area (293.51 square metres) would span the rear of Building C. The proposed roof areas of



the building are intended to be landscaped and accessible for resident amenity purposes.

65. A small off-street integral car park is proposed within the rear (northeastern) single-storey projection. This would contain six Blue Badge bays for use by eligible residents.



**Image 16** (above): Visualisation of Buildings D and C, looking north eastwards from the Old Kent Road high street.



**Image 17** (above): Close-range view of one of the proposed roof gardens.

66. Building D, situated at the corner of Old Kent Road and Devonshire Grove, would be separated from Building C by the main pedestrian entrance to the site. It would stand 20 storeys at its maximum point (72.12 metres AOD).
67. It would accommodate 125 Social Rent affordable homes (Class C3) in a range of 1, 2, 3 and 4 bedroom apartments, all of which would be equipped with their own private amenity space. At ground floor level, a flexible commercial space of 478 square metres is proposed fronting the Old Kent Road high street; although a fully flexible Class E use is sought, the applicant envisages it being occupied as a convenience retail store.
68. Like Building A, Building D would incorporate an area of basement extending 3.5 metres below ground level. This subterranean storey would occupy an area approximately two-thirds that of the ground floor footprint. As with the basement at Building A, it would provide ancillary mechanical, electrical and other plant requirements to serve the proposed development. It has also been futureproofed to enable connection to the future DHN.



**Image 18** (above): Ground floor plan of Buildings C (towards the right-hand side of the image) and D (towards the left-hand side of the image), either side of the central public realm.

- Flexible Commercial/ Community
- Bin Store/ Plant
- Entrance Lobby
- Blue Badge Parking

69. With regard to the form and appearance of Buildings C and D, both would present 12-storey frontages onto Old Kent Road, above which would rise a trio of set-back storeys framed by a portico. Although Building D would appear similar in form and height to Building C when viewed from Old Kent Road, the rear portion of this building would be extruded by a further 5 storeys, bringing its total height to 20 storeys. This taller set-back element is intended to create an urban marker for the future Bakerloo line extension and the gateway to an anticipated public space beyond. Numerous high-level chamfers have been applied to Buildings C and D to sculpt the massing. Inset balconies are proposed to highlight corners and break up the façades.
70. A two-storey colonnade is proposed along the northwestern facade of Building C and the southeastern elevation of Building D; these are intended to help 'frame' the entrance into the central public realm. A unique materiality and architectural detail –comprising a bronze glazed brickwork 'plinth' eroding into a more rough-cast white brick finish above– would be employed on the ground floor elevations and within the colonnades to help emphasise the commercial uses. The approach to materiality on the upper floors of these residential buildings is for a predominance of robust red brick. Balcony balustrades, windows and doors would all be framed in bronze metal, while spandrel panels would be finished in red pre-cast concrete.



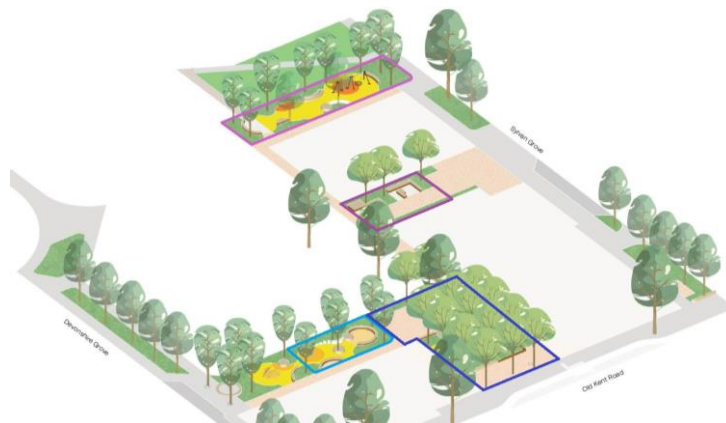
**Images 19 and 20** (above and right): Visualisation of the two buildings, looking north along Old Kent Road high street; materials palette for Building D, comprising brick and metal.

71. With regard to the base of Buildings C and D, trees and at-grade planting beds would be provided along the Sylvan Grove and Devonshire Grove frontages. Alongside widened footways, an on-street fully inset layby is proposed on Devonshire Grove. The layby would measure 13 metres in length. A new car club space would be delivered alongside the layby. With respect to the Old Kent Road, the building line of Buildings C and D would be set back from the kerbline by 4.1 metres at the narrowest, widening to a maximum of 5.8 metres.

### Public realm

72. Approximately 23% of the site is to be given over to public realm. This would take the form of four different zones, each with their own character, named as follows:

- The Grove;
- Grove Play;
- Assembly
- Gardens; and
- Sylvan Gardens.



**Image 21** (above): Proposed site layout, with the buildings omitted and the public realm areas edged.

73. Bounded by the Old Kent Road high street to the southwest and framed along its long edges by the colonnaded bases of Blocks C and D, The Grove would comprise two halves. The southern half would be characterised by a dense



cluster of trees, and is intended to be a meeting place, with the tree canopies providing shade and shelter for sitting and dwelling. The other half of The Grove, to the north of the clutch of trees, would be a predominantly hard surfaced community square, with a bandstand as its centrepiece. The bandstand would allow for informal, unprogrammed activities for both adults and children.

74. Located north of Building D and directed overlooked by the residential lobby, Grove Play would provide play opportunities for children under 12, serving the residents of the development and the local community. Formal facilities such as spinning tables are proposed, as well as sensory play, sand and water for more informal activities. Shrubs and trees would frame these play facilities.
75. Public artwork and murals are proposed at ground floor level along part of the northeast façade of Building D and northwest façade of Building C, to provide an interesting visual backdrop to Grove Play and The Grove respectively.
76. The third proposed public space, Assembly Gardens, would be situated between Buildings A and B. It is intended to create a space that links the student blocks, while also enabling a pedestrian and cycle route through the site along a southeast-to-northwest axis. It would feature a pair of 'garden pockets'; these seating areas would be set back within planting to create quiet, calm spaces. The garden pockets are intended to foster congregation, play and social interaction between the residents of the development and the wider local community.



**Image 22** (above): Visualisation of the bandstand proposed within the northern half of The Grove.



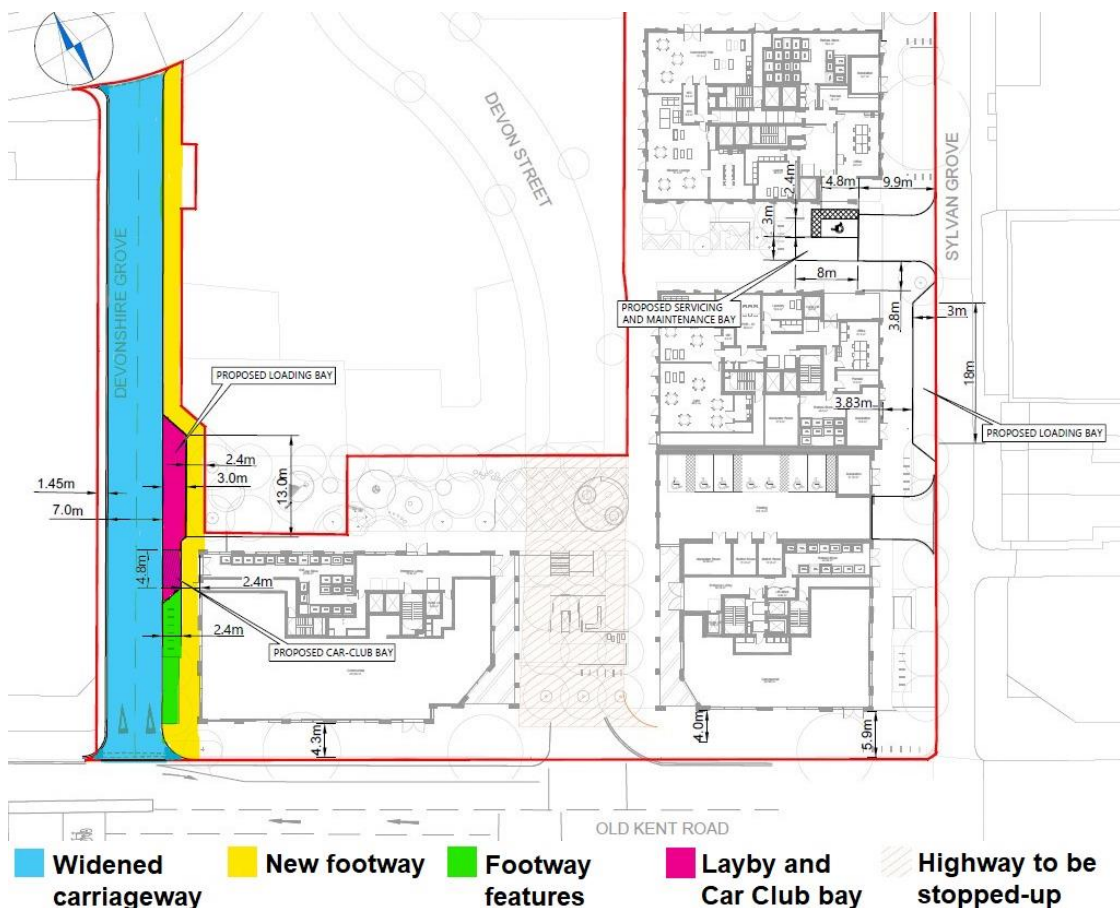
**Image 23** (above): Visualisation, taken facing northwest from Sylvan Grove towards Assembly Gardens.

77. The final proposed piece of public realm, Sylvan Gardens, would be located on the northern edge of the application site, and would be overlooked by the proposed community hub at the base of Building A. This proposed outdoor space is conceived as a playful garden serving the residents of the development as well as the adjacent Sylvan Grove residents. Incorporating facilities including swings, table tennis and basketball, it would provide a range of activities for children and young adults, as well as students. Sylvan Gardens has been designed so that it can extend through to the Daisy Business Park landscape

(adjacent to the north) to provide a larger unified space for all communities to come together.

## Highway reconfigurations

78. Like the extant hybrid permission, this new planning application proposes the widening of Devonshire Grove to provide a 7 metre carriageway, including a widening of the Bellmouth at the northern end of the road where it joins Devon Street (West Arm). To the east of the widened 7 metre carriageway, a widened footway would be provided with a minimum 2.4 metre width. The reconfiguration works would also include the provision of the 13 metre long layby and the Car Club bay.
79. The delivery of the widened Devonshire Grove is intended to facilitate existing traffic associated with the SIWMF and other neighbouring premises, by creating a two-way vehicular route from the SWIMF to the Old Kent Road high street.



**Image 24** (above): Plan showing, to the left hand side of the image, the proposed widened Devonshire Grove and, in the centre of the image hatched in orange, the section of the existing Devon Street (South Arm) to be stopped-up.

80. This planning application also proposes to stop-up the southernmost stretch of Devon Street (South Arm). These works are timetabled to occur after the widening of Devonshire Grove has been completed. The stopping-up is necessary to unite the two segments of non-highway land that make up the

application site, which would otherwise be bisected by the carriageway. In the future, the remainder of Devon Street (South Arm) could be stopped up to facilitate a future development on the Council-owned Devonshire Yard land to the north, and the delivery of a new central green space.

81. The changes to the network of vehicular routes through and adjacent to the site would also facilitate the reconfiguration of the junction of Old Kent Road with Asylum Road, planned as part of Transport for London's emerging Healthy Streets A2 Corridor scheme. This reconfiguration will see the point at which Asylum Road meets Old Kent Road realigned slightly to the southeast, producing a crossroads with Devonshire Grove. The Healthy Streets A2 Corridor scheme will deliver improved bus services and cycling facilities, together with an enhanced pedestrian environment. The junction reconfiguration does not form part of this planning application, and will be delivered through a collaboration between the Council and Transport for London, with contributions from the applicant as part of S278 agreement (detailed in a later part of this report).

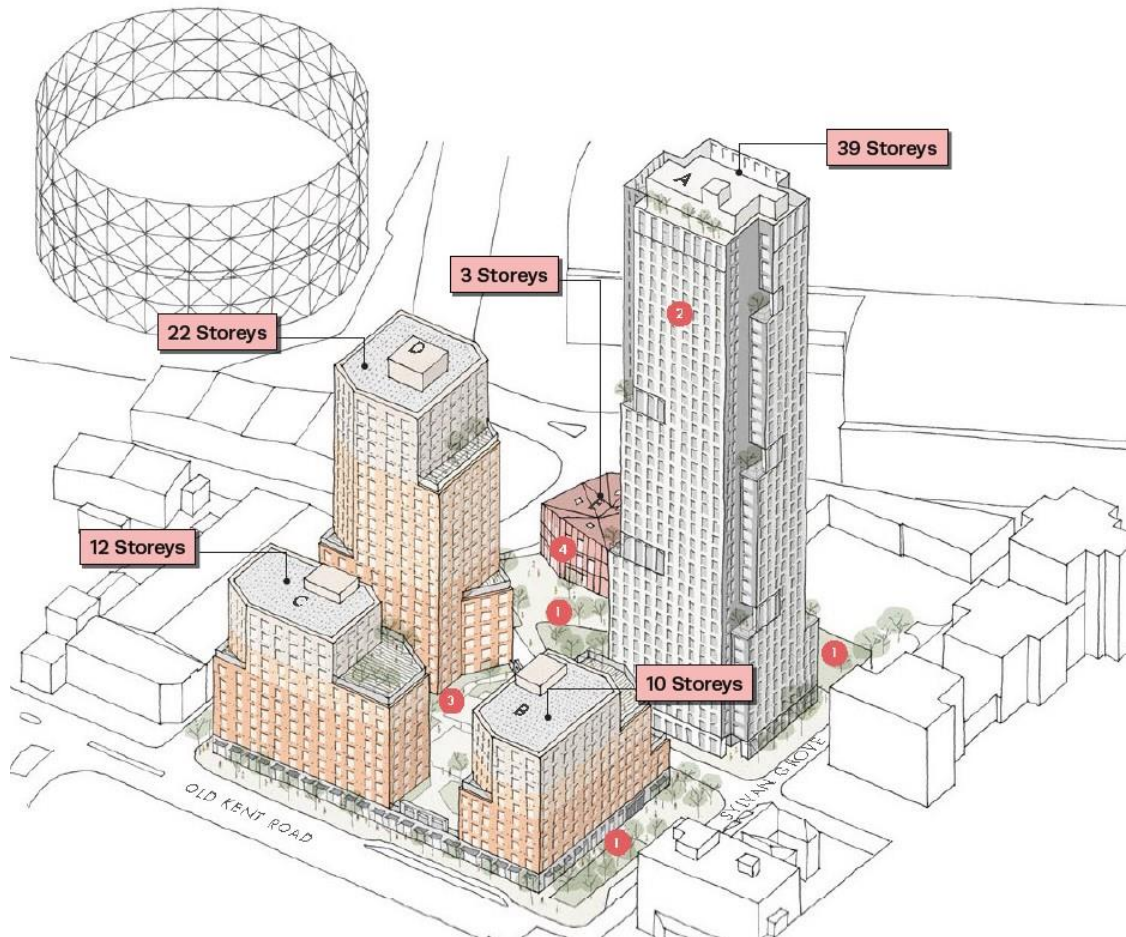
### **Planning history of the application site and nearby sites**

82. Appendix 3 sets out in detail the full planning history for the site as well as details of relevant applications on adjoining or nearby sites. The key item of planning history is the extant hybrid permission, as discussed below.

#### **Extant hybrid planning permission**

83. The site, plus the additional adjacent Council-owned Devonshire Yard land to the northwest, benefits from hybrid planning permission (ref. 19/AP/1239). The planning permission was issued with a legal agreement in February 2022 following a resolution to grant at Planning Committee in June 2020.
84. The full development description for the extant hybrid permission is contained at Appendix 3. In brief, the scheme comprises:
- five buildings up to 39 storey's in height, with a single-storey podium linking three of the buildings;
  - up to 565 residential dwellings (264 in detail, 301 in outline);
  - of the 565 residential dwellings, 224 affordable in affordable tenures (representing 41% of the total by habitable room);
  - 4,480 square metres GEA of flexible commercial/employment/leisure/community floorspace;
  - 579 square metres GEA of basement ancillary uses including parking, energy centre and refuse storage; and
  - 2,873 square metres of new public open space.
85. The officer recommendation for approval supported the redevelopment of the site, recognising that the principle of housing and the height/massing strategy were accepted, in line with the Council's policy aspirations to increase the number of new homes in the area. The proposals were considered in

accordance with the adopted local policy at the time, as well as the Council's emerging policy framework, the latter having now been adopted following Examination in Public in 2022. The development was considered to provide a suite of major regeneration benefits for the Old Kent Road area and the borough more widely.

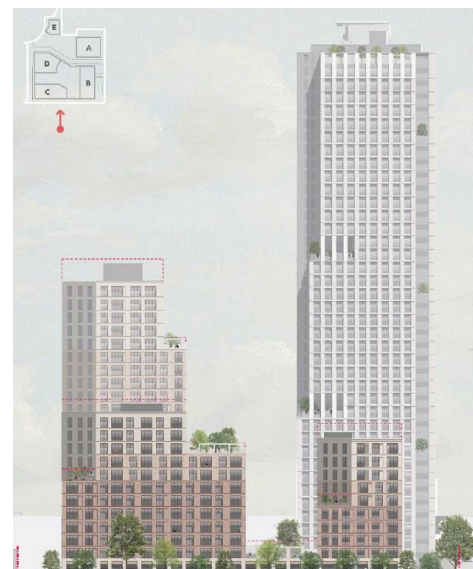
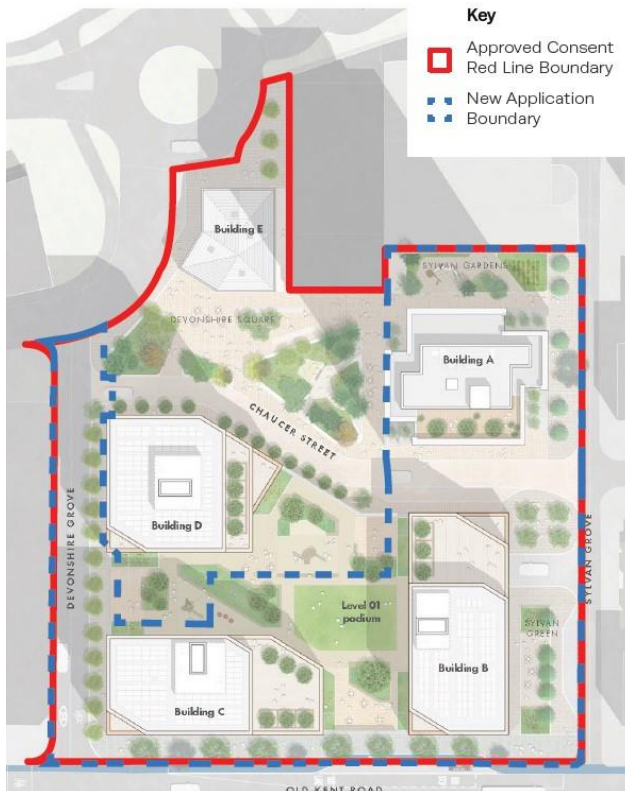


**Image 25** (above): Sketch isometric of the extant hybrid permission.

86. The extant hybrid permission is included within the Old Kent Road Housing Delivery Plan as one of the 'Phase 1' schemes, meaning all 565 homes can be delivered in advance of the delivery of the planned Bakerloo Line Extension. More information about the Housing Delivery Plan is provided in a later part of this report entitled 'Housing'.
87. The extant hybrid permission has not been implemented. Importantly however, it does establish a material 'fallback' position in the context of the newly proposed development.
88. In the years since the extant development was designed, there have been significant changes to the housing market and build costs. These have led the applicant to reappraise options, while still seeking to deliver a similar quantum of affordable housing units as previously consented. The major difference between the new planning application and the extant hybrid permission is that



the site now excludes the Council-owned Devonshire Yard land. The image below left depicts the difference in the boundary line of the two applications.



**Images 26, 27 and 28** (clockwise from top left): Comparison of the boundary lines of the two applications; visualisation of the hybrid extant permission; southwest elevation of the hybrid extant permission.

89. As an extant planning permission with no major planning barriers preventing technical implementation, the development proposed by 19/AP/1239, and the impacts it would cause as well as the mitigation it secured, are relevant material planning considerations in the determination of the new planning application hereunder consideration. The weight lent to such judgement must, however, have regard to the differences (and the degree of these differences) between the two applications. Amongst other things, such differences include the site extents, the proposed land uses, the form and disposition of buildings, and the specific planning benefits delivered.

## **Pre-application engagement and mid-application amendments**

### Pre-application engagement

90. Planning application 23/AP/1862 was submitted following a detailed pre-application enquiry, the reference number for which is 22/EQ/0205. The pre-application process involved:
  - seven meetings and three informal design reviews with Council planning



- officers;
  - one workshop with Council transport and highways officers;
  - a meeting with the GLA;
  - a meeting with TfL;
  - the applicant's attendance at the Council's Design Review Panel; and
  - the applicant's attendance on two separate occasions at the Old Kent Road Community Review Panel.
91. During the course of the pre-application engagement, the applicant undertook social value research to see how the PBSA and conventional housing uses could be integrated optimally, and also made various amendments to the scheme design such as:
- refining the form and disposition the buildings to achieve an appropriate relationship not only to each other but also in the context of the existing and emerging townscape, including the Council-owned Devonshire Yard land;
  - developing the architecture of the buildings to improve their legibility, materiality and distinctiveness;
  - developing the internal layouts of the dwellings and PBCL units to achieve optimised configurations that perform well with respect to technical considerations such as dual aspect and daylight/sunlight receipt;
  - fire safety provisions, in particular the need for all four buildings to contain two escape stairs;
  - developing the play and amenity space provision;
  - revising the delivery and servicing solution, including where and how provision would be made for student move in/out, on-site blue badge parking, a car club bay, and loading and unloading;
  - re-embedding where appropriate the principles established by the extant hybrid permission, such as a minimum 40% affordable housing offer, future-proofing the delivery of TfL's Healthy Streets programme along the Old Kent Road high street, enhancing the connectivity of the site through a suite of highway upgrades, and financial contributions towards amongst other things increasing bus capacity.
92. The images below provide an overview of how the proposals evolved through the course of the pre-application process, comparing them with the final iteration as submitted for planning permission:



**Image 29** (above): Ground floor layout and public realm proposals presented at Pre-App Meeting 01



**Image 30** (above): Ground floor layout and public realm proposals at planning application stage.



**Image 31** (above): Streetscene, showing the heights and treatments presented at Pre-App Meeting 02.



**Image 32** (above): Streetscene, showing the heights and treatments proposed at planning application stage



**Image 33** (above): The 40 square metre community hub presented at



**Image 34** (above): The 95.4 square metre community hub proposal

*the first round of the Community Review Panel.*



**Image 35** (above): West elevation of proposed Buildings A and B presented at Pre-App Meeting 03.

*presented at the second round of the Community Review Panel.*



**Image 36** (above): West elevation of Buildings A and B proposed at planning application stage.

93. At the end of this iterative process, the pre-application enquiry was closed and no formal response letter was issued by the Council. An overview of the pre-application consultation and engagement that has been undertaken, and the responses to officer feedback, can be found in the applicant's Design and Access Statement as well as the Statement of Community Involvement
94. With regard to the Community Review Panel, the feedback was broadly positive. A copy of the Panel's full feedback can be found at Appendix 6 of this report. A later part of this report entitled 'Design' provides:
- a summary of the Panel's feedback from the first meeting (March 2023), together with an explanation of how the applicant sought to address the issues raised; and
  - a summary of the Panel's feedback from the second meeting (May 2023), again supported by an overview of the efforts made by the applicant to address this feedback.
95. With regard to the Design Review Panel, the 'Design' section of this report sets out the Panel's comments and provides a summary of how the applicant responded to each of these. The copy of the Panel's full feedback can be found at Appendix 7.

### Mid-application amendments

96. Over the course of the planning application process, the applicant has made further refinements to the proposal in response to concerns raised through the consultation process and/or issues highlighted by officers.
97. With respect to building and landscape design, changes and additional information included:
- revised internal core layouts in Buildings A and B (PBSA) to ensure multiple means of escape via the originally proposed dual stairs, which have been retained;
  - the provision of an Adaptation Study, which demonstrates how Buildings A and B could theoretically be transformed into conventional housing in the future.
98. With respect to energy and sustainability matters, changes included:
- revisions to the energy strategy, mainly relating to the expansion of the photovoltaics coverage (generating an additional 18.86kWp of renewable energy).
99. With respect to transport and highways, changes included:
- revising the detailed proposals for, and the phasing of, the pre-implementation highways works around the site (at Devonshire Grove and the SIWMF roundabout);
  - changes to the cycle storage proposals, including adjustments to the overall number and typological split of long-stay stands, as well as the layouts of the cycle store rooms;
  - changes to the bin store arrangements; and
  - revisions to the Blue Badge parking arrangement in the car park of Building C.
100. The applicant also supplied a small number of supplementary and revised reports to provide clarifications and corrections with regard to various issues raised by consultees and officers. Other matters resolved during the course of the planning application process included commitments to certain planning obligations and other mitigation.
101. The mid-application amendments did not necessitate any public consultation. This is because the changes did not:
- result in any enlargement to the buildings' scale; or
  - worsen any of the amenity or environmental impacts produced by the original scheme, or result in the creation of any new ones; or
  - remove, reduce or vary the mitigation originally proposed; or
  - engage any other issues potentially of wider public concern.



## **KEY ISSUES FOR CONSIDERATION**

### **Summary of main issues**

102. 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;
- Impact of proposal on development potential of nearby land
- Development viability;
- Tenure mix;
- Dwelling size mix;
- Quality of residential accommodation – PBSA;
- Quality of residential accommodation – Conventional housing;
- External amenity space and young people's play space
- Amenity impacts on nearby residential occupiers and surrounding area;
- Design;
- Public realm, landscaping and trees;
- Green infrastructure, ecology and biodiversity;
- Archaeology;
- Transport and highways
- Environmental matters;
- Energy and sustainability;
- Communications and aviation;
- Socio-economic impacts
- Planning obligations;
- Mayoral and Borough Community Infrastructure Levies;
- Community engagement;
- Consultation responses; and
- Community impacts, equalities and human rights.

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

### **Legal Context**

104. 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 draft Old Kent Road Area Action Plan 2020. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision-makers determining planning applications to pay special regard to the desirability of preserving listed buildings and their setting or any features of special architectural or historic interest which they possess.

105. 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.

### **Adopted planning policy**

106. The statutory development plan for the borough comprises the London Plan 2021 and the Southwark Plan 2022. The National Planning Policy Framework 2023 is a material consideration but not part of the statutory development plan. A list of policies which are relevant to this application is provided at Appendix 2. Any policies which are particularly relevant to the consideration of this application are highlighted in the report.

## **ASSESSMENT**

### **Consultation responses from members of the public and local groups**

107. Consultation with members of the public was first conducted in July 2023. Letters were sent to local residents, the application was advertised in the local press and site notices were displayed. Comments were received from 11 individual members of the public and 1 local group. The table below summarises the number of representations received during this period:

<b><u>Consultation: Summary table</u></b>		
Total number of respondents: <b>13</b>		Total number of responses: <b>13</b>
The split of views between the 13 respondents was:		
In objection: <b>2</b>	Neutral: <b>0</b>	In support: <b>11</b>

### **Reasons in objection**

108. The one objection to the application came from a local group, the Conservation Area Advisory Group (CAAG). Their reasons for objection are summarised below. The issues raised by these objections are dealt with in the main 'Assessment' part of this report.

### **Locational and land use appropriateness**

109. • A scheme of this size and density, dominated by one use (PBSA), with a very large number of units of one accommodation type for one generation, is ill fitted to the location.

### **Architectural design and heritage impacts**

110. • The proposal is too dense (i.e. excessive number of homes proposed given the site area);
- the proposed development, in comparison with the extant hybrid permission, increases the density of building on the site;
  - there is no architectural distinctiveness to the buildings;
  - the cladding proposed for Buildings A and B would look cheap;
  - the buildings would negatively impact on the skyline of surrounding conservation areas;
  - the buildings would negatively alter the setting of the listed Licenced Victuallers Alms-houses, now 'Caroline Gardens'.

#### Residential uses

111. • The student rooms are considered to be 'mean' and below an acceptable space standard;
- the storage space within the student rooms is inadequate;
  - virtually all the student rooms are single aspect;
  - the site location is unsuitable for student accommodation, with poor transport links (no tube or mainline stations close by, now or in the foreseeable future) and no significant open space and recreation facilities nearby.

#### Amenity

112. • Buildings A, B and C are uncomfortably close together, raising questions about overlooking.

#### Public realm, landscaping and communal amenity space

113. • The landscaping of the open areas between the buildings is uninspiring with an excess of paved area;
- the proposed development, in comparison with the extant hybrid permission, makes an inferior amenity and outside space offer;
  - the proposed development, in comparison with the extant hybrid permission, would achieve inferior sunlight levels within the external spaces.

#### Agent of change

114. • The development has the potential to curtail/compromise the activities of Veolia as operator of SWIMF.

#### Reasons in support

115. Listed below are the material planning considerations raised in support of the planning application by the consultation responses.

#### Architectural design and heritage impacts

116. • Attractive proposal that is in keeping with current and proposed developments such as the Ledbury Estate.

#### Residential uses

117. • The planning application would deliver the same level of affordable housing as the extant permission;  
• the proposal would deliver affordable homes on-site;  
• the proposed affordable housing is needed by the local community;  
• the proposal incorporates family sized social rent homes;  
• the proposed PBSA would provide support to the businesses on Old Kent Road; and  
• the proposed PBSA would deliver significant local benefits, in that it would enable the delivery of on-site affordable housing.

#### Potential healthcare facility

118. • The proposal has considered how a new doctors surgery could be accommodated on site;  
• a potential new GP surgery in this location would benefit the local community; and  
• the developer has positively collaborated with a healthcare provider, such that the latter has submitted a letter of intent in respect of occupying the commercial unit at the base of proposed Building C.

#### Public realm, landscaping, communal open space and playspace

119. • The extent of new open space, including green space, would be a benefit to the area; and  
• the development would provide children's play space and spaces for local people to grow plants and food - none of which currently exist in this area.

#### Developer engagement

120. • The developer has consulted extensively with the Tustin Community Association and the Ledbury Tenants and Residents' Association; and  
• one of the existing on-site 'meanwhile' businesses (arebyte) appreciates the opportunity to occupy the former HSS Hire Store on a temporary basis, and is grateful for the help and regular communications they have received from the applicant.

#### Social integration considerations and public safety

121. • There has been careful consideration given to the creation of spaces where the new residents and students can mix;  
• the scheme would successfully integrate the new development (and the future residents) with the existing residents of Tustin Estate and Sylvan Grove; and



- the new amenities, open spaces, and services delivered by the development would provide opportunities and benefits for the existing community, including the Tustin Estate residents, as well as the future residents;
- a safer environment would be created, with the applicant making efforts to reduce and design-out crime.

#### Local economy

122. • Regal London's Building Heroes (Real Estate Academy) would provide existing residents with new skills and direct opportunities into work;
- the development would provide business space;
  - the development would deliver new job opportunities for local people; and
  - the potential for new shops, cafes and restaurants would help to re-establish Old Kent Road as a high street for local residents and businesses.

### **Environmental impact assessment**

#### Legislative background

123. Environmental Impact Assessment (EIA) 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.
124. 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.
125. Under the EIA Regulations part 1, 4(5) planning authorities are required to “ensure that they have, or have access as necessary to, sufficient expertise to examine the Environmental Statement”.

#### Scoping Opinion

126. The proposed development falls within Schedule 2, Category 10(b) ‘Urban Development Project’ of the EIA Regulations and constitutes EIA development, having regard to its potential for likely significant environmental effects due to the nature and scale of the proposal. Accordingly, approximately three months in advance of the planning application submission, the applicant asked the Local Planning Authority to issue a Scoping Opinion to establish the extent of information necessary to be contained within an Environmental Statement (ES) in order to meet the statutory requirements. An ES is a report that describes the

EIA process and its findings. Where a Scoping Opinion has been obtained, projects must base their environmental statement on that Opinion.

127. The reference number for the aforementioned Scoping Opinion is 23/AP/0693. The Council issued its Opinion to the applicant in May 2023. This is available to read/download from the Council's Public Access for Planning register. The Opinion comprises two documents: the Council's decision notice, alongside a technical review produced by Atkins. Atkins is an independent environmental specialist commissioned by the Council in the interests of ensuring compliance with Part 1, 4(5) of the Regulations.
128. In summary, the Opinion advised the applicant to scope-in eight environmental topics, accepting the scoping-out of the other nine topics, as per the below table:

<b><u>Directions given by Scoping Opinion 23/AP/0693: Summary table</u></b>	
<b>Topic</b>	<b>Scope in or out?</b>
Air quality	<b>In</b>
Archaeology	Out
Aviation	Out
Climate change and adaptation	<b>In</b>
Daylight, sunlight and overshadowing	<b>In</b>
Ecology	Out
Electronic Interference	Out
Ground conditions and contamination	Out
Heritage, townscape and visual impact assessment	<b>In</b>
Human health	Out
Major accidents and/or natural disasters	Out
Materials and waste	Out
Noise and vibration	<b>In</b>
Socio-economics	<b>In</b>
Transport	<b>In</b>
Water environment (resources and flood risk)	Out
Wind microclimate	<b>In</b>

129. Having regard to the advice given in the Scoping Opinion, the applicant prepared their ES to accompany their formal planning application submission.

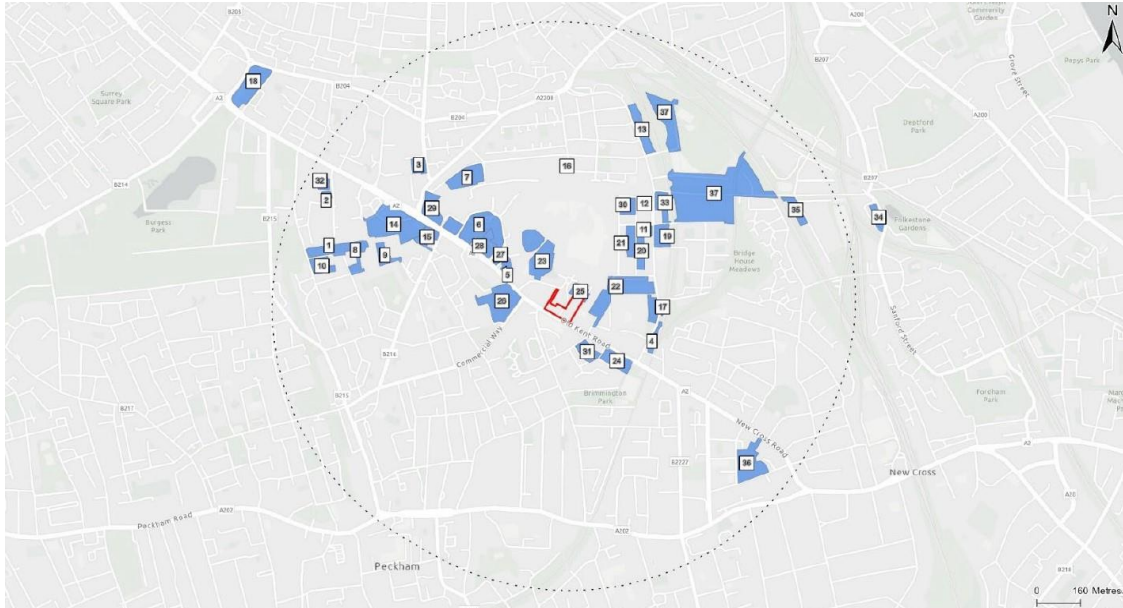
**Environmental Statement submitted in support of the planning application**

**Duties of the Council**

130. Regulation 3 of the EIA regulations precludes the granting of planning permission unless the Council has undertaken an EIA. This process requires the Council to take account of the environmental information, which includes the ES, any further information, any representations made by consultation bodies, and any other person, about the environmental effects of the development. The ES submitted by the applicant in support of 23/AP/1862 has been advertised and consulted on in accordance with the regulations. The environmental information has been considered in the assessment of this application.
131. Notwithstanding any Scoping Opinion it may have previously issued, the Council is still required to review the ES at planning application stage having regard to any changes that may have occurred, for example to the proposal or to the baseline environmental conditions, since the date of the Opinion. The Council must then consider whether any of those changes are such that the planning application proposal would give rise to any significant environmental impacts (in respect of all topics, not just the topics agreed to be scoped-in) beyond those accounted for in the applicant's ES. In this context the Council is entitled to seek further environmental information from the applicant. This is in accordance with part 1, 15(9) of the Regulations.

#### Approach and structure of the Environmental Statement

132. The submitted ES identifies and considers the likely significant effects resulting from the proposed Devonshire Place development during the 'construction' stage as well as the 'completed, occupied and operational' stage. It assumes a construction phase of 4 years and 6 months when assessing the construction stage environmental impacts. The likely effects assume the implementation of mitigation proposed within the planning application. Where the mitigation measures within the scheme still give rise to significant adverse environmental effects then additional mitigation is proposed.
133. The ES has considered the effects arising from the proposal in combination with 37 "cumulative schemes" in the area. The cumulative schemes considered encompass:
- approved but uncompleted projects (i.e. unimplemented or under construction);
  - projects for which a planning application has been made and which are under consideration by the consenting authorities;
  - projects for which a request for an EIA Scoping Opinion has been submitted and there is sufficient information on the proposed development available at the time of writing; and
  - projects that will produce an uplift of more than 10,000 square metres GEA of mixed use floorspace or over 150 dwellings, or are on land of more than 5 hectares.



**Image 37** (above): Schemes considered in the cumulative effects assessment, with the dotted line indicating a 1 kilometre radius around the application site.

134. The ES is structured as four volumes. Volume 1 is the ‘Non-Technical Summary’ (NTS). The NTS is designed to convey key information to enable the public to understand and assess the proposed development and the potential impacts.
135. Volume 2 of the ES contains twelve topic chapters, covering the following matters and eight of the nine scoped-in environmental topics. The chapters are:
- 1-3. Introduction, description of the site and EIA methodology;
  - 4-5. Alternatives, design evolution, and the proposed development;
  - 6. Socio-economics;
  - 7. Transport;
  - 8. Air quality;
  - 9. Noise and vibration;
  - 10. Wind microclimate;
  - 11. Daylight, sunlight and overshadowing;
  - 12. Climate change and adaption;
  - 13. Water environment (resources and flood risk);
  - 14. Effect interactions;
  - 15. Residual effects
136. Volume 3 of the ES contains the Heritage, Townscape and Visual Impact Assessment (HTVIA) as a further topic.
137. Volume 4 of the ES contains the appendices, of which there are a total of 26. These appendices contain the technical evidence and other relevant background information substantiating the conclusions of the ES.

#### Alternatives, design evolution and the proposed development

138. The EIA regulations require the ES to provide information on the alternative options considered by the applicant.



139. The ES considers an alternative detailed “do nothing” scenario, finding that in the absence of the development an opportunity would be lost to secure a substantial improvement in the per capita operational emissions associated with energy use at the site, due to the proposal’s comparatively better fabric efficiency and the improved use of renewable energy technologies. Opportunities for significant beneficial biodiversity and socio-economic effects would also not be secured in the “do nothing” scenario.
140. Alternative locations for the proposed development are not considered in the ES, given that the site lies within the Old Kent Road Opportunity Area (OKROA) designated for mixed-use development. This is considered to be appropriate. Another reason for not considering alternative locations is that the site is the only one being considered under the applicant’s control/ownership.
141. Alternative uses are not considered in the ES. This is because the site is subject to a site allocation in the Southwark Plan and the draft OKR AAP, both of which set out consistent land use expectations of any redevelopment of the site; the preferred option (i.e. the final planning application proposal) would comply with these deliverables. As such, to not take into account alternative uses is considered to be appropriate.
142. The ES then proceeds to document how the design of the proposed development has evolved, taking environmental effects into account and the rationale for the selection of the preferred option. It outlines the various iterations that flowed from the extensive pre-application engagement with the Council, other statutory bodies and the local community, and how these were balanced with environmental objectives. It also provides a detailed assessment of the ‘opportunities and constraints’ of the site context to help explain how the preferred option emerged.

#### Environmental topics

143. Of the nine topics scoped into the ES, seven are assessed as part of their own dedicated chapter within the ‘Assessment’ section of this committee report; these assessments set out the likely environmental effects and residual impacts of the scheme. The climate change and adaptation chapter is summarised within the ‘Energy and sustainability’ section later in this report. Heritage, townscape and visual impacts are all considered as part of the ‘Design’ section of this report.
144. Therefore, the relevant section of this committee report should be referred to for the full assessment of these nine environmental considerations.

#### Mitigation

145. The mitigation measures to be secured by either conditions or Section 106 planning obligation for the ES topics are summarised in this list:

- Socio-economics:

- Construction phase:
  - Securing via obligation the benefits of construction phase jobs and training.
- Operational phase:
  - Securing the GP surgery or affordable workspace as planning obligations;
  - Embedded mitigation measures include new housing, open and play space provision, and commercial floorspace.
- Transport:
  - Construction phase:
    - Securing via condition/obligation a construction environmental management plan and construction logistics plan (CEMP and CLP), as well as a construction waste management plan and traffic management plan.
  - Operational phase:
    - Securing via condition/obligation final version of the A Delivery and Servicing Plan (DSP), Framework Travel Plan and Student Management Plan that accompany the planning application.
- Air quality:
  - Construction phase:
    - Securing via condition/obligation a CEMP to ensure that site-specific measures (including monitoring) in relation to the control of dust emissions are put in place.
  - Operational phase:
    - None required.
- Noise and vibration:
  - Construction phase:
    - Securing via condition/obligation measures to control noise emissions during the demolition works and reduce vibration from piling, and to include an 'hours of work' limitation in line with the Council's standard hours.
  - Operational phase:
    - Securing via a 'hard and soft landscaping' condition a review of the mitigation measures to the Level 1 podium play area to minimise noise levels at the perimeter;
    - Securing an operational phase plant noise egress assessment for the three substations that are proposed as part of the development, as well as the one substation to be temporarily relocated within the Devonshire Yard site.
- Wind microclimate:
  - Construction phase:
    - None required.
  - Operational phase:
    - Securing via condition/obligation the soft landscaping and wind mitigation measures within the scheme (such as entrance side screens and partially solid balcony balustrades).

- Daylight, sunlight and overshadowing:
  - Construction and operational phases:
    - None required.
- Climate change and adaption:
  - Construction phase:
    - Securing via condition/obligation a Resource Waste Management Plan, a CLP and a CEMP.
    - Securing within the CEMP a temporary surface water management system at the outset of construction activity to prevent flooding.
  - Operational phase:
    - Securing the Energy Strategy, including the Carbon Offset 'Green Fund' contribution;
    - Securing the car-free nature of the scheme and the other mitigation measures provided in the Transport Assessment, such as via a Travel Plan and Car Parking Management Plan;
    - Securing the embedded features though obligations/conditions relating to Circular Economy and Whole Life Cycle.
- Water environment (resources and flood risk)
  - Construction phase:
    - None required.
  - Operational phase:
    - Educating residents of the low risk of a flood through a Flood Warning and Evacuation Plan;
    - Embedded mitigation through appropriate design of external levels and their relation to building thresholds
- Townscape and visual:
  - Construction phase:
    - Securing hoarding of the lower element of the structure for part of the construction phase (to be detailed in the CEMP).
  - Operational phase:
    - Securing via condition/obligation the design quality aspects (i.e. materials, detailed drawings, 1:1 mock-up elevational panels, and landscaping).

#### Effect interactions and residual effects

146. The ES has assessed two types of cumulative effects:

- Type 1 - intra-project effects which are the combined effects of individual topic impacts on a particular sensitive receptor; and
- Type 2 - inter-project effects which are the combined effects of several development schemes.

147. With regard to intra-project effects in the construction phase, the ES identifies that there is potential for effects on neighbouring and local residential properties

and commercial properties in relation to dust and noise and vibration. In terms of intra-project effects during the operational phase, none are expected; however, the ES states there will be some residual effects during the operational phase. Mitigation measures in respect of intra-project effects are addressed in the relevant topic chapters and will be incorporated into the CEMP (further detail is provided on this in the applicable later parts of this committee report).

148. With regard to inter-project effects, there are significant cumulative effects - both adverse and beneficial. Significant adverse effects are: related emissions and noise and vibration during construction; and overshadowing to nearby properties during operation. Significant beneficial effects are related to increased employment and provision of housing. The ES concludes that mitigation measures must be implemented during construction and operation to ensure these adverse effects are reduced as far as practicable (further detail is provided on this in the applicable later parts of this committee report).

#### Clarifications

149. Through the course of the planning application process, a number of clarifications were sought from the application as part of the detailed technical review of the ES, undertaken by officers with the assistance of Atkins. The applicant supplied these clarifications, and all were deemed satisfactory without any leading to a Regulation 25 request for additional environmental information. As such, officers and Atkins consider the ES to be acceptable for the topics it addressed, and that the originally submitted ES remains valid for the development.

#### Mid-application amendments

150. Mid-way through the planning application process, a series of amendments were made to the planning application (as detailed in an earlier part of this committee report), which were accompanied by a ES Statement of Conformity prepared by the applicant's Environmental Consultant. This Statement of Conformity explains that the amendments do not change the findings of the ES with regard to the nine topics considered and/or any other potential environmental considerations. Officers and Atkins concur with the Statement of Conformity, concluding from their own independent assessment that the proposed amendments would not be considered to result in any changes to the residual effects or conclusions presented in the original ES, which is considered to be valid in the context of the proposed amendments.

#### Conclusion on the Environmental Statement

151. The ES concludes that, in most cases, the proposed development would provide beneficial impacts to residents, businesses and the general public. It does, however, acknowledge that some receptors would experience adverse impacts and that most of these would occur during construction. As such, these effects would be temporary and mitigation measures have been identified which would help to reduce them significantly.



152. Consultees have not raised issues with the scope or detail of the ES, and the specialist review undertaken by Atkins concludes that the ES complies with the Regulations. In summary, the submitted ES is sufficient to allow an informed assessment of the proposal's likely environmental effects.

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

### Existing lawful use and principle of demolition

153. The site currently comprises a petrol filling station and a former trade counter, hire and storage building which is now used on a temporary meanwhile basis as artist's workspace. These existing land uses are summarised in the table below:

<b>Existing land uses and quanta: Summary table</b>	
<b>Existing Land Use</b>	<b>Existing Floorspace (GIA)</b>
747-759 OKR: Petrol Filling Station (Sui Generis)	94.32 sq.m
765–755 OKR: Meanwhile Use (Class E)	2,625.34 sq.m
<b>Total Sui Generis</b>	<b>94.32 sq.m</b>
<b>Total Class E</b>	<b>2,625.34 sq.m</b>

154. The principle of redeveloping the site for mixed-use development has been established through the extant hybrid permission approved in February 2022 (ref. 19/AP/1239). Notwithstanding this, the following paragraphs provide an assessment of the principle of the proposed development in respect of the key planning policy and material considerations.
155. Unlike at the point in time 19/AP/1239 was granted approval, the site has now been formally allocated for development in the Southwark Plan, and the strategic housing need for the borough remains a pertinent issue in planning decision making, not least the acute requirement for affordable housing.
156. The NPPF promotes the efficient use of land and requires new development to make optimal use of previously developed land, specifically acknowledging the multiple benefits that can be delivered through mixed-use schemes. The NPPF states that decision making should promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing.
157. This previously developed brownfield land lies within the Old Kent Road Opportunity Area and is currently underutilised with low levels of employment and no housing. The existing site makes no meaningful contribution to the Council's land use objectives. It is a sustainable site with a high existing level of public transport accessibility and, accordingly, is allocated for mixed-use redevelopment in the Southwark Plan. In Opportunity Areas, both the London

Plan and Southwark Plan policies strive for higher density, high quality mixed-use development that will assist in addressing the acute need for new homes and a range of employment opportunities. The draft OKR AAP supports this approach.

158. There is no policy protection for petrol filling station uses and therefore the loss of the filling station on the site is acceptable in principle. In any case, there are three petrol filling stations within a 1 kilometre radius; these are at the Asda and Tesco stores on the Old Kent Road, and the third is a Shell filling station on New Cross Road in the neighbouring borough of Lewisham.
159. With regard to the principle of demolishing the HSS (Class E) premises, there is no objection principle in land use terms subject to at least the same quantum being re-provided in the proposed development. This matter of the quantum of proposed non-residential floorspace is dealt with in detail in a later part of this 'Principle of the proposed development in terms of land use' section of the report.
160. The existing buildings are not listed and possess no heritage value; although re-use, refurbishment and adaptation are relevant considerations at the inception of new development proposals, the existing petrol station and former HSS Hire buildings are clearly not suitable for retention to deliver the requirements of an up-to-date site allocation. Notwithstanding, the applicant has undertaken a pre-demolition audit, which identifies that 95% of existing materials have potential for re-use in the construction process, or to be recycled to avoid landfill and reduce embodied carbon. The pre-demolition audit accompanies the applicant's Circular Economy Statement, more detail about which is given in a later part of this report.
161. Overall, the application site is a prime candidate for sustainable redevelopment. The demolition of the existing buildings, which are ill-suited to retention and/or repurposing, and the redevelopment of the land for a high quality scheme of the scale, character and mix of uses proposed –and one that responds positively to the recently-adopted site allocation– are supported by strategic and local policy. The principle of demolition and redevelopment is therefore acceptable.

### Relevant policy designations

#### Overarching strategic policy objectives

162. 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.

163. The Good Growth chapter of the London Plan includes objectives GG2 and GG5, which focus on making best use of land growing a good economy. 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

164. The site is located within the Old Kent Road Opportunity Area where the London Plan recognises the potential for “significant residential and employment growth” to be realised through a suitable planning framework that optimises development in conjunction with improvements to public transport accessibility. The Old Kent Road Opportunity Area is identified within the London Plan as having an indicative employment capacity of 5,000 and an indicative residential capacity of 12,000 homes.

165. London Plan Policy SD1 encourages opportunity areas to:

- optimise residential and non-residential output;
- optimise density; and
- contribute towards meeting (or where appropriate) exceeding the minimum guidelines for housing and/or indicative estimates for employment capacity.

166. The Old Kent Road Area Vision of the Southwark Plan 2022 sets out the overall vision for the Old Kent Road. The policy says development should:

- 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 jobs;

- promote car free development and support the Bakerloo Line extension, electric buses, taxis, commercial vehicles and cycling which will help to tackle air and noise pollution;
- help foster a community in which old and young can flourish;
- build new homes that come in a range of types from terraced houses to apartments with a high design quality including generous room sizes, high ceilings and big windows to ensure people have space to think and to rest;
- link existing open spaces like Burgess Park to each other and new park spaces; and
- demonstrate excellent standards of environmental sustainability including pioneering new district heating networks to reduce carbon emissions, measures to tackle poor air quality and sustainable urban drainage systems to reduce flood risk.

167. The Old Kent Road Area Vision also states that the draft OKR AAP will set out the physical framework for enabling the community to realise its potential. The Council is in the process of preparing this AAP which proposes significant transformation of the Old Kent Road area over the next 20 years, including the extension of the Bakerloo Line with new stations along the Old Kent Road towards New Cross and Lewisham. A further preferred option of the OKR AAP (Regulation 18) was published in December 2020. As the document is still in draft form, it can only be attributed limited weight.

168. 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 Old Kent Road Opportunity Area while also reducing journey times to key destinations.

#### Old Kent Road District Town Centre

169. Policy SD8 of the London Plan requires district centres to focus on the consolidation of a viable range of functions, particularly convenience retailing, leisure, social infrastructure, local employment and workspace, while seeking to deliver higher density mixed-use residential development. Policy SD7 of the London Plan expects commercial floorspace to be delivered to a basic fit-out and to be practically laid out with a good street frontage.

170. Amongst other things, London Plan Policy SD9 expects boroughs to use 'mechanisms' in town centre locations that help deliver housing intensification and mixed uses, and which also secure ongoing asset management. As an example, the policy cites specialist forms of housing investment such as PBSA.

171. The key policy at the local level is Southwark Plan Policy P35. This sets out that, amongst other things, development in town and local centres 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 Strategic Cultural Area

172. The Strategic Cultural Area designation, the extent of which exactly matches the Old Kent Road Area Action Core, seeks to support and build on the range of cultural facilities available locally, while celebrating the identity and community of the area. Some elements of the draft OKR AAP that respond to this designation are the proposals to:

- deliver a network of arts and cultural spaces which will provide a foundation for the local community, as individuals or groups, young and old, to explore and engage in continuous learning;
- strengthen the identity of Old Kent Road as a cultural destination, attracting new creative enterprises, a university and a major cultural attraction; and
- integrate Old Kent Road's historic and valued character into new development, celebrating its industrial past and present.

#### Southwark Plan Site Allocation

173. The Southwark Plan 2022 includes a site allocation, NSP69 'Devon Street and Sylvan Grove', which the application occupies approximately 24% of. NSP69 states that redevelopment of the site must:

- provide new homes (C3); and
- provide retail uses on the Old Kent Road frontage; and
- provide at least the amount of employment floorspace currently on the site (E(g), B class); and
- provide leisure, arts, culture or community uses; and
- provide a new access road into the SIWMF; and
- provide public open space of 3,573 square metres.



**Image 38** (above): Site allocation NSP69 'Devon Street and Sylvan Grove', as depicted in the Southwark Plan 2022.

174. The design and accessibility guidance states that “development should reinforce the high street and provide a new part of the town centre.” The design guidance goes on to state that as the site falls within the Old Kent Road Opportunity Area, development will need to demonstrate that the site responds positively to the objectives of the draft OKR AAP.
175. NSP69 supports tall buildings and states that “comprehensive mixed-use redevelopment of the site could include taller buildings subject to consideration of impacts on existing character, heritage and townscape.”
176. The allocation also states that the site has the potential to connect to the District Heat Network (DHN) and South East Combined Heat and Power (SELCHP) network in the future.

#### Draft OKR AAP Site Allocation

177. The application site is located within the OKR 18 parcel of the draft AAP. This parcel, for which the draft AAP sets out a future growth vision, has a boundary very similar that of Southwark Plan Site Allocation NSP69.

178. The draft AAP sets out some ‘must’ deliverables of redevelopment within OKR 18. Those applicable to the Devonshire Place site are:

- deliver new homes; and
- replace existing on-site employment floorspace (to be consistent with the building and land use types shown in Figure SA4.3, see right); and
- provide community uses; and
- enable walking and cycling connections between (to the east) Manor Grove and the Tustin Estate and (to the west) the proposed Livesey Park; and
- provide a new access road to the SIWMF.

**Image 39** (right): Figure SA4.3 of the draft AAP, ‘Building Typologies and Land Uses’, cropped to the application site (edged in red).



179. The OKR 18 vision also sets out a number of detailed design expectations. Those that are relevant to the Devonshire Place site are:

- providing a new public square that splits across the Devonshire Place and Sylvan Grove sites, and which has a unified landscape design and management regime;
- providing pocket parks, including one at the end of Devon Street;
- using the part-retained warehouse at the Daisy Business Park site to inform the position and design of open spaces and other buildings within the OKR 18 parcel, including their appearance and materiality, particularly though the use of brick;
- providing a standalone light industrial building on the northern edge of the site allocation;
- reinforcing the frontages on Old Kent Road with shopping and retail uses at ground floor and new and refurbished business space providing space suitable for offices, studios and managed workspaces;
- providing sand and wet play facilities for children.

180. The high street strategy in the draft AAP expects the architecture of the Devonshire Place scheme to complement the Victorian terraces, with the overall impression being of “a new area firmly founded in its rich heritage”.

181. The draft AAP also includes a strategy with regard to building heights in OKR18, the key elements of which are:

- the buildings fronting on to Old Kent Road should be between eight and ten storeys to frame the high street;

- buildings set back from Old Kent Road should rise to between eight and twelve storeys;
- there is scope for 'Tier One' and 'Tier Two' Three' tall buildings within the northern parts of the site, adjacent to a commensurately sized open space at Devonshire Grove and Sylvan Grove.

182. The servicing and road network strategy for OKR18 says:

- Devon Street (West Arm) will become two way working to maintain access to Southwark's Integrated Waste Management Facility and to the London Power Network site; and
- Devon Street (South Arm) will be stopped up and Devonshire Grove will become a two way working carriageway leading to a new junction alignment with Asylum Road.

#### Conclusion on policy designations, including response to the site allocations

183. The overarching thrust of policies within the Development Plan is to optimise and make effective use of land. The site is a long-standing underutilised collection of land parcels and low-rise buildings, presenting a clear opportunity for optimisation.

184. In land use terms, the principle of redeveloping the application site for a housing-led development, providing a mix of conventional Class C3 dwellings and PBSA alongside flexible Class E (retail/dining/service/office) premises and a community hub, is acceptable as it would bring into productive use this underutilised inner London site. The proposed mix and quantum of uses would support the role, functions and ambitions of the Opportunity Area and meet the expectations of the two site allocations, NSP69 of the Southwark Plan 2022 and OKR 18 of the draft AAP.

185. The acceptability of each of the individual uses is considered below.

#### Higher education and associated uses

##### Policy background

186. The London Plan sets out the strategic vision for the higher education sector. Policy S3, which is concerned with education 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.

187. 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”*

188. London Plan Policy E8 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.

189. Southwark Plan Policy P27 says that development for higher and further education facilities will be permitted where they meet identified needs.

#### Assessment

190. Southwark is home to Kings College London, the University of the Arts, and London South Bank University, representing some of the largest universities in London. There are also a number of noteworthy higher education providers in adjacent boroughs such as Lewisham, which is home to Goldsmiths, the latter being easily accessible via the Old Kent Road transport corridor. The draft OKR AAP seeks to bring a university to the area, and identifies OKR3 ‘Mandela Way’ as a likely location for such an institution. Benefiting from high transport accessibility and good links to the aforementioned higher education institutions, the application site’s District Town Centre location makes it appropriate for education-related uses.

191. The student housing proposed by this planning application would meet an identified need within Southwark for higher education related facilities, while also supporting the Opportunity Area to progress towards becoming a centre of excellence for education. It would also form an integrated part of a mixed-use redevelopment. Therefore, in principle the proposed student housing land use aligns with the requirements of London Plan Policies S3 and E8, as well as Southwark Plan Policy P27.

192. As student accommodation is a type of housing, the acceptability of the proposed PBSA as part of the planning application’s overall residential offer is considered within the following ‘Housing’ assessment. Other related considerations, such as the quality and management of the accommodation,

and how transport impacts would be mitigated, are assessed in the relevant later parts of this report.

## Housing

### Policy background

193. The London Plan sets the borough a target of providing 23,550 net new home completions over the next ten years. The targets are to be achieved by: allocating a range of sites for housing; encouraging development on appropriate windfall sites; and optimising the potential for housing delivery on all suitable and available brownfield land. In order to help meet this target –while also ensuring social and other infrastructure is delivered to create mixed and inclusive communities as well as employment opportunities– London Plan Policy SD1 promotes mixed use development in opportunity areas, whereby functions such as retail and community are provided alongside housing.
194. Policy H1 of the London Plan seeks to optimise the potential for housing delivery on all suitable and available brownfield sites, especially on sites with existing or planned public transport access levels of 3-6 or which are located within 800 metres of a station or town centre boundary.
195. At the local level, the Southwark Plan and draft OKR AAP reiterate the targets established by the London Plan. Policy ST1 ‘Development targets’ of the Southwark Plan states that the Council “will work with our partners, local communities and developers to ensure that developments deliver the required growth and improvements to achieve our targets including 40,035 homes between 2019 and 2036 (2,355 new homes per annum)”. Of the 40,035 homes, the Plan aims for 11,000 to be new council homes. In seeking to play its role in the delivery of these borough targets, the draft OKR AAP sets out the phased delivery of 20,000 homes by the year 2038.
196. The regeneration of the application site for housing-led development is promoted by the site allocations in the Southwark Plan and the draft AAP. Both NSP69 and OKR 18 identify the allocation area’s capacity as being 1,500 homes.

### Assessment

#### Principle of housing

197. By delivering 941 PBSA bedspaces and 200 conventional residential units, this planning application would contribute to realising the housing aspirations for the Opportunity Area, in line with London Plan Policy SD1, while also increasing London’s housing supply, in accordance London Plan Policy H1.
198. The proposed housing units are lent further support by the Southwark Plan and the draft AAP, which promote residential uses on the application site in the quantum proposed. The proposed housing would create a mixed community in

a well-connected inner London location, the accessibility rating of which is likely to rise significantly in the near future.

199. Having regard to all of the above, the provision of residential floorspace, in a mix of conventional Class C3 units and PBSA, is acceptable in principle. This is subject to the Class C3 dwellings and PBSA meeting the relevant policies concerned with unit sizes, quality of accommodation, management arrangements and standards of amenity; it is also subject to a compliant tenure mix being delivered across the development as a whole. These matters are discussed in later sections of this report

*Contribution towards borough housing targets*

200. 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. As the application site forms part of an identified 'allocation' in the Southwark Plan, its redevelopment for housing has been anticipated by the borough-wide assessment of deliverable housing sites. The borough-wide assessment attributed an indicative capacity of 855 new homes to the NSP69 allocation; this was based on the number of homes secured in the Daisy Business Park application (ref: 19/AP/2307) with a further 636 as a remaining capacity.
201. Although student housing is classified as non self-contained accommodation and a Sui Generis use in the Use Classes Order, it is considered as 'housing' for monitoring purposes through the Council's and GLA's monitoring reports. The London Plan advises that 2.5 student bedspaces should be treated as the equivalent of a single dwelling. With 941 student rooms proposed, the Devonshire Place development would contribute the equivalent of 376 (rounded) homes towards meeting the Council's housing targets. It would also reduce pressure on the local private rented market, in that it would release back to the private rented sector 376 single dwellings that would otherwise be in student occupation.
202. Aside from the contribution it would make towards the strategic housing targets set out in the Southwark and London Plans, the proposed PBSA would also assist in delivering on-site conventional (Class C3) housing, thus making a further contribution towards the targets. This is because the delivery of the 200 proposed conventional homes is intrinsically linked to the delivery of the PBSA direct-let bedspaces, as the proposal relies on a cross-subsidisation financial model.
203. Together, the PBSA and the 200 conventional homes would deliver the equivalent of 576 homes. This equates to 24.5% of the borough's 2,355 home annual target, and represents 1.4% of Council's targets over the entire Plan period. The significant contribution the proposal would make to the housing delivery targets is welcomed.
204. With respect specifically to affordable housing, there is a pressing need at the local level, with over 11,300 people on the borough's Housing Association

waiting list as of December 2022. The 125 proposed social rent units would in particular help ease this pressure, delivering quality low-cost accommodation for Southwark residents, while also assisting the Council in its aim to provide 11,000 new council homes by 2043 as part of the overall target of 40,035.

#### Old Kent Road Housing Delivery Plan

205. The Greater London Authority (GLA) and Transport for London (TfL) officers have worked closely with Southwark Council officers to agree the broad geography and phasing of development across the area covered by the draft AAP, to help provide certainty to communities, local businesses and developers in advance of the Bakerloo Line Extension (BLE) and a clear timetable for its delivery. This has resulted in broad agreement between the GLA, TfL and Southwark Council on the scale and geography of the area's new town centres, where industrial uses will be retained, replaced and intensified, and how housing delivery will be phased in advance of the BLE. Broad alignment and the location of potential tube stations has also been agreed between Southwark Council and TfL, and formal safeguarding is in place.
206. As part of the collaborative process outlined above, and as per AV.13 'Old Kent Road Area Vision' of the draft AAP, a Housing Delivery Plan has been introduced. This comprises two consecutive phases, Phase 1 and Phase 2, each with their own housing number limit. For Phase 1, the cap is 9,500 net additional homes. Any scheme granted permission after the cap has been met would fall into Phase 2, and be subject to a Grampian agreement linked to BLE delivery. Phase 2 schemes will only be eligible for implementation once a BLE construction contract is in place. In respect of the OKR Housing Delivery Plan only (i.e. not in respect of strategic housing targets), the Local Planning Authority and TfL have agreed that a 3:1 conversion rate can be applied in respect of PBSA schemes, where three PBSA units equate to one conventional (Class C3) dwelling.
207. The application site benefits from an extant planning permission, as part of a wider site encompassing the Council-owned Devonshire Yard land, for up to 565 homes. As confirmed in the extant planning permission, these 565 homes fell within the Phase 1 capacity. Planning application 23/AP/1862 puts forward an alternative form of development for the site. Applying the 3:1 conversion rate agreed with TfL, 23/AP/1862 would deliver the equivalent of 514 dwellings. Rounding-up has been applied to the PBSA unit calculation in order not to underplay the total number of homes (or part thereof) this proposal would bring forward, and how this number would play into the running total of homes relative to the 9,500-home cap. The calculation is as follows:
- one third of the 941 PBSA units (which is 3.133); plus
  - the 200 conventional homes.
208. The existing Section 106 Agreement restricts implementation of the extant planning permission (excluding the Devonshire Grove highway works) until the developer has acquired the Council-owned Devonshire Yard land. As this will no longer be necessary under the 23/AP/1862 planning application, and the fact

that the Council would only be capable of independently building out Building E from the extant planning permission (Building E being wholly non-residential), the Council as landowner of Devonshire Yard does not hold any existing BLE Phase 1 unit 'credit'. A new planning permission would therefore be required for residential development on the Devonshire Yard land, and the merits of such a scheme would need to be considered at that time in the context of the Phase 1 cap.

209. Essentially, it is only possible for the BLE credit to be used either for the extant planning permission or in connection with the newly-proposed 23/AP/1862 scheme, but not both. While planning permission could theoretically be sought for redevelopment of the Council-owned Devonshire Yard land, a fresh permission would require in this scenario either:

- the seeking of a new planning permission by the Council for residential development of approximately 51 units within the Phase 1 cap; or
- the seeking at a later date of planning permission for a larger development which would fall into Phase 2.

210. The Council's Property division has confirmed that there are no plans in the short term to seek planning permission for redevelopment of the Devonshire Yard land. Given this context, it is acceptable in principle to designate planning application 23/AP/1862, and all of the proposed 514 residential units (equivalent), as a 'Phase 1' scheme.

211. In the event of a resolution to grant permission for the 23/AP/1862 proposal, the Section 106 Agreement will incorporate a 'surrender' covenant requiring the owner to 'give up' the right to develop under the extant hybrid permission. From a legal perspective, this is feasible because the applicant for 23/AP/1862 is also the applicant for the extant hybrid permission. Are we still proposing this?

212. In the wider context of extant planning permissions and live planning applications across the Old Kent Road Opportunity Area, if planning permission is granted for the new Devonshire Place proposal and the 19/AP/1239 consent is simultaneously surrendered, this would bring the total number of homes within Phase 1 to the equivalent of 9,496 dwellings. This is summarised by the table below:

<b><u>Delivery of Old Kent Road Housing Delivery Plan: Summary table</u></b>	
<b>Phase 1 schemes by status</b>	<b>No. of homes</b>
Extant planning permissions incorporating residential use(s)	8,046
Planning applications incorporating residential use(s) that benefit from a resolution to grant planning permission, but are pending completion of a legal agreement ^	681
Planning applications incorporating residential use(s) without a resolution to grant as yet *	252



The 23/AP/1862 planning application	514
Total of all Phase 1 schemes	9,493
Surplus/headroom relative to the 9,500-home cap	Headroom of 7

<sup>^</sup> *These applications are 19/AP/6395 (294 St James's Road), 20/AP/3822 (95 Haymerle Road), 21/AP/4757 (Ilderton Wharf), 22/AP/1603 (18-22 Penarth Street) and 23/AP/0387 (79-161 Ilderton Road) proposing 15, 40, 163, 141 and 322 homes respectively.*

<sup>\*</sup> *This application is 23/AP/0582 Daisy Business Park, proposing 252 homes.*

213. Given that the proposal hereunder consideration would not result in a breach of the 9,500 home cap, the Opportunity Area would not experience any undue infrastructural burden as a consequence of the proposed homes. As such, 23/AP/1862 will be treated as a Phase 1 development and will not be subject to the Grampian agreement.

214. The inclusion of the surrender clause in the Section 106 Agreement will give clarity and certainty to the housing pipeline within the Old Kent Road area, enabling the Local Planning Authority to make optimum use of any extra headroom beneath the 9,500 home ceiling that may be released by developers seeking alternative uses on sites where housing has been consented previously. The Local Planning Authority is currently in a number of pre-application discussions about reducing or removing altogether the housing component from some extant Phase 1 planning permissions. It is also possible that extant permissions for housing will lapse, which would reduce the total number of homes in Phase 1, potentially releasing extra capacity beneath the 9,500 home ceiling. With all of the aforementioned in mind, there is scope for any future proposed development of the Council-owned Devonshire yard land to fall within Phase 1, depending on timings of such an application and the quantum of housing proposed.

### Conclusion on the provision of housing

215. With residential uses being supported on this site at all policy levels, in land use terms the proposed housing is acceptable. It would make a major contribution to meeting the Mayoral and local-level housing delivery targets, while playing its part in delivering the capacity identified in Southwark Plan allocation NSP69 of 855 new homes. Furthermore, bringing forward the development within Phase 1 of the Old Kent Road Housing Delivery Plan would not result in any undue infrastructural burden in advance of the Bakerloo Line Extension.

### Student accommodation

#### Policy background

216. In order to help meet the London Plan target of 23,550 net new home completions over the next ten years, while also supporting the vibrancy and vitality of the town centres, Policy SD6 promotes mixed-use or housing-led intensification in these locations. The policy makes express reference to PBSA,

saying the “particular suitability of town centres to accommodate a diverse range of housing should be considered and encouraged, including [...] student accommodation”.

217. Policy H15 of the London Plan sets an overall strategic requirement for purpose-built student accommodation (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.

218. Part A of Policy H15 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.

219. 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

220. 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”.*

221. 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”*.

222. At the 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

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.

223. 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 Devonshire Place 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.

224. 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"*.

225. 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.

226. 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.

227. 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.

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

## Assessment

### *Is there a local and strategic need for student housing?*

229. 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.

230. 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). Mountview Academy, based in Peckham Rye, also provides a range of undergraduate and postgraduate degrees validated by the University of East Anglia (UEA). The borough is also home to some other smaller satellite campuses.

231. The strategic need for student accommodation is evidenced through the GLA paper 'Student Population Projections and Accommodation Need for new London Plan 2017' (amended October 2018). Drawing on Higher Education Statistics Agency (HESA) data, this document sets out the annual student housing need for 3,500 bed spaces within London over the plan period. The study projects the total student accommodation need in London to increase from 104,835 bed spaces to 171,063 bed spaces by the end of the plan period (2041/42).

232. 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 time;
- 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.

233. The applicant has not submitted their own Student Need Study in support of this application; however, their planning statement cites a report recently undertaken by Savills, which found that international students are 60% more likely to live in PBSA than domestic students. Given that London remains one of the key global destinations for students looking to study abroad, with the numbers of international students increasing within the capital in recent years, there will be continued demand for PBSA.

234. HMOs are typically owned by absentee landlords. The Savills report notes that since 2017 there have been over 300,000 buy-to-let mortgage redemptions in the UK as changes to taxes have dampened profitability for private landlords; this trend is likely to continue with increased interest rates and therefore higher borrowing costs for landlords who rent their properties to students. This market research, in addition to the evidenced need in the London Plan and Southwark Plan, demonstrates a compelling requirement for additional PBSA in London, from both a supply and demand side position.

235. 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?*

236. Criterion 1 of London Plan Policy H15(A) requires student housing proposals to contribute to a mixed and inclusive neighbourhood.

237. The area surrounding the application site is characterised by a mix of uses, including residential, commercial industrial, educational, cultural and leisure uses. The Daisy Business Park, to the north east of the application site, is allocated for redevelopment and benefits from extant permission to deliver 219 homes (ref: 19/AP/2307). Other Class C3 housing nearby includes 8-24 Sylvan Grove, which contains 80 dwellings, with a further 6 homes towards the southern end of Sylvan Grove. Immediately beyond Sylvan Grove is the expansive Tustin Estate, containing terraced houses and flatted residences within a range of point-blocks and deck-access buildings. In this surrounding land use context, the proposed student-housing led scheme would sustain a mixed and inclusive community through the introduction of an alternative residential product and



demographic. The aforementioned housing uses coexist and integrate with the surrounding non-residential uses, and thus there is no reason why the introduction of the student housing proposed by 23/AP/1862 would constrain, or be out of character in any other way with, the mixed-use nature of the neighbourhood.

238. It should be noted that there is a pending planning application at the Daisy Business Park site for a PBSA-led scheme (ref: 23/AP/0582). The proposal would deliver 688 bedspaces alongside 23 conventional dwellings and approximately 2,000 square metres of commercial floorspace. There is a low representation of PBSA schemes within the wider area, with the nearest existing premises being:

- the under-construction development at 671-679 Old Kent Road (approximately 175 metres northeast of the application site);
- Great Court in Bermondsey (approximately 600 metres northeast of the application site);
- Archwood House in Peckham Rye (approximately 600 metres to the southwest application site).

239. Therefore, in the event that both the Devonshire Place and the Daisy Business Park PBSA proposals were granted permission and implemented, it is not considered on balance that together they would negatively impact the neighbourhood in terms of the mix of uses and inclusivity. 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 a district town centre location, and one where conventional residential uses are well represented, is not considered to cause harm.

*Would the accommodation be secured for student occupation?*

240. Criterion 2 of London Plan Policy H15(A) requires the use of the accommodation to be secured for students.

241. The proposed development will be managed by an independent provider, most probably Homes for Students, an Accreditation Network UK certified operator. As such, responsibility will rest with Homes for Students to ensure the units are let to students on courses with HEIs. Student-exclusive use will be secured by way of an obligation in the Section 106 Agreement.

242. 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 non term-time 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 vacation period when not in use by the principal student occupiers. This will be secured through the Section 106 Agreement.

*Is a nominations agreement in place?*

243. 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.

244. 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?*

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

246. However, and 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, 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.

247. While the London Plan's specific requirement for student housing proposals to deliver affordable rooms 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 surplus 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.

248. The proposed development has been viability reviewed to determine the maximum viable contribution towards conventional affordable housing. The proposed level of affordable housing reveals a deficit, which is only overcome through forecasted increases in PBSA rents in the coming years, as per the sensitivity analysis in the FVA. As such, the current offer of 40.8% on-site conventional housing represents the maximum viable contribution.

249. With 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 for this Fast-Track application, 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.

250. The matter of viability is dealt with in detail in a subsequent part of this report.

*Does the accommodation provide adequate functional living space and layout?*

251. 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 co-living (PBCL). The London Plan expects the quality of accommodation PBCL schemes to be assessed against the requirements of Policy H16; 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.

252. Criterion 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”.

253. 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?*

254. Part B of London Plan Policy H15 requires student housing scheme sites to be well connected by transport to local services. Situated within the Opportunity Area and a District Town Centre, the site benefits from high accessibility to public transport, conveniences and services. There are also numerous leisure and recreation spaces available for students nearby, including Brimington

Park and Bridgehouse Meadows. Within fifteen minutes' walk of the site is Mountview Academy, with Goldsmiths approximately 15 minutes by bus. For all of these reasons, the Devonshire Place site is considered to a suitable location for PBSA.



**Image 40 (above):** Map of the site's accessibility to public transport, HEIs, conveniences and services.

### Summary on the principle of student housing

255. In conclusion, the site is considered to be appropriate in principle 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 and would contribute to the creation of a mixed and inclusive community.

### Flexible non-residential (commercial/employment/business) uses

256. This planning application proposes three units in a flexible non-residential use. Details are provided below.

<b>Flexible non-residential units: Summary table</b>		
<b>Unit name and location</b>	<b>Sought use classes</b>	<b>GIA sq. m</b>
Building B unit, Level 00	Sui Generis	86

Building C unit, Level 00	Class E[a] through E[g]	249
Building D unit, Level 00	Class E[a] through E[g]	478
Total		813
<b>Comparison with extant permission</b>		
Quantum of non-residential floorspace compared to the extant planning permission (19/AP/1239)		-2,652

257. Class E comprises various sub-categories encompassing a wide range of uses. Sub-categories [a] through [f] can generally be described as ‘commercial uses’ and are as follows:

- [a] conventional retail;
- [b] dining (excluding pubs and bars);
- [c] financial and professional services;
- [d] indoor sport, recreation or fitness (e.g. gym);
- [e] medical or health services; and
- [f] crèche, day nursery or day centre.

258. The proposed Sui Generis use for the unit at the base of Building B is a factor of the café being within the demise of the PBSA and forming part of the PBSA amenity space offer. At least at ‘day 1’ of the development becoming operational, the café would be staffed and managed by the PBSA operator. In reality, however, and because it would be open to the general public, the use of the café is equivalent to Class E[b].

259. Class E[g] sub-categories can generally be described as ‘employment/business uses’, encompassing the following:

- offices;
- research and development functions; or
- light industrial process capable of being carried out in any residential area without detriment to amenity.

#### Policy background to commercial uses

260. In opportunity areas, London Plan Policy SD1 places focus on the need to support development that creates employment and provides the necessary social and other infrastructure to sustain growth and create mixed and inclusive communities. London Plan Policies E9 and SD7 provide support for, and do not permit loss of, essential convenience retail and specialist shopping in Major Town Centres. Policy SD7 requires development proposals in town centres to deliver commercial floorspace appropriate to the size and role of the town centre.

261. At the local level, the Southwark Plan identifies the borough’s town centres as appropriate for delivering approximately 19,500 square metres of retail floorspace. Policy P35 of the Plan sets out retail requirements in the context of the evolving role of town centres, requiring new development to provide an active



use at ground floor level in locations with high footfalls. In order to secure a diversity of traders and small businesses within town centres, Policy P35 requires development proposals to:

- 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.

262. Southwark Plan Policy P35 also requires any proposed retail uses in opportunity areas and town centres to be conditioned so as to restrict change of use within Class E. Retail uses are defined as those falling within Classes E[a], E[b] and E[c] – which encompasses shops, post offices, cafés, restaurants, banks, building societies, professional services, estate agents and employment agencies. Uses such as indoor sport and recreation, crèche/nursery and offices fall outside the E[a], E[b] and E[c] classifications.

263. The Southwark Plan provides support for uses with active frontages that promote activity and successfully engage with the public realm in appropriate locations. Both the Southwark Plan and draft AAP allocations within which the Devonshire Place site is located require retail to be provided on the Old Kent Road high street.

#### Policy background to employment/business uses

264. London Plan Policy GG5 requires local planning authorities to plan for sufficient employment and industrial spaces to support economic growth. Policies E1 and E2 deal specifically with the provision of office uses, with a focus on securing good quality, flexible and adaptable floorspace at varying sizes in the CAZ and town centres. London Plan Policy E11 requires development proposals to support employment, skills development, apprenticeships, and other education and training opportunities in both the construction and end-use phases.

265. At the borough level, a strategic target of the Southwark Plan is to build a strong, green and inclusive economy. To achieve this, Policy SP4 aims to bring forward at least 460,000 square metres of new office space between 2019 and 2036 (equating to around 35,500 jobs), of which 90,000 square metres should be located outside the CAZ. The policy goes on to say this 90,000 square metres of employment use should include industrial, distribution, hybrid and studio workspace. It also sets a strategic target of 10,000 new jobs for the Old Kent Road Opportunity Area, and expects 10% all new employment floorspace to be affordable workspace for start-ups and small and independent businesses.

266. Policy P30 of the Southwark Plan identifies sites within the CAZ, opportunity areas and town centres as appropriate for accommodating the significant growth needed to meet business demand. This policy requires development proposals at the very least to maintain, but where possible increase, existing levels of business floor space. Applications proposing employment floorspace should be supported by a marketing strategy to demonstrate how the facilities would meet current market demand. In opportunity areas, Policy P30 states that proposals

should help contribute to mixed use neighbourhoods by incorporating new types of flexible business workspace accommodating manufacturing, technology, science, creative and cultural industries and the digital economy.

267. The Southwark Plan and OKR AAP site allocations expect at least the amount of employment/business floorspace currently on the site (Class E(g) / B Class uses) to be reprovided.

#### Policy background to affordable workspace

268. Policy E2 of the London Plan requires large-scale development proposals to incorporate flexible workspace suitable for micro, small and medium sized enterprises. Policy E3 deals specifically with affordable workspace. The policy states “In defined circumstances, planning obligations may be used to secure affordable workspace at rents maintained below the market rate for that space for a specific social, cultural or economic development purpose”.
269. Policy P31 of the Southwark Plan deals with affordable workspace. Although affordable workspace technically applies to employment/business uses, Criterion 2 of the policy requires major development proposals to deliver affordable workspace amounting to at least 10% of the gross new employment floorspace (i.e. not just employment/business space, but commercial space too). The workspace should be secured on site at a discounted market rent for a period of at least 30 years. The policy recognises that there are many different forms that such space could take depending on the site location, characteristics, the nature of local demand and existing/proposed uses.

#### Assessment

##### *Quantum of proposed non-residential use compared to existing land use and the extant hybrid permission*

270. As mentioned in an earlier part of this report, the existing petrol station (and the ancillary kiosk) is a Sui Generis use that does not benefit from policy protection, meaning its loss is acceptable without the need for re-provision. As such, the only existing on-site floorspace relevant to this assessment is the building at 765-755 Old Kent Road, and the 2,625 square metres of floorspace it contains. HSS Hire, the most recent formal permanent occupier of the building, is technically a retailer (Class E[a] use).
271. The 727 square metres of non-residential floorspace proposed by this planning application is:
- 21% of (and in absolute terms 2,738 square metres less than) the quantum proposed in the extant hybrid permission;
  - 28% of (and in absolute terms 1,898 square metres less than) the existing quantum of non-residential floorspace within the former HSS Hire Store building.

272. The Southwark Plan and draft OKR AAP require the NSP69 and OKR18 allocations to provide at least the amount of employment floorspace currently on the site. NSP69 clarifies that “employment floorspace” refers to Class E[g] and B uses. As there is no existing Class E[g] or B floorspace on the site, there are no re-provision requirements. Notwithstanding this, because the extant hybrid permission is a material consideration, the comparatively smaller quantum of non-residential floorspace proposed by 23/AP/1862 must be taken into account.
273. Following HSS’s vacation of 765-755 Old Kent Road in 2018, the building has been in meanwhile use as an artists’ workshop. The building does not, therefore, provide a service to the general public at present, and has not done so for over four years. It follows that the building does not contribute towards meeting the retail needs of local residents and the District Town Centre catchment.
274. Putting to one side the lack of existing operative retail uses, it would not be reasonable to require the full re-provision of 2,625 square metres of non-residential floorspace, as such a quantum would not be commensurate with the role of a newly designated District Centre. Retail floorspace of this size is unlikely to be attractive to the market in this location. The retail landscape has changed structurally over recent years, accelerated by the Covid-19 pandemic, with many high street retailers seeking flexible format stores, including reduced physical footprints to respond to changing shopping habits.
275. The character of Old Kent Road is being reimagined as a linear high-street space, with the vision for the Old Kent Road in Southwark Plan Policy AV.13 promoting convenience goods, services, and social infrastructure to meet the needs of the existing and new resident population. Notwithstanding that the previous tenant, HSS Hire, has already relocated, a ‘big box’ trade counter or retail warehouse typology would be more appropriately located on a retail or employment park.
276. A large-format retail warehouse in this location could conflict with the delivery of the essential ‘Healthy Streets’ upgrade promoted by TfL for the Old Kent Road, including the provision of a new bus stops and a segregated cycle lane. Further, the nature of a retail warehouse requiring large structural spans will also make the delivery of residential accommodation to the upper floors very challenging.
277. In exploring options for how the quantum of proposed retail floorspace could be increased, the applicant did consider the inclusion of mezzanine floorspace; however, this was not currently deemed commercially viable or desirable to the market. Similarly, basement retail would be commercially unattractive because it is usually only necessary for tenants who carry significant bulky stock, again a rarity in modern town centre retailing at District Centre scale. Additional basement space would also negatively affect embodied carbon and construction costs, which in turn affects development viability.
278. For all these reasons, the proposed non-residential use proposed is considered to represent the optimal level for this site, in terms of both the total quantum and the arrangement as two smaller units (one capable of being subdivided further).

It would appropriately reflect the needs of the emerging local community, and promote the creation of a healthy, active and vibrant street frontage on the Old Kent Road. The smaller nature of the business units would also meet the needs of the creative industries, thereby aligning with the objectives of London Plan Policy HC5.

279. Furthermore, it must be recognised that because the application site makes up a 24% portion of the allocation as a whole, it would not necessarily be expected to deliver all of the allocation's requirements on its own. The other land parcels within NSP69/OKR18 could feasibly provide non-residential uses that collectively result in no net loss across the allocation area. A final relevant consideration is that the total area of the site proposed by 23/AP/1862 is smaller than that of the extant hybrid permission, and as such it would not be reasonable to expect this planning application to bring forward exactly the same quantum.

280. Although Policies P31 and P35 of the Southwark Plan seek to restrict new non residential units to either a retail/dining/service function (Class E[a] through [c]) or an employment/business use (Class E[g]), the applicant seeks a fully flexible Class E use for the two units. This is to maximise letting options and to avoid longstanding periods of vacancy. This is permissible in this particular instance, given that both units would present extensive and attractive glazed frontages along the Old Kent Road high street that, irrespective of the interior Class E use, would provide an active and engaging frontage. Notwithstanding the full Class E flexibility hereby recommended, the applicant envisages a specific type of occupier for each of the units, as detailed below.

Potential convenience retail use

281. Although a fully flexible Class E use is sought for the ground floor unit in Building D, the applicant's intention is for the space to be occupied as a convenience retail store. This particular type of operator is being targeted in recognition of the policy and site allocation requirements to provide retail use. Such a use would activate the Old Kent Road and contribute to the delivery of the new high street.



**Image 41** (above): *Alternative configurations for the interior of the Building D commercial unit, with Option 1 being the layout should a convenience retailer be secured for the premises.*

282. A convenience retailer in this location would meet the existing and projected needs of new residents, students and the wider community, and be positioned in close proximity to the future Bakerloo Line station. It would also replace the existing ancillary petrol station kiosk with a suitably sized offering befitting of the context. Being of a comparatively larger area than the kiosk, it would enhance retail choice.

283. To help secure the desired tenant, and in so doing make efforts to meet the aspirations of local stakeholders, the Section 106 Agreement will require all marketing of the unit to be targeted at conventional food retailers up until nine months prior to practical completion. If by nine months in advance of completion no operators have been found for the unit, marketing would be broadened out to include all other Class E sub-categories. This commitment is welcomed, and will be secured in the Section 106 Agreement.

Healthcare facility or affordable workspace

284. The total quantum of proposed employment-generating floorspace within the development is 813 square metres GIA; this is the cumulative total of the Building, B, C and D units. Under the terms of Policy P30, at least 10% of this (i.e. at least 81.3 square metres) should be dedicated as 'affordable workspace'.

285. The applicant has been in discussions with Nexus Health Group, who operate an existing network of NHS surgeries in the Borough, to occupy the Building C commercial unit as a potential GP surgery. The applicant chose to approach Nexus following positive engagement with ward councillors, local residents and the local TRA's who raised the need for additional health facilities in this location. Nexus has:

- supplied a letter of intent with regards to occupying the unit;
- written in support of the planning application (these comments are accounted for and tallied in the earlier 'Consultation responses' of this report); and
- separately confirmed to the applicant that they are not proposing to close their Commercial Way premises in the event they agree terms for the Building C unit, as there are sufficient patient numbers for both Devonshire Place and Commercial Way to function.

286. Nexus is keen to continue engagement with the applicant on lease terms as soon as there is a positive resolution on the planning application.





**Image 42** (above): *Potential layout of the Building C commercial unit, showing how a healthcare facility (consultation rooms etc.) could be accommodated while still providing an extensive wrap-around active frontage.*

287. Policy P31 of the Southwark Plan allows for public health use as an alternative to affordable workspace in exceptional circumstances. As such, the allocation of the Building C unit for health services in lieu of providing a minimum quantum of dedicated conventional affordable workspace is the applicant's preferred option in this application. The Section 106 Agreement would need to ensure that rates at which the space is let to the healthcare provider proportionately represents the fact that the Building C unit is 3.06 times larger than the minimum size required by the affordable workspace policy, while also taking account of the potential for the duration of the healthcare facility to be shorter than the 30-year policy minimum affordable workspace lifetime.
288. The London Plan Policy S2, which is concerned with health and social care facilities, supports the provision of high-quality new and enhanced social care facilities to meet identified need, and where they are easily accessible by public transport, cycling and walking. Southwark Plan policy P47, which is concerned with community uses, states that new community facilities will be permitted where they are accessible for all members of the community. Were the proposed Building C unit to be occupied for the envisaged healthcare facility function, it would meet all of these requirements.
289. The Section 106 Agreement would need to be structured to allow for a scenario where the healthcare facility cannot be delivered, in which circumstances a conventional approach to 10% on site affordable workspace would be triggered. In these circumstances, on-site facilities would most probably take the form of an 'island' of desk space within the wider (market rate) floorspace of the Building C unit. A suitably worded planning obligation would ensure that, if the space defaults to dedicated affordable workspace, it will remain in Class E[g] use for the entirety of the affordable workspace lifetime.
290. To account for the 'default scenario', the Section 106 Agreement will include a dedicated affordable workspace schedule. This will ensure, among other things, that:
- the workspace is provided for a 30-year period at a peppercorn rent for months 0-11, and then from 12 months until the end of the affordable workspace lifetime at no more than £15/sq.ft;
  - the capped rental rate of £15/sq.ft will be inclusive of service charges;
  - no more than 50% of the market rate commercial floorspace can be occupied until the affordable workspace has been fitted-out to the agreed specification ready for occupation; and
  - a Full Management Plan and a Full Marketing Strategy, both to be secured in advance of the marketing period and first operation of the workspace.
291. For the reasons given above, the proposed affordable workspace offer is policy compliant.



**Image 43** (above): View from Old Kent Road, showing the appearance of the frontage should a convenience retailer and healthcare provider take up the two units.

Publicly-accessible café within the PBSA student amenity space

292. The application proposes a café space at the base of Building B. Although forming part of the PBSA amenity facilities (and thus technically being a Sui Generis use), the cafe would be open to the wider public as well as students. To be managed by the PBSA operator, the café was proposed by the applicant as a direct response to feedback from pre-application meetings with officers and the Community Review Panels.



**Image 44** (above): View of the proposed publicly-accessible café, taken looking eastwards across The Grove from outside the residential lobby of Building D.

293. The café would complement the 727 square metres of non-residential uses proposed on the Old Kent Road frontage, while also supporting the retail/restaurant offer across the wider town centre. Additionally, the unit would help draw members of the public into the heart of the site, and improve activation by providing an extensive glazed frontage onto the northern half of The Grove, where the bandstand is proposed. This public facing café would also serve a community integration role, being a place where the future student residents can meet and interact with the wider community. It is therefore supported by policy at all levels.

Potential office use

294. Notwithstanding their aspirations for the two units to be occupied by a supermarket and a healthcare provider, the applicant has supplied a brief marketing strategy (as is required by Southwark Plan Policy P30) to demonstrate that, should one or both of the commercial units be occupied for office purposes, this would meet a market demand. The strategy sets out that the predicted lack of supply of Grade A space being delivered in the short-term will ensure that the proposed development will provide attractive high quality business floorspace in an inner London location. It anticipates that there will be a large variety of occupiers wanting to upgrade from current secondary stock, and that these occupiers will be attracted to the area given its Opportunity Area and District Town Centre location.

#### Prohibiting inappropriate uses

295. As explained in an earlier part of this report, the site is in the Hot Food Takeaway Exclusion Zone. For the avoidance of doubt in case of any future changes to the Use Class Order and/or prior notification routes, a planning obligation is recommended precluding the occupation of any of the units for hot food takeaway purposes. This is in the interests of environmental protection and visual amenity. Importantly, the obligation would not prohibit hot food preparation per se, as long as customers consume the food on site (i.e. in a café/restaurant arrangement).

296. For the avoidance of doubt in case of any future changes to the Use Class Order and/or prior notification routes, a planning obligation is recommended precluding change of use of any of the three commercial units to a betting shop, pawnbroker or pay day loan shop. This would be in the spirit of Southwark Plan Policy P40, which does not permit betting shops, pawnbrokers and pay day loan shops in locations outside protected shopping frontages. This is in the interests of promoting healthy lifestyles and reducing societal inequalities.

### Community uses

#### Policy background

297. Both London Plan Policy S1 and Southwark Plan Policy 46 support the delivery of new high-quality facilities provided they are available for and accessible to all members of the community. Furthermore, both the Southwark Plan and draft AAP state that redevelopment of the allocation area “must” deliver community uses.

#### Assessment

298. The proposal includes a community hub unit at ground floor level of Building A. Marking the corner of the building, it would have glazed frontages northwest towards the Devonshire Yard land and northeast fronting onto Sylvan Gardens and towards Daisy Business Park beyond. Like with the proposed café at the base of Building B, the community hub would function as part of the overarching PBSA (Sui Generis) use.

299. The facility is intended to provide a new functional use for local community and neighbourhood groups to hold meetings and exhibitions, as well as an inclusive space for new residents to engage with local activities, programmes and services. The community hub more than doubled in size to 95.4 square metres during the design process following consultation with the Design Review Panel and Community Review Panel. The space would be maintained and managed by the PBSA operator free-of-charge for the lifetime of the development.



**Image 45** (above): Visualisation of the community hub interior.

300. The community hub's proposed location within an otherwise residential building is not inappropriate given that, firstly, the intended users are the existing community and new residents, and secondly, the hub's size means the potential for associated trip generation and residential amenity impacts would be minimal.

301. The community hub has been designed conscious of the needs of individual residents, small local societies, groups and resident organisations for ad hoc activities, and in this regard responds positively to Policy S1 of the London Plan 2021, which recognises that voluntary and community groups often experience difficulty finding premises suitable for their needs. Furthermore, it would make a contribution towards the network of arts and cultural spaces envisaged by the draft OKR AAP and the broader Strategic Cultural Area designation. Through the Section 106 Agreement, minimum hours of opening and mechanisms for ensuring good levels of community accessibility will be secured.

302. For all of the reasons outlined above, the community hub is acceptable, and should be treated as a benefit of the application.

### Job creation

303. Applying the metrics advised by the Homes and Communities Agency Employment Density Guide, the existing uses currently have the potential to employ a combined total of just over 20 people. In reality, however, the existing employment levels on site are much lower than this, at approximately 3 FTE positions. This is calculated as follows:

- the meanwhile use currently operating from the former HSS Hire Shop, as a temporary use, should be treated as supporting zero jobs; and
- the petrol station supports approximately 3 FTE positions.

304. Across the three flexible non-residential units and the community hub (which together contain 908.4 square metres of non-residential floorspace), up to 41 FTE positions would be supported, depending on the particular type of employment for which the units are ultimately used.

305. The provision of up to 41 FTE positions, representing an uplift of up to 38 on the site's current yield, would satisfy the aims of the London Plan and the Southwark Plan in creating new jobs within the Opportunity Area.

### Business relocation and retention

306. Where a proposed development may displace existing small or independent businesses, Policy P33 of the Southwark Plan requires the application to be accompanied by a Business Relocation Strategy. This must explain how the existing businesses will be supported through the course of the redevelopment and provide evidence that the relocation option is suitable for the viable continuation of the businesses.
307. The petrol filling station is operated by Motor Fuel Group, with the kiosk operated under the Londis franchise. Motor Fuel Group is not an SME and thus does not benefit from any policy protection. In any case, Motor Fuel Group has made a supportive representation to the Council about the planning application, confirming that they have occupied the premises and entered into a lease with a vacation notice period of 6 months in full awareness of the property being allocated for redevelopment as part of the wider Devonshire Place site.
308. With regards to the current occupier of former HSS Hire buildings, Arebyte, this organisation has not had a long-term presence on the site, having taken advantage of low cost meanwhile space that otherwise would have been left vacant. This artists' workspace has submitted a representation in support of the planning application, in which they note that they took up occupancy having been made aware of the future wholesale redevelopment of the area.
309. In summary, there is no requirement to relocate or retain either of the two existing commercial occupiers, and both entered into leases in full awareness of the site being allocated for development. In any case, new business space would be created within the proposed development for vulnerable and/or small-to-medium sized enterprises if the default affordable workspace obligation is triggered.

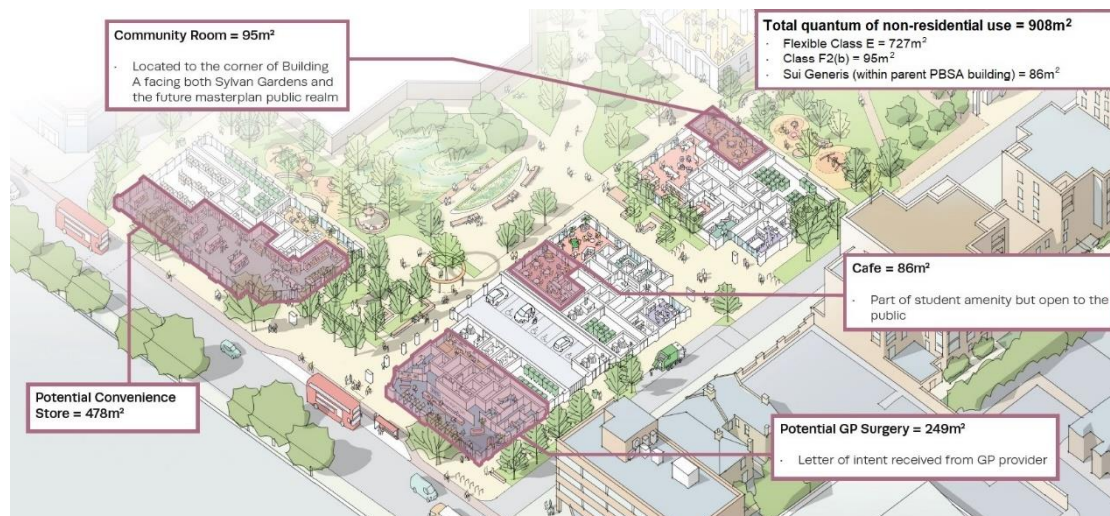
### Conclusion on uses

310. The proposed land uses are appropriate in policy terms for this site within the Old Kent Road Opportunity Area and District Town Centre. The introduction of PBSA is considered to be a major benefit of the scheme, facilitating the growth of the borough's education offer and directly enabling the delivery of a large number of on-site affordable conventional dwellings in the form of 125 social rent units and 75 intermediate units. This would in turn contribute to the creation of a mixed and inclusive community within this part of the Opportunity Area.
311. The three flexible non-residential units and the community hub would be complementary to, and would co-exist well with, the proposed residential uses. These four units would activate the Old Kent Road high street frontage and/or the new public open spaces within the site. The scale and flexibility of the uses proposed means that they would be subservient to the adjoining large scale



town centre uses to the north and complement rather than compete with them. The proposals, in providing a mix of employment-generating and community facilities, meet the expectations of the Southwark Plan and draft OKR AAP site allocations.

312. While the extant permission –and the larger quantum of non-residential floorspace it incorporated– is a material consideration in the determination of this planning application, the proposed scheme is considered to provide adequate employment-generating uses, when balanced against the benefits brought by the other land uses, in particular the 200 affordable homes. The proposed units would provide space that is modern, fit-for-purpose and more energy efficient than the existing outdated buildings on the site.



**Image 46** (above): Axonometric of the ground floor plane, with the proposed non-residential uses highlighted.

313. The potential provision of new GP surgery at the ground floor level of Building C would provide additional healthcare capacity for the local community, and is considered an acceptable alternative to delivering on-site affordable workspace. Planning obligations would ensure the affordable workspace policy requirements are met in the event that a healthcare provider cannot be secured for the premises.
314. The application site is an important catalyst site for the southern end of the Old Kent Road Opportunity Area. The range of proposed uses represents a truly mixed development that will generate new jobs and maximise the opportunity for community integration, revitalising this longstanding under-optimised site. Located opposite the proposed “Old Kent Road Station” of the BLE extension, the proposed development would provide essential place-making, public realm and mixed town centre and high street uses for both future and existing communities. In conclusion, the proposed uses are strongly supported by the draft OKR AAP and the land use objectives of policies at all levels.



## Tenure mix

315. The proposed development takes a hybrid approach whereby the PBSA units, all of which would be direct-let with no affordable bed spaces, would be delivered alongside conventional on-site affordable housing. A total of 200 conventional dwellings are proposed, of which 75 would be in intermediate tenures and 125 in social rent.

### Policy background

316. Policy H6 of the London Plan prescribes the tenure split of affordable housing. It requires:

- at least 30% to be low-cost rent (social rent or London Affordable Rent);
- at least 30% to be intermediate (with London Living Rent and shared ownership being the default tenures); and
- the remaining 40% to be determined by the borough as low-cost rented homes or intermediate tenure(s) based on identified local need.

317. Policy P1 of the Southwark Plan sets a requirement for a minimum of 25% of all the housing to be provided as social rent and a minimum of 10% intermediate housing to be provided. As a proportion of all the affordable habitable rooms in the development, this equates to 71% social rent equivalent tenures and 29% intermediate tenures. Policy P1 requires any rooms that are over 28 square metres to be counted as two habitable rooms for the purposes of calculating affordable housing. This accounts for large open-plan living spaces that include kitchens and dining areas. If a planning application offers more than 35% affordable housing, the offer must comprise a minimum of 25% social rented and a minimum of 10% intermediate housing; the remainder can comprise a mix of affordable tenures at the applicant's discretion.

318. As discussed in an earlier part of this report, the PBSA element of the proposal is entirely direct let and would cross-subsidise the delivery of the affordable housing component of the proposed development.

319. Across all the proposed residential land uses in the development, there are 1,776 habitable rooms. Therefore, to meet the tenure split requirements of Policy P1, the application must offer at least 622 habitable rooms in affordable tenures, to be split between social rent and intermediate in a ratio of 71:29.

320. However, and as explained in detail in the following section of this report, Devonshire Place is subject to a site-specific Fast-Track eligibility threshold of 40.8%. When the threshold percentage is applied to the 1,776 habitable rooms, this produces a minimum requirement for 725 of the proposed habitable rooms to be provided in affordable tenures.

321. In light of the above, across the scheme as a whole a minimum of 725 affordable habitable rooms must be delivered of the following composition:

- at least 444 in social rent tenure;

- at least 178 in an intermediate tenure; and
- the other 103 habitable rooms (i.e. the differential between 622 and 725) can be either social rent or intermediate.

## Assessment

322. The table below summarises the composition of the proposal using the 'habitable room' approach accepted by the Council:

<b>Housing composition by habitable room: Summary table</b>					
<b>Land use</b>	<b>Sub-type</b>	<b>Total no. hab rooms (/hab room equivalent)</b>		<b>As % of total hab rooms</b>	
Conventional housing (Class C3)	Social rent dwellings	496		27.9%	
	Shared ownership dwellings	229	<b>725</b>	12.9%	<b>40.8%</b>
PBSA (Sui Generis)	Cluster bedrooms	604	714	34.0%	
	Cluster l/k/d's	110		6.2%	
	Studios	228	337	12.8%	<b>59.2%</b>
	Premium studios	109		6.2%	
	<i>Communal amenity</i>	<i>Excluded from hab room calculations</i>			
		Total	<b>1,776</b>		<b>100%</b>

323. As the above table demonstrates, the tenure mix of the proposed conventional housing would be policy compliant, exceeding the minimum proportions of social rent and intermediate housing required by both the London Plan and Southwark Plan.

## **Affordable housing and development viability**

### Policy background

324. National, regional and local planning policies place a high priority on the delivery of affordable housing as part of the plan led approach to addressing the housing crisis. Southwark's Strategic Housing Market Assessment (SHMA) identifies a need for 2,077 social rent and intermediate homes per annum which is approximately 71% of Southwark's total housing need. The SHMA suggests that approximately 78% of the total affordable housing need is for intermediate housing to meet the housing needs of lower and middle income residents. However, the most acute need is for social rent housing to meet the needs of homeless households living in unsuitable temporary accommodation such as bed and breakfasts or overcrowded conditions.

325. The regional policies relating to affordable housing are set out in the London Plan 2021, with the three key policies being H4, H5 and H6. These should be applied having regard to the Mayor's 'Housing' and 'Affordable Housing and Viability' SPGs.
326. Policy H4 requires development to deliver the maximum reasonable amount of affordable housing, with the Mayor setting a strategic target of 50%. The Policy promotes the delivery of those affordable homes on-site, with a cash in lieu contribution permitted only in exceptional circumstances. Policy H4 details the quantum of affordable housing proposals must provide in order to qualify for the Fast-Track route, whereby a detailed viability assessment will not be required at planning application stage but the permission will be subject to review mechanisms if development is not commenced within the relevant timeframe.
327. At the local level, the Southwark Plan also includes a Fast-Track route, albeit setting a higher bar to pass than the Mayor. The relevant policy, Policy P1, states that a detailed interrogation of viability will be waived only where a development provides 40% affordable housing in a policy compliant tenure mix (i.e. a minimum of 25% social rent and a minimum of 10% intermediate housing), with no grant subsidy. The 40% Fast-Track threshold is calculated on a habitable room basis. The reasons that accompany Policy P1 qualify the 40% threshold level, saying "for developments proposed on public sector land the Mayor's approach will be followed".

### Assessment of the scheme for Fast-Track eligibility

328. The application site does not contain any industrial land/use but does comprise a mix of public and private land, as explained in an earlier part of this report. Although the site was subject to a Strategic Industrial Land (SIL) designation at the time of the extant hybrid permission, this has since been removed. On that basis, the relevant affordable housing threshold is a factor of the private and public land calculation only.

### Mayor's Fast-Track threshold – background

329. The GLA's Threshold Approach to Affordable Housing on Public Land Practice Note (July 2018) states that where a site comprises a mix of public and private land, the Mayor's strategic target of 50% should apply to the proportion of the site that is public, with the 35% threshold applied to the remainder (i.e. the private portion). The Practice Note makes reference to public land that does not contain a functional building or land use also being subject to the lower 35% threshold. The Mayor is currently consulting on more up-to-date guidance, in the form of the draft Affordable Housing LPG (May 2023). This draft guidance reiterates the position set out in the Practice Notice, stating that where a site is a mix of public and private land, the 35% and 50% threshold will apply to the proportions of the site that are private and public land respectively.

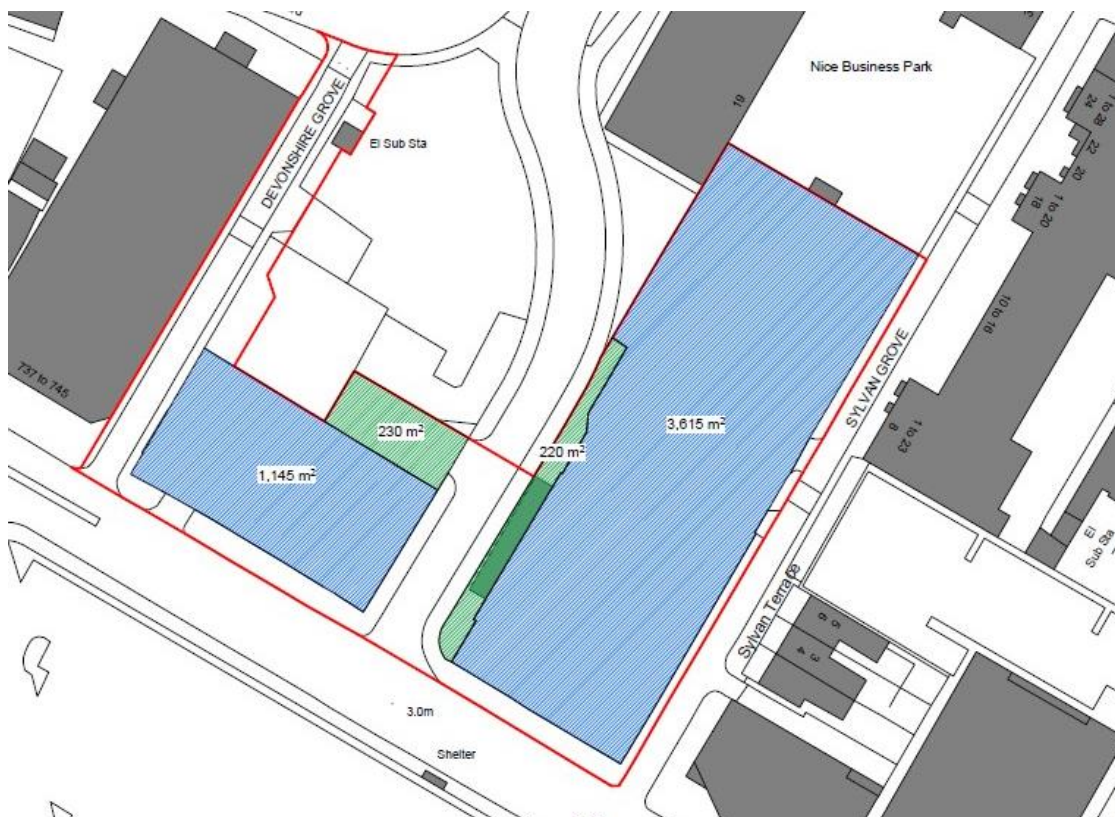
330. When the site is taken as a whole the overall threshold will be a combination of both thresholds, calculated according to the formula below (and with site areas to be calculated in square metres):

$$\begin{aligned} & (\text{public land site area} / \text{total site area}) \times 50 \\ & + \\ & (\text{private land site area} / \text{total site area}) \times 35 \end{aligned}$$

331. The draft LPG goes on to say, at para 3.3.4, that: “Where only a small proportion of a site is public land such as an access route and this does not or did not previously contain a building or land use, the 35% threshold should apply for the whole site”.

#### Mayor’s Fast-Track threshold - assessment

332. As illustrated in the below image, when excluding existing and proposed public highway (both of which do not contain existing or proposed buildings or land uses), the public land totals 450 square metres within the application site – this is equivalent to 8.6%. Therefore, and in the context of the latest draft guidance, it could be argued that 35% is the relevant threshold given that none of the public land does, or will, contain buildings or land uses. This argument would rely, however, on the Council and the GLA concurring with the applicant that the public land represents a “small” proportion of the site, as per the requirements of para 3.3.4.



**Image 47** (above): Plan depicting the public and private land parcels that make up the application site, with the Devon Street (South Arm) highway

*discounted.*

333. To avoid these debates, the applicant has taken an approach for the new development consistent with that of the extant hybrid permission, which generates a site-specific threshold level of 36.3%. This is as summarised below:

<b>Blended threshold approach: Summary table</b>			
<b>Public land</b>	<b>Sq.m</b>	<b>Private land</b>	<b>Sq.m</b>
Public Land Area 1	230	Private Land Area 1	1,145
Public Land Area 2	220	Private Land Area 2	3,615
Total Public Land	450	Total Private Land	4,760
Total Public Land (as % of all included land)	8.6%	Total Private Land (as % of all included land)	91.4%
<b>Mayor's threshold calculation</b>			
+	(public land site area / total site area) x 50	4.3%	= 36.3%
	(private land site area / total site area) x 35	32.0%	

#### Council's Fast-Track threshold - background

334. In terms of establishing a threshold level for sites that comprise a mixture of private and public parcels of land, Southwark Plan Policy P1 says in the supporting notes that "For developments proposed on public sector land the Mayor's approach will be followed". This should be read in the context of the wider policy, which states that where a development meets or exceeds the threshold level of 40% affordable housing, and does so with a policy compliant tenure mix and without grant subsidy, the Council's Fast-Track route can be followed
335. The formula for establishing the local-level threshold is, therefore, as below (and with site areas to be calculated in square metres):

$$\begin{aligned}
 & (\text{public land site area} / \text{total site area}) \times 50 \\
 & + \\
 & (\text{private land site area} / \text{total site area}) \times 40
 \end{aligned}$$

#### Council's Fast-Track threshold - assessment

336. The below table sets out how, when the Council's affordable housing targets of 50% and 40% are applied to the mix of public and private land parcels respectively, any housing proposals for the Devonshire Place site would need to deliver at least 40.8% as affordable in order to be treated as a Fast-Track scheme:

<b>Blended threshold approach: Summary table</b>			
<b>Public land</b>	<b>Sq.m</b>	<b>Private land</b>	<b>Sq.m</b>
Public Land Area 1	230	Private Land Area 1	1,145
Public Land Area 2	220	Private Land Area 2	3,615
Total Public Land	450	Total Private Land	4,760
Total Public Land (as % of all included land)	8.6%	Total Private Land (as % of all included land)	91.4%
<b>Council's threshold calculation</b>			
+	(public land site area / total site area) x 50	4.3%	= 40.8%
	(private land site area / total site area) x 40	36.5%	

337. An earlier part of this report entitled 'Tenure Mix' explained that the proposed conventional housing offer comprises 725 habitable rooms in total, split 496:229 between social rent and intermediate tenures. The table below compares the provision with the minimum number of habitable rooms needed in each tenure in order for the proposal to qualify as Fast-Track:

<b>Habitable room distribution across affordable tenures: Summary table</b>			
<b>Provision</b>	<b>Social rent</b>	<b>Intermediate</b>	<b>Total</b>
Proposed hab rooms	496 (68.4% of all a/h)	229 (31.6% of all a/h)	725
Min. F-T requirement	444	178	725
Provision vs min. F-T requirement	<b>+52</b>	<b>+51</b>	<b>±0</b>

338. Given that the proposed development surpasses the site-specific threshold level of 40.8%, and does so with the first 35% in a tenure compliant ratio of 71:29 between social rent and intermediate, under the terms of Policy P1 it would be eligible to follow the Fast-Track route. However, because the proposed development is a hybrid residential use that couples conventional affordable housing with direct-let PBSA, it engages Policy P5(2) of the Southwark Plan, not just Policy P1.

339. An earlier part of this report entitled 'Principle of the proposed development in terms of land use' detailed the policy context for student housing proposals, and explained that Policy P5 is structured in response to a locally assessed need to prioritise Class C3 conventional affordable housing. It also explained why Policy P5 takes precedence over the counterpart London Plan student housing policy. The policy provides two avenues for applicants to follow, one for schemes that are entirely direct let (this is P5(2) and one for schemes that are nominations (this is P5(3)). As the Devonshire Place proposal is for direct-let PBSA, route P5(2) applies.



340. Policy P5(2) includes a requirement for 27% of student rooms to be let at affordable rents. Accordingly, an FVA has been submitted by the applicant with the intention of demonstrating that the proposal cannot viably sustain any affordable student housing in addition to the level of conventional affordable housing proposed. The FVA modelled a 'counterfactual' scheme, whereby a Policy P5 compliant level of affordable student housing is offered on top of the current over-provision of conventional affordable housing.

#### Assessment of non-provision of student accommodation

341. The applicant's FVA found that the counterfactual scheme would be significantly unviable and ultimately undeliverable. Having reviewed the FVA, the Council's assessor (BPS) agrees that delivering discounted student accommodation would produce a deficit. It would not, therefore, be viable to provide this in addition to the Class C3 affordable housing offer.

342. As such, it can be concluded that the scheme achieves Fast-Track status at both Mayoral and borough levels in its offer of 40.8% affordable housing in a tenure compliant mix without grant subsidy, and with none of the student rooms being let at affordable rents.

#### Assessment of scheme deliverability

343. Sensitivity testing carried out as part of the applicant's FVA showed that, even in the event that where PBSA rents increase from their base position by 10% in conjunction with build cost savings of -5%, the target rate of return is still not exceeded (0.50% deficit). However, the testing did find that, if built costs were to fall by 10% along with 10% rent increases, the target rate of return would be exceeded. In light of this, and while the proposed scheme cannot afford any additional planning contributions at this stage, it is potentially capable of being viable and is therefore deliverable.

344. In the context of the Old Kent Road Housing Delivery Plan, the demonstrated deliverability of the planning application provides further support to designating it as part of the 'Phase 1' tranche (in so doing consuming Phase 1 capacity that would otherwise be available to other housing proposals). In turn, the forecasted deliverability provides reassurance that the development would not constrain the delivery of housing across the borough as a whole, and thus would not militate against the Council's meeting its development targets between now and 2036 as set out in Policy ST1.

#### Review mechanisms

345. As demonstrated in the applicant's FVA, there would be a viability case for offering a lower level of affordable housing in this instance: the scheme is in financial deficit, surmountable only if market conditions become more favourable, as per the sensitivity analysis undertaken. The applicant has chosen not to do this, instead deciding to maintain a similar level of affordable housing (in terms of habitable room percentage and quantum) as the extant

hybrid permission. It is also noteworthy that in terms of the development programme, the conventional (i.e. affordable) housing would be delivered before the PBSA (i.e. market rate) units, which will be secured via appropriate Section 106 mechanisms.

346. No mid- or late-stage viability review mechanisms are proposed because, with all Fast Track thresholds having already been met, any such reviews would be to no purpose (i.e. they would not result in any more on-site affordable housing than is already proposed at planning application stage). For these reasons, only an implementation-dependent Early Stage Review will be secured in the Section 106 Agreement.

347. The Mayor's draft LPG states "Provisions that seek to delay the trigger date for an Early Stage Review should not be included in the S106 agreement, as this review is intended to secure additional affordable housing where viability allows – regardless of the reason development may have been delayed". The LPG goes on to say that schemes following the Fast-Track route "It is not appropriate to input application stage build cost or value information into Early Stage Review formulas for Fast-Track schemes, even if this is submitted as part of the application".

348. The applicant wishes to delay the trigger date for the Early Stage Review by 6 months; as such, the trigger date will be 30 months from the grant of planning permission. In spite of the guidance given in the Mayor's draft LPG, in this instance the 30 month period is considered acceptable, as it is designed to account for the time it will take to carry out the Devonshire Grove works. It should be noted that the extant hybrid permission included a non-standard Early Stage Review window of 42 months for the same reasons as aforementioned. By comparison, the 30 months secured in this new application represents a significantly more ambitious deadline by which the developer must reach substantial implantation. In this regard, it is considered that the 30 months balances the Mayor's objectives of accelerating housing delivery while also accounting for site-specific barriers that need to be overcome to unlock potential housing land.

349. Although in disagreement with BPS' conclusions on the inputs used in the application-stage FVA, for the purposes of concluding the viability discussions ahead of planning committee, the applicant agreed to the viability position as reported by BPS for the site as a whole. The applicant's agreement was subject, however, to four of the agreed inputs being 'fixed' at planning application stage in the Early Stage Review formulas. The inputs agreed by BPS are:

- Application-stage costs: £208,504,800 (composed of £198,576,000 plus a contingency of £9,928,800);
- Gross Development Value: £328,156,877;
- Profit: 15% of all GDV (except affordable 6% on the affordable element); and
- Deficit: -£23,580,000

## Pace of affordable housing delivery

350. The Mayor's draft Affordable Housing LPG 2023 states the following at paragraph 6.1.2:

*"The [S106] agreement should include restrictions on the occupation of a proportion of market housing before an appropriate proportion of the affordable housing, particularly low-cost rent, has been constructed and disposed of to an RP or the council. This should ensure that the baseline level of affordable housing secured in the S106 agreement will be delivered. Affordable housing should be included within the initial buildings or phases of schemes and should not be concentrated in the final buildings or phases, which could result in the relevant S106 obligations not being met".*

351. The construction programme is estimated to take just over 4 years and 5 months, with Blocks C and D to be delivered by late summer 2027, and Blocks B and A completed by the beginning of the academic year in 2028. A summary of the indicative timetable is provided below:

<b><u>Indicative construction programme: Summary table</u></b>			
<b><u>Works</u></b>	<b><u>Weeks, days</u></b>	<b><u>Start date</u></b>	<b><u>End date</u></b>
<b><u>Demolition and enabling</u></b>			
Implementation / start-on-site and services diversions	12w, 1d	25.04.2024	19.07.2024
Widen Devonshire Grove to provide SIWMF new access/ egress	8w, 0d	22.07.2024	16.09.2024
<b><u>Delivery of Buildings C and D</u></b>			
Building C below ground and main construction works	81w, 3d	26.11.2024	19.06.2026
Building D below ground and main construction works	120w, 2d	21.01.2025	13.05.2027
Building C fit-out	75w, 0d	11.08.2025	18.01.2027
Building D fit-out	83w, 3d	13.01.2026	20.08.2027
<b><u>Delivery of Buildings B and A</u></b>			
Building B below ground and main construction works	105w, 1d	15.04.2025	21.04.2027
Building A below ground and main construction works	156w, 2d	16.06.2025	14.06.2028

Building B fit-out	73w, 3d	06.01.2026	25.06.2027
Building A fit-out	114w, 1d	03.08.2026	02.10.2028
<b><u>Entire construction programme</u></b>			
Start to finish (demo, enabling and delivery of all four buildings)	<b>231w, 5d</b>	<b>25.04.2024</b>	<b>03.10.2028</b>

352. As the above table shows, the commencement of Buildings C and D (the affordable housing) has been foregrounded in the construction programme, with both buildings preceding any commencement of Building A or B. The final of the two affordable housing blocks, Building D, is anticipated to complete approximately one year and one month before completion of the final PBSA block, Building A.

353. To ensure delivery of the affordable housing keeps pace with the market element, it is proposed to include the following back-stops in the Section 106 Agreement:

- none of the PBSA units can be occupied until at least 37% of the affordable housing is delivered (i.e. not until Building C has been delivered could any PBSA units be occupied); and
- no more than 32% of the student accommodation can be occupied until all 120 affordable housing units have been delivered (i.e. not until Buildings C and D have been delivered could the majority of the PBSA (i.e. Building A) be occupied).

354. On account of the above, there are suitable safeguards in place to ensure the delivery of the affordable housing keeps pace with the market sale (PBSA) residential component.

355. It is recognised that the sequencing of the affordable housing, whereby the low-cost rent would come after the shared ownership element, is not wholly in line with recommendations of the LPG. However, because all 200 units would need to be delivered before the vast majority of the PBSA (68%) could be occupied, and taking into account the practical need to build-out Building C before the other buildings, the sequencing is on balance considered acceptable.

### Conclusion on affordable housing and development viability

356. On this site comprising privately-owned and publicly owned non-industrial land a target of 36.3% by habitable room (meeting relevant discount and tenure thresholds), without public subsidy, must be provided to be eligible for the Mayor's Fast-Track Route. This figure is higher for the local-level Fast-Track route, being 40.8%. The Devonshire Place proposal would deliver 40.8%, exceeding the Mayor's threshold and meeting Southwark's, and thus negating the policy requirement for any interrogation of viability at planning application

stage. However, a FVA was volunteered by the applicant because of the Council's student homes policy, P5 of the Southwark Plan.

357. As per part 2 of Policy P5, the applicant is prioritising and maximising the delivery of on-site affordable housing. The volunteered FVA demonstrates that 40.8% affordable housing offered would result in a deficit for the developer, and as such the proposed level of affordable housing is in excess of the maximum reasonable amount.

358. Through sensitivity checking, the FVA confirms that in spite of the deficit, longer-term favourable market conditions could make the scheme financially viable and thus deliverable. This would largely depend on forecasted increases in PBSA rents in the coming years.

359. In accordance with the requirements of London Plan Policy H5 and Southwark Plan Policy P1, the Section 106 Agreement will incorporate: an implementation-dependent Early Stage Review; clauses to ensure delivery of a proportion of the conventional housing in advance of the PBSA; and provisions around the qualifying criteria for the affordable housing products. With these secured, the proposal is considered to be compliant with all affordable housing policies at local and London levels. It would also largely accord with the guidelines set out in the Mayors' draft Affordable Housing LPG 2023.

## **Dwelling size mix**

### Policy background

360. With regard to dwelling size mix, the principles set out by London Plan Policy H10 are made locally specific by Southwark Plan Policy P2. The latter states that major residential developments must provide a minimum of 60% of residential units with two or more bedrooms, and that within the OKR Action Area Core 20% of residential units must have three or more bedrooms. Dwelling mix compliance is assessed on the basis of dwelling numbers, not habitable rooms.

### Assessment

361. The below table summarises the split of sizes/occupancies across the 200 proposed conventional (Class C3) dwellings:

<b><u>Distribution of dwelling sizes across affordable tenures: Summary table</u></b>				
<b>Unit size</b>	<b>Social rent</b>		<b>Intermediate</b>	<b>Total</b>
1-bed	39	(31.2% of all SR)	36 (48.0% of all SO)	75 (37.5%)
2-bed	45	(36.0% of all SR)	39 (52.0% of all SO)	84 (42.0%)
3-bed	37	(29.6% of all SR)	0	37 (18.5%)

4-bed	4 (3.2% of all SR)	0	4 (2.0%)
All units	<u>125</u>	<u>75</u>	<u>200</u> (100%)

362. As the table shows, 62.5% of the units would have two or more bedrooms, and 20.5% of the units would contain three or more bedrooms. This meets the requirements of Policy P2. The provision of some four-bedroom dwellings, all in social rent tenure, should be seen as a positive attribute of the scheme.

## **Quality of residential accommodation – PBSA**

### Policy background

363. 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.

364. 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:

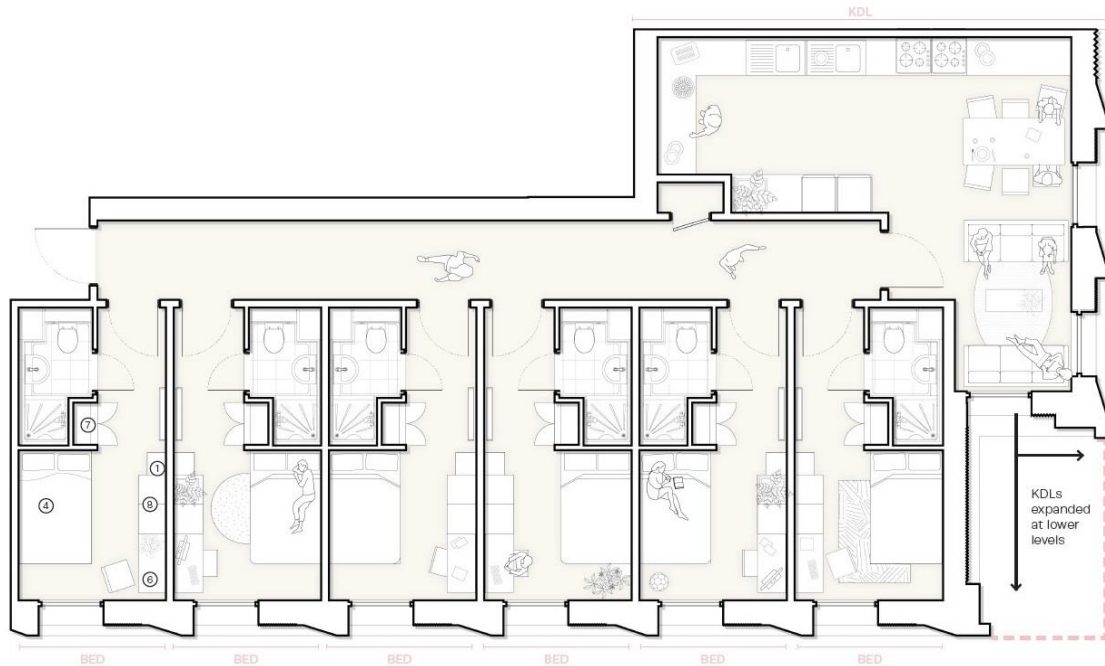
- Criteria 1 - Provide a high standard of quality of accommodation for living conditions;
- Criterion 6 - Provide acceptable levels of natural daylight by providing a window in every habitable room;
- Criterion 7 - Achieve a floor to ceiling height of at least 2.5 metres for at least 75 per cent of the Gross Internal Area of each dwelling to maximise natural ventilation and natural daylight in the dwelling; and
- Criterion 14 - Provide communal facilities.

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

### Spatial arrangement

366. Three different ‘bedspace’ formats are proposed. The majority of these (604 of the 941) would take the form of a 12.5 square metre GIA private en-suite bedroom within a cluster flat, where the occupiers would share an open-plan communal kitchen, living and dining space. The bedrooms would be furnished with a queen size bed, a desk and storage space. The square meterage of the open-plan communal space varies depending on the particular floor of the building on which the cluster flat is located, as well as in some instances the number of bedspaces within the flat. None of these kitchen/living/dining spaces would be smaller than 27 square metres, with some in excess of 35 square metres.





**Image 48** (above): Typical cluster flat layout in Building B, showing the dual aspect nature of the communal kitchen/living/dining space.



**Image 49** (above): Visual of the communal living/kitchen/dining space within the cluster flats.



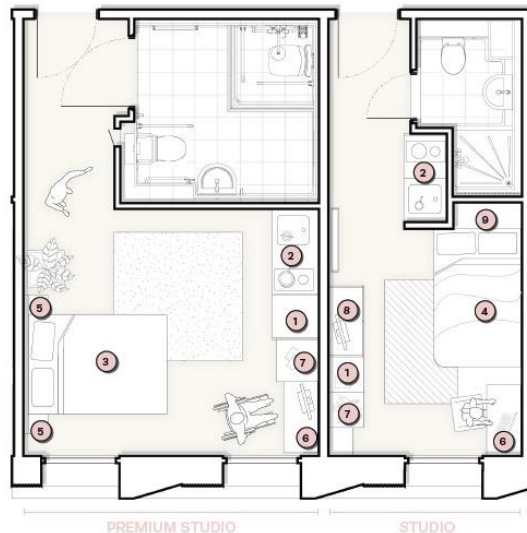
**Image 50** (above): Visual of a cluster bedroom.

367. The other two 'bedspace' formats proposed are regular studios and premium studios. The studio typology is a self-contained apartment equipped with a shower room and all the necessary facilities to meet the sleeping, living and food preparation needs of the individual occupier. 228 regular studios and 109 premium studios are proposed.

368. With regard to the premium studios, these would range in size from 25.0 to 30.0 square metres GIA. The premium studios are generously proportioned and would provide very good levels of residential amenity for the occupiers.

369. The regular studios would range in size from 16.8 to 24.0 square metres GIA. Although these particular unit types are of an efficient configuration, the layouts submitted as part of the planning application include furnishings to illustrate how queen-sized beds, a desk and storage space could be accommodated in

a way that would not be cramped or impractical for use. Alongside furnishings, a kitchenette would provide two hob rings, a sink a fridge and cupboards for storing food and waste. The occupier would be expected to dine at their desk. On balance, and taking account of the level of internal communal facilities provided within the PBSA buildings that would supplement the private individual accommodation, the regular studios are considered to be of an adequate size and layout.



**Images 51 and 52 (left and above):**  
Layout of the two types of studio;  
Visual of one of the regular studios.

370. All of the accommodation typologies would achieve at least 2.5 metre floor-to-ceiling heights, which is in accordance with Policy P15. This would contribute to the sense of space within these dwelling units.

#### Environmental comfort

371. Each bedroom would incorporate at least one window containing an openable pane. This would allow for a degree of manually-controlled passive ventilation and thermal control. Air tempering would be available in the rooms to complement the natural ventilation.
372. The Noise and Vibration Assessment submitted with the application outlines how, through a suitably designed façade and ventilation strategy, the building façade would ensure appropriate internal noise conditions are achieved. 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.

#### Aspect, outlook and sense of openness

373. Outlook, sense of openness and privacy are all very important considerations for student housing proposals, as unlike conventional housing which provides occupiers with multiple rooms and a variety of outlooks, the bedrooms would

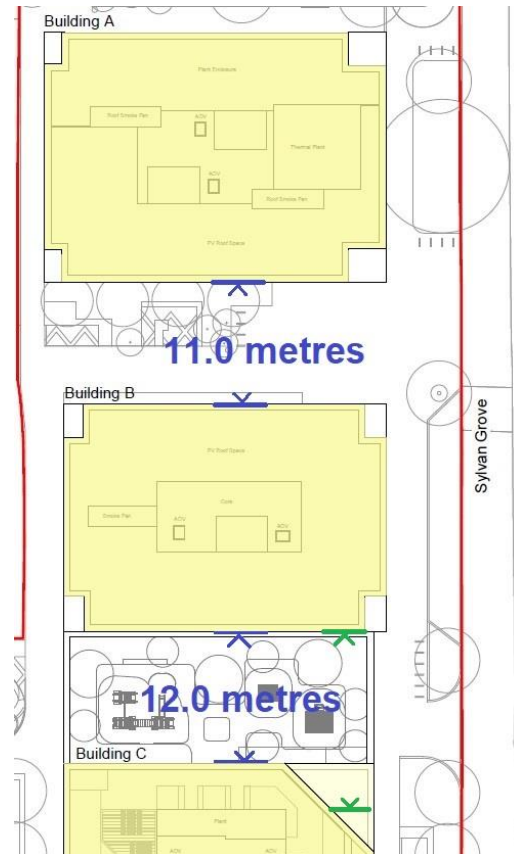
be in many cases the only space inhabited by the occupiers, and they would do so for much of the year.

374. Buildings A, B and C have been arranged on the site in a linear formation, running along a northeast-southwest axis. This enables all the northwest, southeast and northwest facing facades to enjoy extremely good outlook and sense of openness in the current-day context.

375. As the diagram to the right shows, the linear arrangement produces façade-to-façade spacing's between the buildings as follows:

- 11.0 metres between A and B; and
- 12.0 metres between B and C.

376. With regard to the 12.0 metre distance for the southwest-facing rooms in Building B, it is recognised that this is a relatively intensive relationship between windows that do not face each other across a highway. To help ease the relationship between the two buildings, the applicant has chamfered the eastern corner of Building B on its upper three storeys. As a consequence of the chamfer, the separation distance widens to an average of 16 metres (as indicated in the diagram by the green markers). For the rooms on the upper floors of Building B's southwest facade, the chamfer would produce a deeper and more expansive outlook, albeit in an oblique direction.

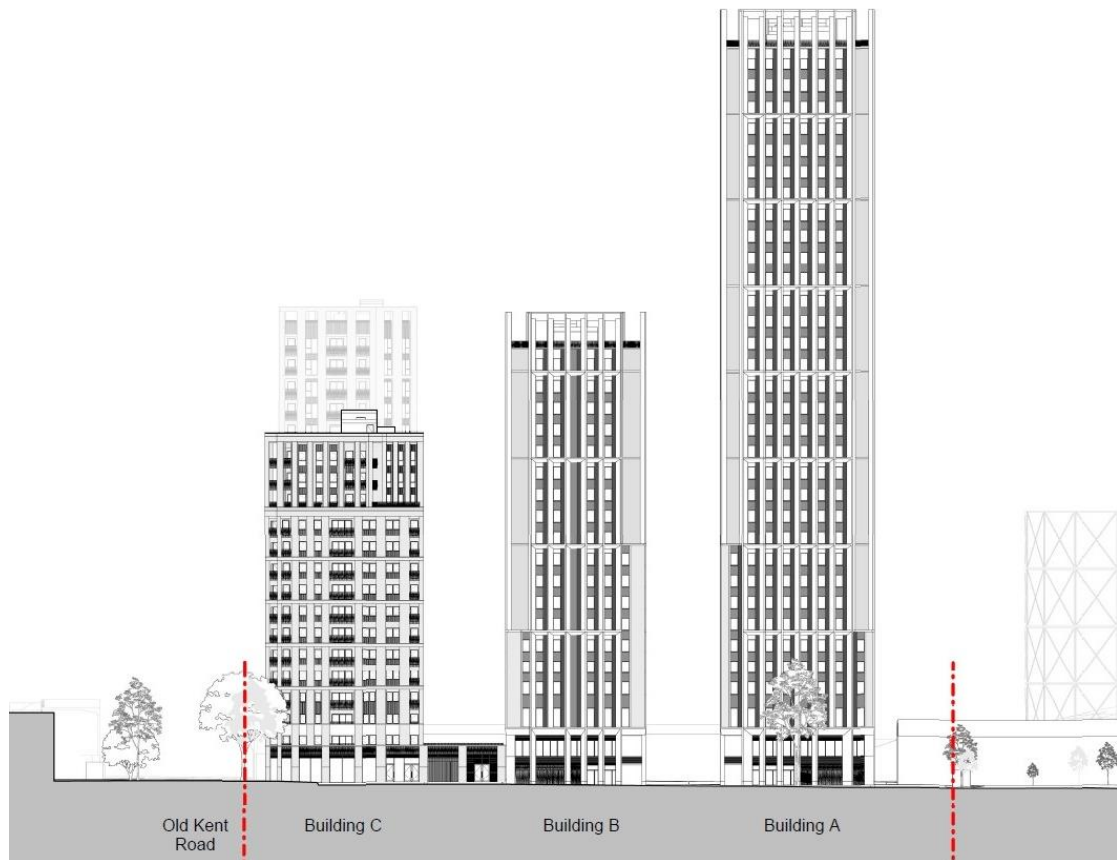


**Image 53** (above): Plan of Buildings A, B and C (highlighted yellow) with the separation distances annotated in blue and green.

377. The relative heights of the buildings, with C being four storeys shorter than B, would also help reduce the sense of enclosure for the PBSA residents. Overall, it is considered that a good quality of outlook would be achieved for all rooms located on this façade of Building B.

378. It must be acknowledged that the PBSA bedspaces looking onto Assembly Gardens (the space between Buildings A and B) would be set at a close distance to each other. Notwithstanding, the rooms in question are all bedrooms forming part of cluster flats. As such, the occupiers of these bedrooms would have use of a second room (the living/kitchen/dining space) within their home from which to enjoy an alternative view to the exterior. In all instances the living/kitchen/dining spaces are dual aspect, and thus would offer the student occupiers a good quality alternative outlook.

379. The notched corners to both of the buildings, which produce voids that rise through the full height of the massing, are another device that helps to lessen the effective breadth of the buildings, in turn helping to enhance the outlook and sense of openness from the PBSA bedspaces that look onto Assembly Gardens.
380. It is also important to note that because Building B is thirteen storeys shorter than Building A, only approximately half of the southwest-facing windows at Building A would be subject to the 11-metre separation distance; all the rooms on the upper floors would have an entirely unobstructed view 'out' to the southwest.



**Image 54** (above): Sylvan Grove (southeast) elevation of Buildings A, B and C, with Building D shown as a faded elevation behind Building C.

381. While all of the cluster bedrooms would be single-aspect, a number of the studios (both regular and premium) would achieve dual aspect. Where achieving dual aspect has not been feasible, opportunities have been taken where possible to provide these studios with two windows.



382. For the reasons set out above, and recognising the site's Opportunity Area location and the attendant policy imperative to optimise density through a design-led approach, the outlook and sense of openness for all PBSA occupiers would be acceptable on balance.

**Image 55** (right): Building A floorplan, showing the dual aspect effect of the notches.



### Privacy

383. The one representation received in objection to this planning application raised, among other things, a concern that the relationship between Buildings A, B and C would cause unacceptable overlooking of the proposed PBSA units.

384. With regard specifically to preventing harmful overlooking of dwellings, the 2015 Technical Update to the Residential Design Standards SPD 2011 requires developments to achieve:

- a distance of 12 metres between windows on a highway-fronting elevation and those opposite at existing buildings; and
- a distance of 21 metres between windows on a rear elevation and those opposite at existing buildings.

385. While the above guidelines are helpful in informing decisions about privacy impacts, it is important to recognise that the recommended distances can be applied more flexibly where the rooms under assessment are all proposed (i.e. none are existing).

386. The applicant has intentionally staggered the windows on the facades of the PBSA buildings so that none of the habitable room windows would directly face each other. In addition, on every floor of both buildings, all the bedroom windows would be interspersed by a deeply-projecting vertical 'baguette'; these elevational features would provide a splay restriction, further lessening opportunities for oblique mutual overlooking.

387. In summary —and while recognising that neither the 11 metres separating Block A from Block B nor the 12 metres separating Building B from Building C would meet the guidelines of the Residential Design Standards— given the urban context and the mitigating design features, no harmful overlooking is anticipated for any of the PBSA occupiers.

### Daylight

388. In new buildings, the BRE 2022 guidelines recommend calculating 'illuminance'

to determine whether a dwelling will appear reasonably daylit. The UK National Annex gives illuminance recommendations of:

- 100 lux in bedrooms;
- 150 lux in living rooms; and
- 200 lux in kitchens.

389. These are the median illuminances, to be exceeded over at least 50% of the assessment points in the room for at least half of the daylight hours.

390. The planning application is accompanied by a Daylight, Sunlight and Overshadowing (DSO) report, based on a 'worst case scenario' model, whereby all cumulative schemes within the area have been included within the existing baseline.

391. With regard specifically to the illuminance assessment provided within the DSO report, this shows that 878 out of 1032 rooms assessed would be fully compliant with the target values advised by the BRE, which equates to 85%. Of the 154 rooms that fall short of the target criteria, 57 rooms are within Building A and 97 rooms are within Building B. These are clustered on the lower floors, with the most heavily impacted rooms being those that look onto Assembly Gardens.

392. All 57 rooms of the affected rooms in Building A are the cluster student bedrooms. Some of the affected rooms record illuminance levels as low as 55 to 60 lux; however, these would be relatively few in number. In terms of Building B, similarly low illuminance levels would be achieved (53 lux at lowest) in a small number of instances. All but four of the 97 affected rooms would be cluster student bedrooms benefitting from access to well-lit and dual aspect communal living/kitchen/dining spaces. The remaining 4 living/kitchen/dining rooms would demonstrate a good median lux value of between 183 and 197 lux, marginally short of the 200 lux level recommended by the BRE.

393. Although bedrooms in conventional dwellings are considered less sensitive in terms of their daylight needs than other room types (due to their principal use of sleeping), student bedrooms are typically used for longer daytime periods by the occupier and are normally where daylight-reliant activities take place, such as studying. Therefore, the natural light expectations in student rooms are arguably higher than those of a conventional bedroom. At the same time, it must be recognised that all students within the proposed cluster bedrooms would have additional access to well-lit and dual aspect communal living/kitchen/dining spaces where it is expected that they would spend a reasonable proportion of their time, carrying out activities such as eating, relaxing with their flatmates and potentially studying.

394. Buildings A and B have been designed to optimise all available daylight to the communal living/kitchen/dining spaces and studios, as per the advice given by officers during the course of the pre-application engagement process. Hence, the living/kitchen/dining spaces have been positioned on the southeast and northwest edges of the floorplates, with the buildings' corners taken advantage



of to produce dual aspect. Due to this design approach, all of these rooms would achieve 150 lux or better.

395. On account of the above, and having given regard to the daylight levels that can typically be expected in a Opportunity Area context where increased density is anticipated, it is considered that the impacts would not be of such magnitude to warrant refusal of the proposal, especially when balanced against the various wider benefits the proposed development would bring as detailed throughout this report.

### Sunlight

396. In new buildings, the BRE 2022 guidelines recommend calculating the 'sunlight exposure' to assess whether a dwelling will appear reasonably sunlit. This test measures the hours of sunlight that could be received at the centre point of each window on 21 March.
397. The results of the sunlight assessment show that all (100%) living/kitchen/dining rooms with a main window facing within 90 degrees of due south would be fully compliant with the recommended BRE Guidelines sunlight targets.
398. Like with the daylight performance discussed above, there would be some instances of PBSA bedrooms not meeting the target criteria for sunlight; in the main, the affected bedrooms are those on the southwest façade of Building B and those that look onto Assembly Gardens. These instances of non-compliance total 129 in number, equating to 51% of all (251) tested bedrooms.
399. Recognising the challenges to achieving compliance with the BRE sunlight guidelines in locations where densification is expected, and taking account of the fact that all living/kitchen/dining areas would meet the recommendations, it is not considered that the amenity of the bedroom occupiers would be harmed.

### Wheelchair rooms

400. The Building Regulations make clear that student accommodation is to be treated as hotel/motel accommodation for wheelchair specification purposes. As such, Policy E10(H) is the relevant policy to apply in assessing compliance of PBSA wheelchair proposals, as has been clarified by GLA Practice Note 'Wheelchair Accessible and Adaptable Student Accommodation' dated November 2022. In respect of the 941 bedspaces proposed across Buildings A and B, 109 would be provided to M4(3) standards.
401. Representing more than 10% of the total number of bedspaces, the wheelchair unit provision would meet the numerical requirements of Southwark Plan Policy P5. In locational terms, the units would also meet policy requirements, being provided across various floors. This would help achieve social integration.
402. The M4(3) units 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 have gone through clearing and are applying for accommodation just before the start of term). The wheelchair user accommodation is to be secured through the Section 106 Agreement.

#### Internal communal facilities

403. In addition to the private and shared spaces within the units themselves, internal communal amenity spaces are proposed. These would be distributed throughout the building to offer a range of different spaces for communal amenity. A series of dining spaces, lounges and gyms are proposed to provide space for occupiers to be social and active. Study spaces incorporating libraries are proposed on the second and third floors of Buildings A and B to facilitate quiet study spaces. Building A would also include a cinema/screening room. The café located on the ground floor of Building B represents part of the student amenity offer, however will be publicly accessible.
404. The size of these facilities and their distribution across the two buildings are summarised below:

<b>Internal communal facilities within the PBSA: Summary table</b>			
<b>Building</b>	<b>Floor</b>	<b>Facility</b>	<b>Size (sq. m)</b>
A	00	Private dining room	30.6
	00	Student lounge	92.6
	02	Gym, library, break-out room	385.1
	03	Quiet study, silent study, cinema	425.3
	<b>Total:</b>		<b>932.5</b>
B	00	Cafe	86.5
	00	Private dining room	30.8
	00	Student lounge	63.5
	01	Gym, break-out room	111.4
	02	Quiet study, silent study	108.3
		<b>Total:</b>	<b>400.6</b>
<b>Total across both buildings:</b>			<b><u>1333.1</u></b>
<b>Average per PBSA bedspace:</b>			<b><u>1.4</u></b>
<i>Not included in calculation</i>		<i>Back-of-house space including laundry facilities, toilets, storage, parcel store, reception/office etc.</i>	

405. As the above table shows, these communal amenity spaces would provide on average 1.4 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.
406. Although all the communal amenity facilities would be provided on the lower storeys of the buildings, meaning those residing in studios and flats on the uppermost floors would be some distance away, the facilities need to be

concentrated at the base of the buildings for fire safety reasons. In any case, residents living on storeys towards the tops of the buildings would in all probability access the facilities using elevators rather than the staircases, and as such their journey time would be short.



**Image 56** (above): Layout of Levels 00 to 03 of Building A, showing how the communal facilities would be arranged on Levels 00, 02 and 03, with Level 01 given over exclusively to cycle storage.

407. For the reasons given above, it is considered that a good level and range of internal communal facilities would be provided for the PBSA residents.

#### Access to outdoor space

408. The proposed PBSA would not come with any outdoor facilities exclusively for the student residents. As discussed in detail in a later part of this report, the development as a whole would provide 1,685 square metres of 24/7 publicly-accessible realm. AAP11 of the draft OKR AAP expects 5 square metres of public open space to be provided for every new dwelling, meaning the 200 conventional homes to be provided in Buildings C and D consume a 1,000 square metre of the 1,685 square metres of on-site space. As the number of PBSA bedspaces equates to 514 dwellings (rounded up), which generates a 1,570 square metre requirement, the residual on-site public realm (685 square metres) would not fulfil this policy requirement. The shortfall would be 885 square metres.

409. The draft OKR AAP requires that, where the quantum of on-site public open space proposed would fail to meet the needs of number of homes proposed, a payment-in-lieu may be acceptable. The tariff is £205 for every square metre of undelivered on-site public open space. In the case of the Devonshire Place proposal, this generates an in-lieu sum of £181,425. This will be secured through the Section 106 Agreement.

410. The proposed student housing scheme on the adjacent Daisy Business Park site would also fall short on delivering its on-site public realm requirements, triggering a public open space payment-in-lieu of £113,570. Thus, if both schemes are granted permission and both are implemented, they would make a combined contribution of over £290,000. This would be ring-fenced for investment in new, and enhancement of existing, local public open space.

#### Conclusion on quality of residential accommodation - PBSA

411. Although one of the respondents to the public consultation has raised concerns about the quality of life for the student occupiers due to the size of the rooms and the quality of outlook (for those facing each other across Assembly Gardens, and also for those looking towards Building C), the proposal would achieve good quality living accommodation for students. A range of room sizes and shared facilities is proposed, achieving overall acceptable internal natural light and levels of environmental comfort. There has been clear consideration of accessibility, and a financial contribution towards investment in nearby public open space would be secured.

412. For the reasons given above, the proposed PBSA would comply with London Plan Policy H15, while also meeting the four relevant criteria of Southwark Plan Policy P15.

### **Quality of residential accommodation – Conventional housing**

#### Policy background

413. 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.

414. 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.

#### Assessment

### Tenure integration

415. 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.
416. The application proposes to contain all of the social rent homes in Building D and all of the shared ownership homes in Building D. Despite the two tenures not being full integrated, the external appearance of the two buildings would be of a consistent standard, and the communal entrances would be indistinguishable from each other, thus ensuring imperceptibility of tenure. In addition, the various outdoor communal and public landscaped spaces serving the two blocks would help to foster integration between residents irrespective of the tenure of their home. This would ensure equity of esteem from street level.

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

417. 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 200 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.



**Image 57** (above): Layout of Levels 02-07 of Building D, showing the range of home sizes that would be provided and their layouts.

418. In summary, the dwelling, room and built-in storage sizes are considered acceptable.

### Wheelchair dwellings

419. This planning application proposes 25 'wheelchair accessible/user' homes compliant with Building Regulation M4(3) standard. This equates to 12.5% of the total number of dwellings. The 25 homes, which would be in a range of dwelling sizes and distributed across various floors of the two buildings, would be split between the following specifications:

- x 13 M4(3)(2)(a) 'Wheelchair accessible'; and
- x 12 M4(3)(2)(b) 'Wheelchair user' (i.e. fully fitted-out).

420. All of the 12 M4(3)(2)(b) units would be in Building D, which meets the local-level requirement for 10% of the social rented homes within a development to be fitted out to this higher standard, as specified in Southwark Plan Policy P8(3).

421. All other dwellings would be designed to achieve the Building Regulation M4(2) standard 'wheelchair adaptable'.

422. The number and layout of wheelchair dwellings, and their distribution across the tenures, 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

423. All dwellings would have a floor-to-ceiling height of 2.5 metres. This meets 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, outlook and sense of openness

424. Of the 200 dwellings proposed:

- x64 (32%) would be single aspect; and
- x136 (68%) would be dual aspect.

425. Of the 64 single-aspect units, 40 would be in Building C (the intermediate block), with the remaining 24 in Building D (the social rent block). All the single-aspect units would be one- or two-bedroomed, none would face within 90 degrees of due north, and the key habitable rooms for each of these flats would have generously proportioned windows to provide occupiers with a broad viewframe. Furthermore, the floorplate shape of both buildings means windows would not be flanked by deeply projecting walls, thereby guarding against the occupiers experiencing a tunnelled outlook. Thus, despite the single direction of outward view from some of the proposed dwellings, the floorplate configuration and orientation of the building means the occupiers would benefit from an acceptable quality of outlook.



426. In summary, the proposal would achieve a clear predominance of dual aspect, with all proposed dwellings benefitting from an acceptable quality of outlook. Although a small number would be single-aspect, none would be north-facing, and when balanced against the need to achieve an efficient use of land, it is considered that the new dwellings' quality of aspect and outlook would be in accordance with the policy framework.

### Privacy

427. The only existing residential buildings sufficiently close to Buildings C and D to present any potential privacy impacts for the future occupiers are the maisonettes at 1-6 Sylvan Terrace. However, as the across-street relationship between Building C and these maisonettes exceeds the 12 metre distance recommended by the Residential Design Standards, there would be no risk of privacy harm to the future occupiers of the proposed conventional housing.

### Daylight

428. As discussed in an earlier part of this report, in new buildings the BRE 2022 guidelines recommend calculating 'illuminance' to determine whether a dwelling will appear reasonably daylit. The UK National Annex gives median illuminance recommendations of:

- 100 lux in bedrooms;
- 150 lux in living rooms; and
- 200 lux in kitchens.

429. Where a room has a shared use, the highest target should apply (i.e. 200 lux in the case of a kitchen/living room). However, in the interests of discouraging applicants from designing small separate windowless kitchens, the CBDM methodology says that a degree of design flexibility can be applied in the case of a combined living/dining/kitchen area if the kitchens are not treated as habitable spaces.

430. The applicant's DSO report contains the results of internal daylight testing for a selection of the habitable rooms across Buildings C and D. The sample size for Building C is 74 rooms, and for Building D 82 rooms.

431. With respect to Building C, the tested rooms comprise 40 living/kitchen/dining spaces and 34 bedrooms. Looking specifically at the living/kitchen/dining rooms, 19 would achieve a median lux value of over 150 lux, which is considered good having regard to the CBDM methodology referred to above. The remaining 21 living/kitchen/dining rooms record median lux values of between 41 and 146 lux. The rooms at the lower end of this range would provide relatively low levels of daylight on average, although it should be remembered that actual levels of daylight achieved will vary throughout the year.

432. Turning to Building D, the 82 rooms assessed comprise 56 living/kitchen/dining spaces and 26 bedrooms. 22 of the 56 living/kitchen/dining spaces would demonstrate a median lux value of over 150 lux, with the remaining 34

demonstrating a median lux value of between 58 and 149 lux. As with the performance of the living/kitchen/dining spaces in Building C, these results for Building D indicate some of the rooms would on average experience lower daylight levels than their neighbours, but again actual daylight levels will vary through the year.

433. Across the two buildings, the 60 bedrooms tested record median lux value of ranging from 44 at the lowest to 97 lux at the highest. Although below the BRE recommendations, these are considered acceptable given the primary function of these rooms and the need to place the living/kitchen/dining rooms in the most well daylight parts of each floorplate.

434. In conclusion on daylight, it must be recognised that relatively low daylight levels would be achieved in some of the principal living spaces within the proposed dwellings. However, this underperformance is largely attributable to many of the rooms having a northerly though not completely north facing orientation, which renders them more challenged for daylight given the climatic intensive CBDM calculations – a northerly orientation is often unavoidable in a scheme that seeks to maximise opportunity. Furthermore, the technical analysis and calculations have taken into consideration the presence of balconies and it should be acknowledged that there is, to an extent, a trade-off between private amenity and daylight amenity. On balance, the daylight levels are considered acceptable.

### Sunlight

435. As discussed in an earlier part of this report, in new buildings the BRE 2022 guidelines recommend calculating 'sunlight exposure' to assess whether a dwelling will appear reasonably sunlit. This test measures the hours of sunlight that could be received at the centre point of each window on 21<sup>st</sup> March.

436. With regard to conventional (Class C3) homes specifically, the BRE recommends that:

- through site layout design, at least one main window wall should face within 90-degrees of due south;
- a habitable room, preferably a main living room, should receive a total of at least 1.5 hours of sunlight on 21<sup>st</sup> March; and
- where groups of dwellings are planned, site layout design should aim to maximise the number of dwellings that meet the above recommendations.

437. The applicant undertook internal sunlight testing of a sample of rooms at Buildings C and D with a main window facing within 90 degrees of due south. 109 rooms were tested at Building C and 218 at Building D. For both buildings, the sample comprises a mix of living/kitchen/dining rooms and bedrooms.

438. For Building C, the results of the sunlight assessment show that 50 out of the 53 living/kitchen/dining rooms would be fully compliant with the BRE Guidelines. This equates to a good performance rate of 95%. With regard to the Building C bedrooms, there would be full compliance, with all 56 tested rooms meeting the sunlight exposure levels recommended by the BRE.

439. Turning to Building D, the results of the sunlight assessment show that 81 out of the 95 living/kitchen/dining rooms with a main window facing within 90 degrees of due south would meet the sunlight exposure levels. Overall, this is a good performance. Regarding the 123 tested bedrooms at Building D, 94 would pass. This equates to a compliance rate of 76%. Although there would be a lower rate of compliance amongst the tested bedrooms at Building D, this is understandable, as the applicant has sought to prioritise the south-facing facades for living/kitchen/dining spaces. Inevitably, therefore, lower levels of sunlight exposure would be achieved in these particular rooms, the primary function of which (sleeping) makes them less sensitive than living rooms or kitchens.

440. In summary, the level of sunlight amenity within the proposed conventional housing would be acceptable.

#### Internal noise and vibration levels

441. Residential unit-types have been stacked wherever possible to overlap the same room uses, in the interests of minimising risks of inter-dwelling noise disturbance.

442. The southwest-facing dwellings on the lower floors on Buildings C and D would be set relatively close to Old Kent Road. To achieve an internal night-time acoustic environment that meets the criteria, the bedrooms on these floors would require an enhanced façade specification. The noise report submitted with the application provides examples of how a more acoustically effective façade system could be provided in these locations, such as through the use of thicker acoustic laminate glazing with wider air spaces (i.e. 10.8 mm acoustic laminate glass / 24 mm cavity / 14.8 mm acoustic laminate glass). Secondary glazing could also be used to achieve a higher rating.

443. 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.

#### On-site storage facilities for refuse and deliveries

444. Each of the two blocks would have dedicated communal refuse facilities, in appropriate locations convenient for the residential occupiers.

445. Neither Building C nor Building D incorporates any externally accessible rooms for the storing of deliveries and other bulky items. Given that this type of facility would most probably require oversight by a concierge or other on-site management personnel, which in turn would have an inflationary effect on service charges, no such facility is proposed. Therefore, residents would be expected to accept larger deliveries in person and take them directly to the home. Given that good levels of built-in storage have been provided within the dwellings, this is considered acceptable and in line with policy requirements.

## Conclusion on quality of conventional residential accommodation

446. The proposal would deliver 200 high quality new dwellings. The following aspects of the residential design are considered particularly noteworthy:

- over 20% of the homes are large 3-bedroom or 4-bedroom family homes, offering:
  - a range of 3b4p, 3b5p, 3b6p occupancies;
  - 3b5p wheelchair homes; and
  - 4-bedroom homes suitable for 7 and 8 person families;
- there are no north facing single aspect homes proposed, with 68% of the homes comprising dual or triple aspect.
- all of the 3- and 4-bedroom family homes would achieve dual or triple aspect;
- the layouts have been carefully designed to prevent any potential unacceptable effects in terms of privacy or overlooking;
- good levels of built-in and bulky storage would be provided within the homes;
- all homes would achieve minimum accessibility standards, with over 10% 'wheelchair accessible/user' homes to be provided; and
- the consistent design quality across both buildings would achieve tenure imperceptibility.

447. The DSO report shows that some of the living/kitchen/dining rooms on the lower floors of Buildings C and D would record relatively low levels of natural light, in particular with regards to daylight. This is partly attributable to oversailing balconies on the floors above, and as such it is necessary to weigh the impacts against the amenity benefits these private outdoor spaces bring. Furthermore, northerly-facing rooms are inevitably challenged in terms of daylight receipt. The recorded levels, while low, would not be harmful to amenity and are not unusual in Opportunity Area locations.

448. For these reasons, it is considered that in the round the conventional residential accommodation would achieve a high quality of design.

## **Residential external amenity space and young people's play space**

### Private external amenity space

449. All new residential development must provide an adequate amount of useable outdoor amenity space. The Council's Residential Design Standards SPD sets out the required amenity space standards, which can take the form of private gardens, balconies, terraces and/or roof gardens. It requires:

- for dwellings containing three or more bedrooms, the provision of 10 square metres of private amenity space;

- for dwellings containing two or fewer bedrooms, the provision of 10 square metres of private amenity space wherever possible, permitting any shortfall to be added to the communal space, and;
- 50 square metres of communal amenity space per development.

450. Each of the 200 homes would be equipped with a private amenity space in the form of an inset balcony or a terrace (totalling 1,787.4 square metres). While all of the proposed 3- and 4-bedroom homes would benefit from at least 10 square metres of private outdoor space, it has not been possible to provide 10 square metres for 148 of the 200 proposed dwellings. Of these 148 shortfalls, 69 are at homes in Building C and 79 are at homes in Building D. Each private amenity space would, however, meet the Mayor's minimum standards starting at 5 square metres for 1b2p occupancy homes, with an additional 1 square metre required for every additional occupier.

451. To compensate for these private amenity space shortfalls, and as the Council's Residential Design Standards SPD allows, there would be an overprovision of communal amenity space within each of the buildings, as explained in the table below:

<b>Private amenity space shortfall and offset: Summary table</b>				
	<b>Total private amenity shortfall (sq. m)</b>	<b>Communal requirement (shortfall + 50 sq. m)</b>	<b>Communal provision (sq. m)</b>	<b>Surplus (sq. m)</b>
Building C	141.6	191.6	288.9	+97.3
Building D	208.2	258.2	377.7	+119.5

452. As the table above shows, in aggregate the private balconies and the communal roofs provide policy compliant levels of external residential amenity.

453. In summary, while it should be recognised that the size of some proposed private amenity spaces would be less than 10 square metres, no home would have a balcony or terrace smaller than the occupancy-linked standards prescribed by the Mayor, and the communal external amenity spaces have been oversized to compensate for these shortfalls, which is permitted by policy. Accordingly, the private outdoor amenity space provision is considered to be acceptable.

### Communal external amenity space

454. As mentioned in the preceding part of this report, the proposed development would deliver 666.6 square metres of communal external amenity space, exceeding the minimum requirement by 33%.

455. The applicant intends to provide three raised gardens, two for the exclusive use of the 125 social rent households, with one for the 75 shared ownership homes.

The rooftop gardens would feature a mix of furniture providing opportunities to sit and relax individually or in groups. This furniture will be set amongst perennial planting.

456. The format, distribution, locations and quantum of communal amenity space meets the expectations of Policy D6 of the London Plan. As such, the provision is considered acceptable. Planning conditions are recommended requiring details of the finalised scheme of landscaping, treatment and enclosures, and for the facilities to be delivered prior to occupation of any of the dwellings. Management details are to be secured in the Section 106 Agreement.

### Young people's play space

457. Policy S4 of the London Plan 2021 requires new developments to make provision for play areas based on the expected child population of the development. The Mayor expects playspace to be designed to meet the needs of three different age groups: under-5s, 5-11 year olds, and 12-and-overs.
458. Play facilities and communal open space can be designed to be intertwined, but must be counted as discrete elements (i.e. playspace and communal playspace cannot be double counted). As set out in the draft AAP, if a development proposes any on-site public open space, this can be counted towards the playspace provision and towards the public open space, provided that the public open space is genuinely playable.
459. Calculated using the metrics set out in the Mayor's Play and Informal Recreation SPG, the total children's play space requirement for the proposed development is 1,446.5 square metres.
460. The below diagram depicts the applicant's strategy for providing dedicated playable areas on-site for the under-5s and 5-11s age groups, most of which are at ground level and publicly-accessible. The five discrete areas, which in total amount to 1,160 square metres, are:
- Building C podium - 308.0 square metres;
  - Sylvan Gardens - 341.0 square metres;
  - The Grove (north) - 163.0 square metres;
  - The Grove (south) - 166.0 square metres;
  - Grove Play - 182.0 square metres.





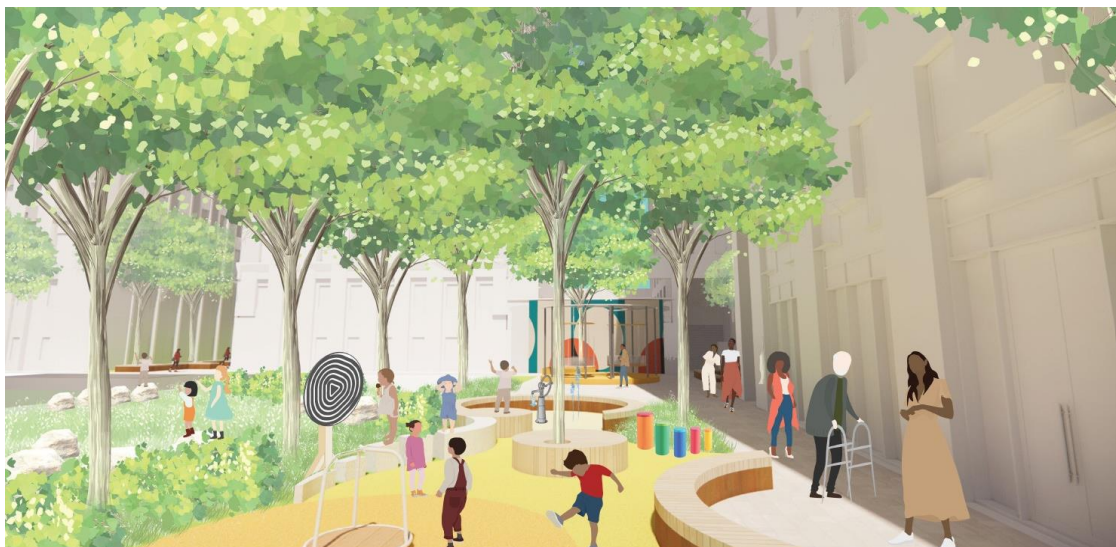
**Image 58** (above): Playspace strategy for the 0-4s and 5-11s age groups.

461. The table below explains how the applicant's play strategy would —through a combination of on-site provision and a payment-in-lieu— fulfil the yield for each of the three age groups:

Play space yield and proposed provision: Summary table				
Building	Young person yield from development	Area of play space required (sq.m)		Format (size and location) of proposed provision
Building C	Aged under 5	64.0		64.0 sq.m (Building C podium) [Minimum requirement met on-site]
	Aged 5 to 11	40.5	= 114.5	40.5 sq.m (The Grove [north]) [Minimum requirement met on-site]
	Aged 12 to 17	10.0		Delivered via in-lieu contribution
Building D	Aged under 5	541.0	= 1332.0	244.0 sq.m (Building C podium) 182.0 sq.m (Grove Play) 115.0 sq.m (The Grove [south]) [Minimum requirement met on-site]

	Aged 5 to 11	437.0	341.0 sq.m (Sylvan Gardens) 96.0 sq.m (The Grove [north]) <b>[Minimum requirement met on-site]</b>
	Aged 12 to 17	354.0	Delivered via in-lieu contribution
<b>Summary</b>			
Buildings C and D	Aged under 12	1082.5	1082.5 sq.m (Building C podium, The Grove [north and south], Grove Play, Sylvan Gardens) <b>[Minimum requirement met]</b>
	Aged 12 to 17	364.0	Delivered via in-lieu contribution
<i>Residual quantum of on-site playspace (i.e the surplus once the 0-11s yield has been satisfied on-site)</i>			<i>77.5 square metres (26.5 sq.m of The Grove [north] and 71 sq.m of the Grove [south])</i>

462. Formal play provision is to be focussed at Grove Play and Sylvan Gardens, where there would be opportunities for climbing, spinning, swinging and ball sports. Sand and water play would also be provided at Grove Play.



**Image 59** (above): Artist's impression of Grove Play facing in an eastwards direction towards the bandstand at the northern end of The Grove; within Grove Play the intention is to provide a 'water well', sand pit and spinning features.

463. A slide and playful climbing deck are proposed within the southern portion of The Grove, with playful furniture and bridges provided over the swales to create sensory play and role-play opportunities. The northern half of The Grove, around the bandstand, would provide opportunities for informal play (scooting, biking, ball sports, etc.) as well as including sensory play items that explore light and sound. The design of the bandstand incorporates level changes, colour shadow screens and hanging seats – all of which would create an engaging space for all generations.

464. The podium at Building C –which would include opportunities for climbing, sliding and role play– would be available to residents of both conventional housing blocks, with the children from Building D able to gain access through the use of fobs. This would ensure the entirety of the play provision across the site is equally accessible to all tenures.



**Images 60 and 61** (above, left to right): *Precedent images of the types of play equipment the applicant intends to deliver on the Building C podium playspace.*

465. The range and quality of the proposed facilities are considered acceptable, providing engaging and naturalistic environments that cater inclusively for different needs and interests. The design principles and general configuration of the spaces are well thought through, with an appropriate materials palette and a good mix of hard and soft surfaces. Further detail about the landscape strategy (planting, lighting, surfaces etc.) is given in the relevant later part of this report.
466. With regard to the 12-17s age group, a financial contribution in lieu of providing on-site play space is considered acceptable, and will be secured in the Section 106 Agreement. Based on the tariff specified in the Council's Section 106 and CIL SPD of £151 per square metre, this planning application generates an offset contribution of £54,964.00. This contribution will be ring-fenced for the Council's Parks team, to be channelled into the upkeep and delivery of dedicated local facilities for teenagers. It should be noted that the development is within a short walking distance of several parks: although the nearest, at Caroline Gardens, has little for the over-11's, the larger spaces at Bird in Bush Park and Brimington Park have a wide range of facilities oriented at this particular age group.
467. Planning conditions are recommended requiring details of the play spaces, including equipment and treatment. These conditions will require the facilities to be delivered prior to occupation of any of the dwellings. Separately, a management plan will ensure the spaces are kept in good and safe working order for the lifetime of the development. With these details secured, the proposed play space offer is considered acceptable.

### **Impact of proposal on development potential of nearby land**

468. Southwark Plan Policy P18, which is concerned with the efficient use of land, states that development will be permitted where it would not unreasonably compromise development potential or legitimate activities on neighbouring sites.



## Background to Devonshire Yard Feasibility Study

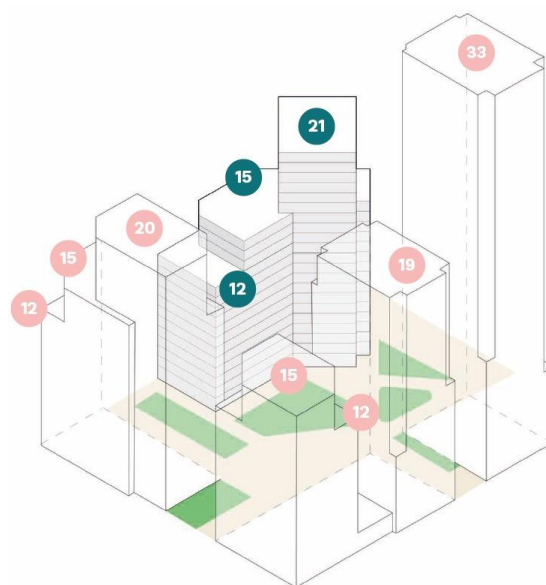
469. To demonstrate that the proposal would not compromise the ability of the Devonshire Yard land to be redeveloped in line with the expectations of the Southwark Plan and draft OKR AAP allocations, this planning application was accompanied by a Feasibility Study. The Feasibility Study hypothesises how a redevelopment could be delivered at Devonshire Yard that:

- accords with the allocation expectations for the Devon Street and Sylvan Grove area and accommodates approximately 150-170 residential units, this being the quantum of residential use aspired to by Southwark Council's Property division (as landowner); and
- would not unreasonably curtail how development (especially residential uses, which are particularly sensitive) could come forward on this adjacent land; and
- would deliver good quality accommodation achieving high levels of amenity.

470. The Feasibility Study assumes the whole of the existing IWMF egress road is stopped up (as facilitated by the Devonshire Place development), providing an enlarged site area for a future development on the Council's land.



**Image 62** (above): Layout of the 'feasibility scheme' in relation to the Devonshire Place scheme, including the potential for a central open space.



**Image 63** (above): Envelopes of the feasibility study buildings in relation to the proposed buildings at Devonshire Place.

471. Key attributes of the 'feasibility scheme' are:

- Non-residential uses:

- Inclusion of over 225 square metres of commercial / retail floorspace at ground floor, in order to provide an active frontage to the central area of public open space.
- Housing mix:
  - 172 residential units;
  - over 60% of units as 2-bedroom units or larger, and 20% as 3-bedroom units or larger; and
  - 12.8% of the homes as wheelchair accessible housing.
- Affordable housing:
  - provision of nominally over 50% of the residential accommodation as affordable housing (units and habitable rooms) in recognition that the land is in public ownership;
  - provision of the affordable accommodation in its own building with its own core; and
  - designing-in two escape stairs to both the private and affordable buildings.
- Housing quality:
  - 70% dual or triple aspect achieved, with no single aspect north facing units;
  - reasonable levels of privacy and outlook capable of being achieved, through a combination of inherent design and mitigation features.
- Heights
  - development envelope to be formed of two linked buildings, stepping from 12 and 15 to 21 storeys; and
  - development to step down towards the proposed Building D at Devonshire Place, and rise to the north, in an effort to complement the taller buildings at Devonshire Place (i.e. proposed Building A) and the Daisy Business Centre.
- Private amenity, communal amenity space and open space
  - capability to provide green links through the site and to the surrounding areas;
  - capability to provide a central area of public open space of approximately 2,450 square metres, of which:
    - 860 square metres could constitute the public open space (172 units x 5 square metres);
    - 1,134 square metres could meet the play space yield from the 172 homes; and
    - the residual could provide the communal amenity space (being more than adequate to meet the 50 square metre per block requirements).
- Transport and servicing
  - some off-street servicing has been factored-in (noting the feasibility scheme would benefit from surplus capacity from the new Devonshire Grove loading bay);

- five Blue Badge spaces (approximately 3% of 172 units) have been accommodated for, positioned within the recognised best practice guidance distance of 50 metre travel distance from both the affordable and private residential entrances.

472. The feasibility scheme makes reasonable assumptions regarding back of house and communal areas, including cycle stores, bin stores, plant, and substation rooms. These have been sized by comparison with the proposals for Devonshire Place. The applicant has confirmed that the sizings have also been informed by discussions with UKPN regarding the relocation of the existing substation on Devonshire Grove, which could also be incorporated into the new structures.

473. Although the feasibility scheme has not tested levels of daylight and sunlight achieved within the interior proposed spaces, this is acceptable given that exact locations and sizes of windows would be difficult to estimate at this 'concept' stage. Projecting balconies have not been factored in either, even those such features may have an impact on internal light levels, as well as potentially resulting in an increased proximity between buildings and/or an encroachment on the public realm. However, given the scope and purpose of the Feasibility Study, to have not given consideration to such detailed matters is considered permissible, and the judgement of officers can be relied on instead.

### Assessment of Devonshire Yard Feasibility Study

474. As outlined above, the feasibility scheme has explored in a good level of detail how an allocation-compliant quantum of development on the Devonshire Yard land would manifest itself in terms of its positioning, massing, height and townscape impact. Officers consider that the placement of this hypothetical policy-compliant scheme around the northwestern edge of the land is appropriate in urban design terms. Moreover, being lower than the Daisy Business Park tower (both the consented and the newly-proposed) and the tallest building proposed at Devonshire Place, the feasibility scheme would not be insensitive or incongruous in townscape terms.

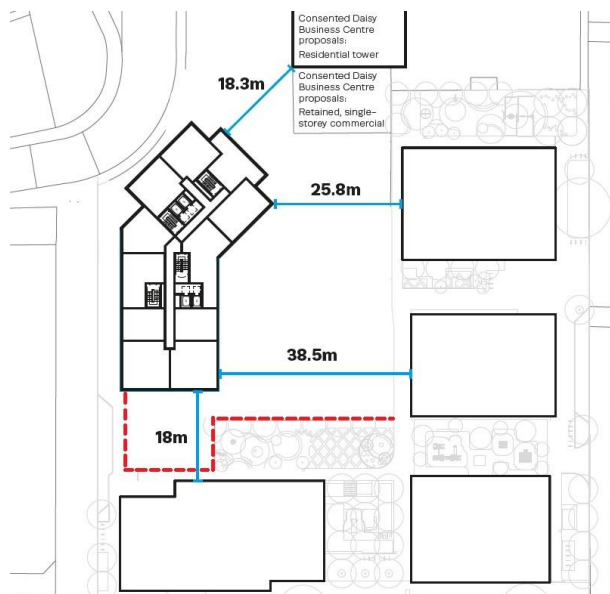
475. To achieve a neighbourly façade-to-façade separation distance between the Devonshire Place buildings and any future development at Devonshire Yard, when taking into account the heights of these buildings as well as the imperative to ensure naturally-lit interiors and a neighbourly façade-to-façade relationship, it is likely that a separation distance of at least 18 metres would be required. The Study has applied this minimum separation distance when situating the feasibility scheme, producing distances of 18.3 metres to Building A and 18.0 metres to Building D. With regard specifically to Buildings A and B, which would be set close to the common boundary, it is only realistic to expect the portion of the Devonshire Yard land directly opposite not to be developed with buildings. This is because of the need to maintain an open area broadly in the centre of the site upon which all the perimeter buildings (including the Daisy Business Park tower) can rely for daylight, outlook and privacy. As such, the siting of Buildings A and B would not unreasonably suppress the development potential of the Devonshire Yard land.



476. Looking specifically at Building D, its rear building line would at one point be less than 2 metres away from the boundary shared with Devonshire Yard, making it the closest of all four proposed buildings. Due to this proximity, almost certainly any future development at Devonshire Yard would need to be set-back from the common boundary by a comparatively greater distance. While the onus that would be placed on Devonshire Yard to create a comfortable relationship must be fully acknowledged, this is to some extent a factor of the irregular boundary line; further to the east, where the red line boundary steps-out, the Devonshire Place land would make a more generous contribution of undeveloped land. It would be reasonable to expect the Devonshire Yard scheme, as the site coming forward later and with greater flexibility owing to its broader and more regularly-shaped footprint, to set-back by a greater distance from its southwestern boundary if this was deemed necessary to achieve a comfortable relationship to Building D.

477. It is also relevant to note that where overlooking distances in the feasibility scheme would be at their shortest (i.e. windows in the southwest elevation, looking directly towards windows opposite at Building D), homes with multiple aspects could easily be provided in these locations, guarding against any perception of a singular close-range outlook towards habitable rooms opposite.

**Image 64** (right): *Feasibility Study separation distances plan.*



478. In summary, the applicant's Feasibility Study has established that the four buildings proposed by this planning application, despite being relatively close to the common boundary in some locations, would not unreasonably curtail development options on this Council-owned land. The envelope modelled by the Feasibility Study demonstrates that the Devonshire Yard land would be capable of delivering the residual quantum of development expected by the site allocations, while also highly likely to be acceptable in urban design, townscape and quality of accommodation terms.

479. While it is recognised that the Devonshire Place proposal would place a constraint on the Devonshire Yard site, the proposal would not unreasonably compromise development on this adjoining Council-owned land because mitigation to manage any impact on privacy, outlook and streetscape environment can be designed into any future development. In summary, should the Devonshire Place proposal be built out, many different options would remain available to the developer of the Devonshire Yard site to deliver the requirements of the Southwark Plan and draft OKR AAP allocations. This would ensure best possible use of public land, in particular with regards to housing delivery, thereby

meeting the expectations of London Plan Policy H4 and the Mayor's wider Good Growth objectives.



**Image 65** (above): Visualisation depicting a view from the 'feasibility scheme', looking south across the potential open central open space and towards proposed Buildings B and D at Devonshire Place.

## **Amenity impacts on nearby residential occupiers and the surrounding area**

480. 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

481. 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.

482. 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.

483. 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

484. This planning application was accompanied by a daylight, sunlight and overshadowing (DSO) 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:

- a. 1-30 Ulswater House;
- b. 8-24 Sylvan Grove
- c. 1-6 Sylvan Terrace;
- d. Harry Lambourne House; and
- e. 2, 2A, 4, 4A, 8, 10 and 10A Asylum Road.

485. The above five properties were tested for VSC and NSL impacts, but not illuminance as this method is more appropriately applied to new buildings.

486. The DSO report also undertook testing of:

- f. 726 Old Kent Road; and
- g. 79a Caroline Gardens.

487. However, by reason of their distance from and relationship to the site, neither of these two buildings would experience any daylight impacts above the recommendations of the BRE guidance. Therefore, this report gives no further consideration to the daylight impacts on these properties.

488. It should be noted that the applicant's DSO report assessed the properties at Hillbeck Close (within the parcel denoted as 'a' on the below map) for impacts. However, these have recently been demolished as part of the regeneration of the Tustin Estate, and as such it is not necessary to give any consideration to the impacts of the proposal on these particular properties.

489. Provided below is a map of the tested residential buildings:



**Image 66** (above): Plan of the site within its existing context, with the surrounding sensitive residential properties edged in red. The references 'a' to 'g' correspond with the addresses as listed above.

#### VSC and NSL impacts for sensitive surrounding residential properties

490. The table below summarises the VSC impacts to surrounding properties as a result of the proposed development being built-out in the present day context. The table includes a comparison of the proposal's impacts relative to those caused by the extant permission (19/AP/1239):

Residential Property	Number of windows that would experience a VSC reduction (as a percentage of the baseline VSC value)			
	No loss or a loss of up to 19.9%	20%-29.9% (minor adverse impact)	30%-39.9% (moderate adverse impact)	40% + (substantial adverse impact)
<b>1-30 Ulswater House</b>				
Total no. habitable windows tested: 25				
<ul style="list-style-type: none"> <li>Of the 25 windows, 6 would retain a VSC of 27% or more.</li> <li>For the <u>19</u> that would not, the distribution of percentage reductions is:</li> </ul>				
Proposed vs existing	<b>8</b>	<b>10</b>	<b>1</b>	<b>0</b>
<u>Comparison of the proposal's impacts against those caused by consented scheme</u>				
19/AP/1239 vs existing		0	0	0

Comparative impact of 23/AP/1862	Worse: 10 more	Worse: 1 more	No change	
8-24 Sylvan Grove				
Total no. habitable room windows tested: 180				
<ul style="list-style-type: none"><li>Of the 180 windows, 49 would retain a VSC of 27% or more.</li><li>For the <u>131</u> that would not, the distribution of percentage reductions is:</li></ul>				
Proposed vs existing	43	13	29	46
<u>Comparison of the proposal's impacts against those caused by consented scheme</u>				
19/AP/1239 vs existing	22	30	42	
Comparative impact of 23/AP/1862	Better: 9 fewer	Better: 1 fewer	Worse: 4 more	
1-6 Sylvan Terrace				
Total no. habitable room windows tested: 12				
<ul style="list-style-type: none"><li>Of the 12 windows, 2 would retain a VSC of 27% or more.</li><li>For the <u>10</u> that would not, the distribution of percentage reductions is:</li></ul>				
Proposed vs existing	3	0	0	9
<u>Comparison of the proposal's impacts against those caused by consented scheme</u>				
19/AP/1239 vs existing	0	0	9	
Comparative impact of 23/AP/1862	No change	No change	No change	
Harry Lambourne House				
Total no. habitable room windows tested: 38				
<ul style="list-style-type: none"><li>Of the 38 windows, 31 would retain a VSC of 27% or more.</li><li>For the <u>7</u> that would not, the distribution of percentage reductions is:</li></ul>				
Proposed vs existing	4	3	0	0
<u>Comparison of the proposal's impacts against those caused by consented scheme</u>				
19/AP/1239 vs existing	0	0	0	
Comparative impact of 23/AP/1862	Worse: 3 more	No change	No change	
2, 2A, 4, 4A, 8, 10 and 10A Asylum Road				
Total no. habitable room windows tested: 36				
<ul style="list-style-type: none"><li>Of the 36 windows, 29 would retain a VSC of 27% or more.</li><li>For the <u>7</u> that would not, the distribution of percentage reductions is:</li></ul>				
Proposed vs existing	3	1	1	2
<u>Comparison of the proposal's impacts against those caused by consented scheme</u>				



19/AP/1239 vs existing	2	0	3
Comparative impact of 23/AP/1862	Better: 1 fewer	Worse: 1 more	Better: 1 fewer

491. The table below summarises the NSL (also known as 'daylight distribution') impacts to surrounding properties as a result of the proposed development being built-out in the present day context. The table includes a comparison of the proposal's impacts relative to those caused by the extant permission (19/AP/1239):

Residential property	No. windows that would experience a reduction in NSL (as a percentage of the baseline NSL value)			
	No loss or a loss of up to 19.9%	20%-29.9% (minor adverse impact)	30%-39.9% (moderate adverse impact)	40% + (substantial adverse impact)
<b>1-30 Ulswater House</b>				
Total no. habitable rooms tested: 20				
Proposed vs existing	20	0	0	0
<u>Comparison of the proposal's impacts against those caused by consented scheme</u>				
19/AP/1239 vs existing		0	0	0
Comparative impact of 23/AP/1862		No change	No change	No change
<b>8-24 Sylvan Grove</b>				
Total no. habitable rooms tested: 112				
Proposed vs existing	82	15	4	11
<u>Comparison of the proposal's impacts against those caused by consented scheme</u>				
19/AP/1239 vs existing		13	6	11
Comparative impact of 23/AP/1862		Worse: 2 more	Better: 2 fewer	No change
<b>1-6 Sylvan Terrace</b>				
Total no. habitable rooms tested: 11				
Proposed vs existing	6	0	2	3
<u>Comparison of the proposal's impacts against those caused by consented scheme</u>				
19/AP/1239 vs existing		1	3	5
Comparative impact of 23/AP/1862		Better: 1 fewer	Better: 1 fewer	Better: 2 fewer
<b>Harry Lambourne House</b>				



Total no. habitable rooms tested: 35				
Proposed vs existing	35	0	0	0
<u>Comparison of the proposal's impacts against those caused by consented scheme</u>				
19/AP/1239 vs existing		0	0	0
Comparative impact of 23/AP/1862		No change	No change	No change
<b>2, 2A, 4, 4A, 8, 10 and 10A Asylum Road</b>				
Total no. habitable rooms tested: 23				
Proposed vs existing	23	0	0	0
<u>Comparison of the proposal's impacts against those caused by consented scheme</u>				
18/AP/2497 vs existing		0	0	0
Comparative impact of 23/AP/1862		No change	No change	No change

### 1-30 Ulswater House

492. The one window to undergo a moderate loss of VSC would retain an absolute level in excess of 15%, which is not especially low for an urban environment. The 10 windows impacted to a minor adverse impact would all retain levels not unusual in inner London, with the room affected by the single lowest absolute VSC (of 13.76%) being served by a second window. For these reasons, the occupiers of the Ulswater House properties would, notwithstanding the reductions resulting from the proposed development, continue to enjoy acceptable levels of VSC.

493. In terms of the second daylight assessment, the NSL, the results record full BRE compliance.

### 8-24 Sylvan Grove

494. While there would be a large number adverse reductions to VSC at 8-24 Sylvan Grove, 35 of the 88 windows would retain an absolute VSC value of between 14.63% and 25.81%, which is considered reasonable for an urban location. It is understood that the remaining 53 windows serve 27 bedrooms, 14 living/kitchen/dining spaces and one kitchen/diner. Regarding the bedrooms, as noted at paragraph 2.2.10 of the BRE Guidelines, "...bedrooms should also be analysed although they are less important" given that their principal function is for sleeping.

495. Turning to the main habitable spaces, 14 living/kitchen/dining spaces are located under either a projecting or recessed balcony that restricts access to daylight. It is widely acknowledged that in these circumstances, less daylight and greater alterations are inevitable. However, all 14 living/kitchen/dining spaces would either be fully compliant with the BRE Guidelines or would retain a NSL level of over 60%, which is commensurate with an urban location. While the performance

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of the kitchen/diner would deviate from the BRE Guideline targets, it must be recognised that this unit is dual aspect, and the main living room faces away from the proposed development.

496. Broadly speaking, the NSL impacts of the proposed development on 8-24 Sylvan Grove would be similar to those produced by the extant hybrid permission.

497. For the reasons given above, and while the impacts are recognised, on balance the retained daylight level would be acceptable having regard to the site location.

#### 1-8 Sylvan Terrace

498. At 1 to 8 Sylvan Terrace, all rooms enjoy very high levels of existing light due to the surrounding low-rise buildings. Therefore, greater relative reductions in VSC will inevitably arise with any meaningful development of the application site. Although there would be 9 substantial adverse VSC reductions, which are of such magnitude that the internal spaces are likely to feel noticeably darker, it is not considered that any unduly harmful effects to residential amenity would arise. Moreover, the retained levels are not materially different to the levels previously deemed acceptable when the extant hybrid permission was approved.

499. Compared to the extant hybrid permission, the 23/AP/1862 proposal would achieve improved NSL levels for the Sylvan Terrace residents; this is due to a conscious decision on the part of the applicant to locate single-storey development (i.e. the podium linking Building C to Building B) directly opposite these properties. While the substantial adverse extent of change to some of the NSLs is recognised, the impacts are considered acceptable in this urban context and having regard to the extant planning permission.

#### Harry Lambourne House

500. While planning application 23/AP/1862 would produce a small number of VSC impacts greater than those caused by the extant hybrid permission, they would all constitute 'minor adverse' transgressions. When considering the retained levels of VS for these properties, the effects of the proposed development would not be harmful to the amenity of the Harry Lambourne House residents.

#### 2, 2A, 4, 4A, 8, 10 and 10A Asylum Road

501. The one minor, one moderate and two substantial adverse VSC impacts to this row of properties would be isolated to nos. 2A, 4A, 10 and 10A. In the existing situation, these properties look across the surface car park of the supermarket, and beyond this towards the low-rise buildings that occupy the Devonshire Place site. Any reasonable redevelopment of the site would, therefore, generate sizable reductions in daylight; however, none of the four BRE transgressions would be harmful to amenity. It is also noteworthy that impacts of this nature to these properties were deemed acceptable when the extant hybrid permission was approved.

#### Sunlight

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502. The applicant's DSO 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.

503. 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.

504. 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.

505. 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.

506. The five properties assessed for daylight impacts have also been assessed for sunlight impacts; however, for four of these properties no breaches of the BRE guidelines were recorded. As such, and for brevity, table below summarises the impacts on the one property where impacts beyond the BRE recommendations were recorded:

Property	No. rooms that would experience a reduction in sunlight hours			
	No. of rooms tested	No. of rooms that pass	No. of rooms that fail winter	No. of rooms that fail annual
<b>8-24 Sylvan Grove</b>				
Proposed vs existing	23	15	8	8
<u>Comparison of the proposal's impacts against those caused by consented scheme</u>				
19/AP/1239 vs existing		15	8	8
Comparative impact of 19/AP/1239		No change	No change	No change

507. The windows at 8-24 Sylvan Grove, by reason of their outlook over the currently low-rise application site, benefit from very good sunlight levels at present. Their

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orientation is to the southwest, the obliqueness making them heavily reliant on the site for sunlight hours. Thus, any meaningful development opposite would result in a sizeable loss. While acknowledging that there would be an appreciable change to APSH for the occupiers, on balance the impacts would not be harmful to residential amenity, especially given that similar impacts were deemed acceptable when the extant hybrid permission was granted.

#### Daylight and sunlight impacts relative to those caused by 19/AP/1239

508. As the tables above show, the effect on neighbouring properties caused by the proposed development would be similar to those produced by the previous planning consent for the site, 19/AP/1239, which is extant and thus could technically be implemented. In determining 23/AP/1862 some weight must be given to the fact that the daylight and sunlight losses produced by the newly-proposed development are not substantially greater than those established by 19/AP/1239. These conclusions are mirrored by the applicant's ES, which finds that the significance of effects is similar to those accepted as part of the extant hybrid permission.

#### Conclusion on daylight and sunlight

509. In total, the development would result in 27 minor, 31 moderate and 57 substantial adverse reductions in VSC for surrounding properties. With respect to NSL, there would be a total of 15 minor, 6 moderate and 14 substantial reductions for surrounding properties. These exceedances of the BRE guidance, and the negative impact they would have on neighbour amenity, should be given some weight in determining the application.

510. Regarding sunlight, only the residential properties at 8-24 Sylvan Grove would experience impacts beyond the recommendations of the BRE, and these would all have a "negligible" to "minor" adverse (not significant) effect

511. Given the site's 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 and the advice within the guide should not be seen as an instrument of planning policy. While some noticeable relative changes in daylight amenity would occur at a number of residential properties surrounding the site, the retained daylight levels would be commensurate with those typical to other Growth and Opportunity Areas across London. There are also a large number of residential properties surrounding the application site that will satisfy the recommendations of the BRE Guidance in that they will not experience any noticeable alterations in daylight or sunlight as a result of the implementation of the proposed development. A final but importance consideration is that the impacts are similar in their extent to those previously deemed acceptable under the extant permission, 19/AP/1239.

#### Solar glare

512. The DSO report considers solar glare. Underpinned by a reasoned methodology linked to the BRE guidelines, the assessment undertaken by the DSO report establishes the potential glare throughout the year and at hourly intervals in the day to examine the likelihood of glare affecting sight across a maximised number of points in time on both an annual and a daily cycle. It took into account the typical height of viewpoints from cars on the local road network and from trains on the nearest railway lines.
513. The DSO report concludes that, from the assessed viewpoints, any glare within 30 degrees of the centre of the eye would be unlikely to occur. It should also be noted that the facades of the proposed development would be faced predominantly in brick or masonry-style material and would not include any highly reflective glass. As such, should there be any potential glare from a distance, it would be temporary and limited.
514. Solar glare was scoped out of the ES as part of the Scoping Process, which further demonstrates that any harmful environmental effects caused by the development in respect of solar glare would be unlikely.

### Overshadowing

515. The test promoted by the BRE for assessing overshadowing impacts on external amenity space is the 'Sun on Ground' assessment. This models the proportion of an outdoor amenity space where the sun would reach the ground on 21<sup>st</sup> March each year. On that date, the BRE advises that at least 50% of the area tested should receive a minimum of two hours of sunlight.
516. The DSO assesses all surrounding private amenity areas for overshadowing impacts and finds that they achieve 50% sunlight coverage for two hours on the Equinox, as set out in the BRE Guidelines.
517. With the BRE guidelines having been met, it can be concluded that no external amenity areas at nearby properties would be subject to harmful overshadowing.

### Outlook and sense of enclosure

518. The site is located within the Old Kent Road Opportunity Area, where there is an expectation for greater densities and taller buildings to come forward, changing the urban grain of the locality. The proposed development would introduce to the site four buildings arranged around a central publicly-open space. With gaps or single-storey podia interspersing the blocks, views 'through' would be possible, opening up views of the sky for residents of the existing nearby dwellings. Devices such as chamfered corners have been employed on Buildings C and D, along with the incorporation of high quality materials and low-level greening throughout the development, to give complexity and visual relief to building forms, all of which would have a positive effect on the surrounding properties' outlook. As such, it is not considered that any of the surrounding dwellings that look towards the site would experience a harmfully diminished quality of outlook or sense of openness as a result of the proposed development.

## Privacy

519. With regard specifically to preventing harmful overlooking of dwellings, the 2015 Technical Update to the Residential Design Standards SPD 2011 requires developments to achieve:

- a distance of 12 metres between windows on a highway-fronting elevation and those opposite at existing buildings; and
- a distance of 21 metres between windows on a rear elevation and those opposite at existing buildings.

520. All the 'across street' distances between the development and habitable residential rooms opposite would exceed 12 metres. The closest distance between the proposed development and any neighbouring residential building is 14 metres (to the flatted development at 8-24 Sylvan Grove) but this would be the closest pinch point of the two buildings, widening to 20 metres where the upper floors of this flatted nearby block steps back. The separation distance from Buildings C and B to 1-6 Sylvan Terrace would be 19 metres. In summary, because the 12 metre 'across street' guideline of the Residential Design Standards would be achieved, no privacy infringement issues are raised.

521. At the Daisy Business Park site, directly to the north of Devonshire Place, planning permission was granted in 2021 for residential-led redevelopment. A new permission is pending the Local Planning Authority's determination for a proposal of a very similar envelope comprising a mix of PBSA, conventional housing and commercial floorspace. The layout of the newly-proposed buildings at Daisy Business Park, and the orientation of the habitable rooms windows, have been carefully considered in relation to the extant permission at Devonshire Place. By the same token, 23/AP/1862 has been designed cognisant of the configuration of the consented buildings at Daisy Business Park, the principles of which the new pending planning proposal upholds. As a consequence, there would be no windows in the two schemes that look directly towards each other at close range, and thus no risk of privacy infringement for the future occupiers of the Daisy Business Park development.

## Management and maintenance of the PBSA

522. The Council's 2015 Technical Update to the Residential Design Standards requires student housing proposal to be accompanied by details of the long-term management and maintenance arrangements of the student accommodation, including details of security. This is in the interests of ensuring that, once operational, the development:

- does not generate adverse neighbour amenity or local environmental impacts;
- is managed and maintained to ensure the continued quality of the accommodation, communal facilities and services; and
- will positively integrate into the surrounding communities



523. The applicant has identified the probable operator of the proposal as Homes for Students, who have been involved in the design evolution of the proposal to ensure it is fit for purpose. A management plan prepared by Homes for Students has been submitted in support of the planning application, which sets out how the proposed development will be managed and maintained. With regard to the management of the scheme, the Plan makes the following provisions:

- Noise and anti-social behaviour:
  - tenancy agreements will include rules and regulations relating to the property, local neighbourhood consideration and enforcement measures;
  - tenants will attend a welcome event at which they will be issued with a customised 'resident handbook'; and
  - tenants will receive an 'on arrival' induction about the rules, regulations and enforcements.
- Community liaison:
  - The on-site team will hold regular meetings with local residents and groups to discuss and address any issues.
  - Residents will be able to contact the Property Manager by a number of channels (at the reception, via the 24/7 help desk (which has an escalation mechanism to formal bodies); and
  - a formal complaint and incident procedure to the management company.
- Security
  - CCTV cameras in and around the building will be fed back to the management office to allow monitoring of incidents and potential incidents 24/7;
  - There will also be an electronic access control system to prevent unauthorised access into the building; and
  - The lifts will have access control fitted to restrict use of the lifts to the management team and tenants only.
- Tenancies
  - Where tenants breach the agreement, there will be escalating levels of enforcement which will include deductions from their deposits, written and final warnings and ultimately expulsions.

524. On account of the above, it is considered that sufficient information has been provided to address the requirements of the SPD, and that a robust strategy is in place to ensure the day-to-day operation of the student accommodation would not cause harm to the amenity of surrounding residents. A finalised version of the Student Management Plan will be secured through the Section 106 Agreement.

### Noise and vibration

#### Plant noise

525. Plant (power, heating and cooling machinery) would be contained within the basement levels of Buildings A and D. All four proposed buildings would also contain rooftop plant: at Buildings A and B, there would be chilled water plant and smoke vents serving the PBSA accommodation, while at Buildings C and D there would be smoke vents, VRF systems and other plant equipment. At all four buildings, acoustic enclosures would screen this rooftop plant.

526. A condition is recommended requiring the plant not to exceed the background sound level (LA90 15min) at the nearest noise sensitive premises, and for the specific plant sound level to be 10 dB(A) or more below the representative background sound level in that location, all to be calculated fully in accordance with the relevant Building Standard. The condition is considered sufficient to ensure that the proposed plant will not have an unacceptably adverse impact on existing neighbouring residents or the users of the building.

#### Public noise nuisance

527. In terms of public noise nuisance from the development for surrounding residents, a Student Management Plan submitted with the application details how the probable provider, Homes for Students, would operate the accommodation so as to limit sources of human noise disturbance to neighbours.

528. The only other potential sources of public noise nuisance are the three proposed commercial/business units and the community hub. Examples include the use of one or more of the commercial/business units for a café/restaurant function, and any entertainment or music taking place incidental to this function. Were one or more of the commercial/business units to be occupied for light industrial purposes, noise nuisance could be generated unless mitigation is in place. The community hub could, with its doors onto Sylvan Garden, create 'spill-out' hubbub potentially at unneighbourly hours, unless hours of operation are controlled.

529. In order to limit any risk of public noise nuisance, it is recommended that opening hours limitations be imposed on the two flexible commercial/business units (unless they are occupied for office use) as follows:

- 07:00-23:00 on Mondays to Sundays (including Bank Holidays).

530. With regard to the community hub, it is recommended that the following opening hours limitations be imposed:

- 07:00-23:00 on Mondays to Saturdays; and
- 09:00-22:00 on Sundays (including Bank Holidays).

531. In order to limit any risk of public noise nuisance, it is recommended that before any of the commercial/business units are occupied for a light industrial use, the internal fit-out must be adapted to provide a higher level of resistance to the transmission of sound.

532. A separate condition is proposed to control the hours of servicing/deliveries to the three units; these hours will apply irrespective of the particular type of tenant who takes up occupancy.

### Vibration

533. A vibration assessment for the site carried out in 2018 indicates no adverse impact from potential vibration sources. As the conditions of the site and context have not changed in a way that would materially alter these findings, the vibration assessment remains sound, and it can be concluded that none of the proposed spaces would be subject to harmful vibration doses. This is supported by the findings of the ES submitted with the application. Accordingly no vibration-related planning conditions are required.

### Odour

#### Odour from the SIWMF

#### Policy and planning history background

534. The site is located south of the SIWMF, which is being operated by Veolia UK as part of its 25 year PFI contract with the Council. This facility includes two biofilter stacks situated close to its northern edge, a distance of over 300 metres from the northern boundary of the Devonshire Place site. Policy P63 of the Southwark Plan, which is concerned with land for waste management, states:

*“The Integrated Waste Management Facility (IWMF) will be protected for waste management purposes [...] We have designated the IWMF near Old Kent Road, as a safeguarded waste site. The IWMF’s Waste processing capacity helps towards meeting our waste apportionment targets set out in the London Plan.”*

535. The extant hybrid permission required the submission of a ‘prior to above grade works’ ventilation strategy, together with a further olfactometric testing exercise to be carried out following construction of each building but prior to its occupation. Olfactometric testing measures the concentration and intensity of odour, and evaluates the extent which such odour might pose a nuisance to human comfort and amenity.
536. The pre-occupation olfactometric testing requirement was included as a requirement of planning permission so that, in the event of unacceptable levels of odour being detected, additional filtration equipment could be installed within the interior spaces before any occupier move-ins take place.
537. No post-occupation monitoring was required, either by planning condition or planning obligation

### Assessment

538. Planning application 23/AP/1892 is supported by an Odour Assessment, which uses five years-worth of meteorological data (from 2018 to 2022) to assess inter-year wind behaviour variations. This Assessment is based on an emission rate of 2,500 oemu / m<sup>3</sup>we, as agreed between the applicant and representatives of SIWMF, and which was intentionally conservative in order to consider increased operations and seasonal variation. The output from the Assessment is a series of predictions of the 1-hour odour concentration experienced at a range of receptors across the Devonshire Place application site. The results represent the maximum concentration.

**Image 67** (right): A map of the SIWMF facility (in blue) and its biofilter stacks (red dots) in relation to the sensitive receptors modelled for levels of odour concentration (green dots).



539. The Odour Assessment finds that the effects on the proposed development from odour directly emanating from the SIWMF facility would be “negligible” to “slight adverse” (not significant). The assessment therefore concludes no additional mitigation is required (such as further filters to the mechanical ventilation system inlets) – this is in accordance with the relevant IAQM Odour Guidance.

540. As the results of the Odour Assessment (i.e. “slight adverse” at worst) are conservative and worst case, the Council’s Environmental Protection Team has concluded that:

- additional filtration in the fit-out of the Devonshire Place buildings will not be required;
- the pre-occupation olfactometric testing planning obligation included in the extant hybrid permission need not be replicated in the 23/AP/1862 permission; and
- no post-occupation monitoring obligation is necessary.

541. With regard to emissions from refuse lorries, the Odour Assessment found that these would be negligible across the site with the exception of ‘slight adverse’ impacts at the lower floors of Building D.

542. It follows that the interior environments of the proposed uses at Devonshire Place would not be subject to odour disturbance harmful to amenity.

### Extraction and ventilation equipment

543. The application is not accompanied by any extraction details. Preserving the architectural integrity of the proposed development, with its appurtenance-free façade, is considered to be of importance to the success of the development in terms of its townscape role. Thus, it is likely that any scheme of externally-affixed extraction (which would in all probability need to rise up the full profile of the building to terminate at roof level) would militate against an exemplary building design. Accordingly, it is expected that the flexible commercial/ business units, if used for restaurant/café purposes, would contain re-heat facilities rather than full cooking facilities with extracts/exhausts. A fully internalised extraction system would minimise the risk of odour impacts for the residential occupiers above and those residing in surrounding properties. Alternatively, ventilation for a small-scale 'prep' kitchen could be achieved solely through the ground floor façade of the commercial units by utilising the soffit/fascia.
544. For safeguarding purposes, a condition is recommended requiring details of any extraction and ventilation system to be submitted to the Council for its consideration prior to the installation of any such system.

### **Design**

545. Paragraph 56 of the NPPF stresses the importance of good design, considering it to be a key aspect of sustainable development. Chapter 12 of the NPPF is the key national policy for design. In particular para 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.
546. 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.
547. London Plan Policy D9 is specifically concerned with tall buildings. The policy contains 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 70.67 metres above ground level, exceed the 30 metre threshold. It thus engages Policy D9.
548. 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.

549. Specifically for tall buildings, Policy P17 requires:

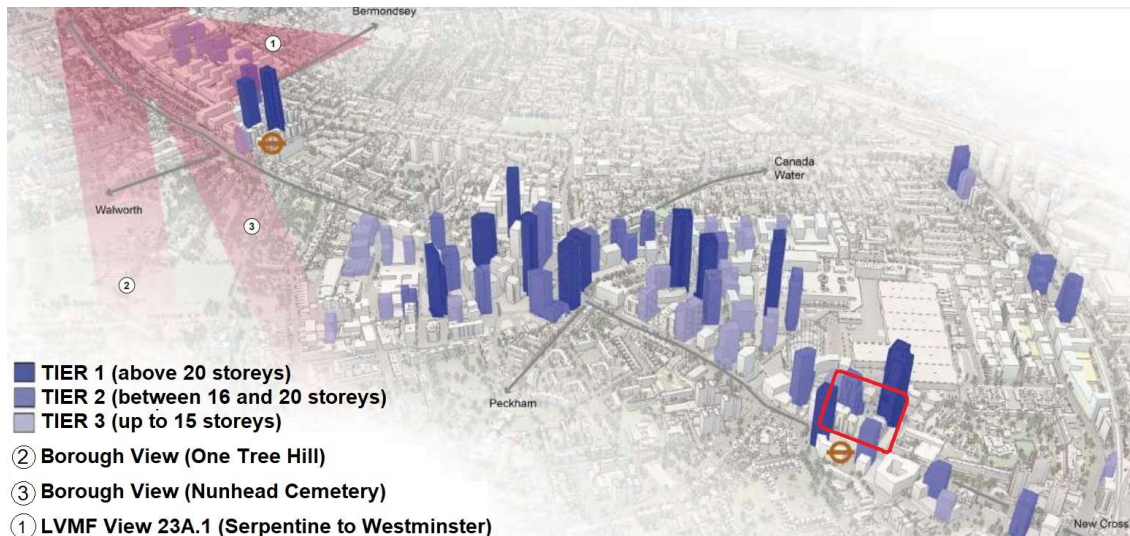
- the location to be within a major town centre, an opportunity area and/or the CAZ, where tall buildings are appropriate;
- the location to be at an area of landmark significance;
- proposals to be of a proportionate height to the location and site;
- proposals to have a positive impact on the London 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.

550. 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.

551. There are conservation areas and listed buildings in the vicinity of the application site, and the draft OKR AAP identifies buildings of townscape merit and architectural or historic interest nearby. The draft AAP identifies the cluster as an appropriate for a mix of Tier 1 (above 20 storeys), Tier 2 (16 to 20 storeys) and Tier 3 (up to 15 storeys) tall buildings, with an expectation that at Devonshire Place heights fronting onto Old Kent Road are lower.





**Image 68** (above): *The Stations and The Crossings strategy from the draft Old Kent Road AAP, showing the distribution of tall buildings across the action area, including cluster at the new tube station where the site is located (edged in red), and these tall buildings' relationship to London and borough views.*

552. The extant hybrid permission, 19/AP/1239, is a material consideration when assessing the design quality of the proposal hereunder consideration. Although the general arrangement of two buildings fronting onto Old Kent Road with taller buildings on the rear part of the site is similar to the extant hybrid permission, the 23/AP/1862 proposal differs in terms of its scale, form and architectural design.

### Site layout and public realm

553. The existing urban grain is varied, featuring a mix of: historical high street buildings; housing dating from various eras and in a range of formats and heights; and larger commercial warehouses. As previously mentioned, the application site is brownfield land within the Old Kent Road Opportunity Area. It is also subject to site allocations in the Southwark Plan and draft OKR AAP.

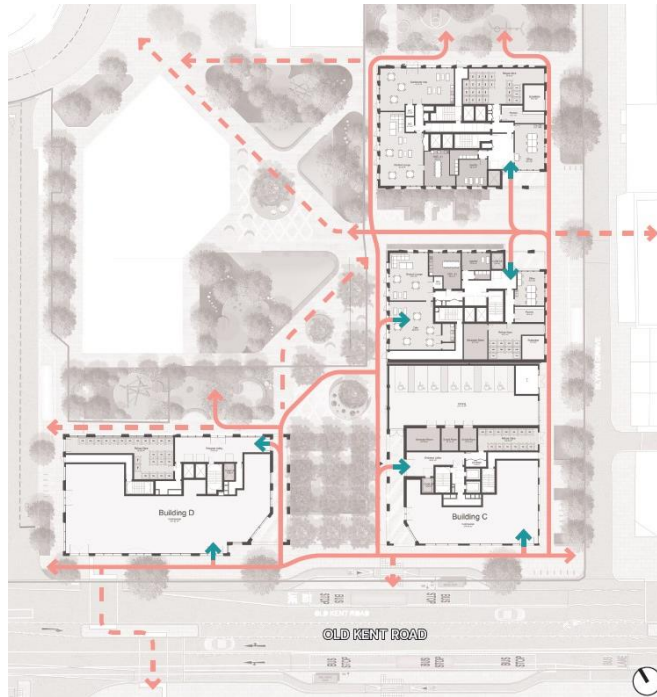
554. Characterised by scattered low-rise buildings and large areas of surface parking, the existing site makes no meaningful contribution to the Old Kent Road high street. Furthermore, the presence of Devon Street (South Arm) —which is used principally as a thoroughfare for large heavy vehicles— carves the site in two. With its lack of east-to-west permeability, the site offers little in the way of integration and connectivity with the wider Old Kent Road area.

555. The arrangement of the four proposed buildings conforms broadly to the massing composition and guidelines in the draft OKR AAP, and is a logical response to the shape of the site. The proposed layout of the buildings would institute a strong urban edge, framing the proposed public realm and establishing positive frontages along the Old Kent Road high street, Sylvan Grove and Devonshire Grove. The stopping up of Devon Street (South Arm) would remove vehicular access through the centre of the site, in turn enabling the delivery of enhanced hard- and soft-landscaped public realm along Old Kent Road. All of these urban design moves are strongly supported.

556. The landscaping and open space proposals have been carefully considered to enable new north-to-south and east-to-west connections through the site, providing increased connectivity between existing and planned open spaces in the wider area, as set out in the draft AAP. The proposal would provide pockets of publicly accessible open space distributed between the buildings, each intended to have a distinctive landscape character. These spaces would provide welcoming openings, inviting people into the site and promoting movement through it. They have also been designed in anticipation of a public open space potentially being delivered on the southern edge of the adjacent Devonshire Yard site. If this does materialise, the Devonshire Place public realm would knit into it seamlessly, forming a consolidated and generously-proportioned public space at the heart of the two sites, which would bring major public benefits. Details on the configuration, quantum and character of the proposed on-site open space is expanded upon in more detail in separate sections of this report.
557. In addition to successfully ‘framing’ the proposed on-site and potential future public spaces, the disposition of the buildings –whereby the taller blocks have been placed to the northwestern and northeastern edges of the site– would optimise sun-on-ground within the public realm.
558. Entrances and public-facing non-residential uses have been located either on the principal frontages (Old Kent Road high street and Sylvan Grove) or at the intersection of key routes through the site. The residential lobbies and the three commercial/business units would all bring activation at ground level and help frame the various proposed open spaces. Further activation would come from the glazed frontages of the PBSA laundry rooms. The colonnaded bases to the northwestern elevation of Building C and the southeastern elevation of D, which would flank either side of The Grove, would bring grandeur and a sense of arrival. The community hub, being located on the northern corner of Building A, would provide a positive interface with Sylvan Gardens and form part of a wider community offer that extends into the adjacent Daisy Business Park, all of which is welcomed.

559. Cycle stores and ancillary uses have been appropriately located either at basement or first floor level to minimise the extent of inactive frontage. Where inactive frontages have been unavoidable, the applicant has proposed to dress these using public art installations.

**Image 69** (right): Site movement strategy, showing how permeability has been maximised, where entrances are located, and how the site could connect into a future development at the adjacent Devonshire Yard land.



560. In contrast with the extant hybrid permission, the 23/AP/1862 proposal does not include a podium. The podium had the effect of rendering a significant amount of the on-site open space inaccessible to the general public. The new proposal, in not retaining the podium, would be more successful: it would ground the buildings, create a stronger and more engaging street presence, and provide a greater amount of publicly-accessible open space. By omitting the podium and setting proposed Buildings C and D apart by 17.5 metres, the new proposal would also provide a strong physical and visual connection between Old Kent Road and the potential future open space on the Devonshire Yard land. This should be seen a significant improvement in the site layout, permeability and overall public space offer.

561. In summary, the proposed site layout is well conceived, providing improved frontages along the Old Kent Road high street with increased permeability through the site. The proposed development would provide new north-to-south and east-to-west routes, enhancing the site's connectivity to a network of open spaces as proposed in the draft AAP, while also helping to integrate the site into the wider area. This aligns fully with the ambitions of the Southwark Plan to foster mixed and inclusive communities.

### Height, scale, massing and tall building considerations

562. The application proposes four buildings, the tallest of which (Building A) would rise to 33 storeys to the north of the site, with Buildings B and C cascading in height from 19 to 15 storeys to the south. Building D would be 20 storeys, with a 12-storey frontage onto the Old Kent Road high street.

563. The tallest of the four buildings constitutes a Tier 1 building - which the draft OKR AAP identifies as acceptable. The tower is located at the site's northeastern extremity, forming the primary landmark building within the cluster. The location

of the Tier 1 building is considered to be appropriate, acting as a navigation node to the proposed Bakerloo Line station, the central open space of The Grove, and the future larger open space that may delivered as part of any redevelopment of the Devonshire Yard land.

564. The heights of the lower buildings are also broadly consistent with the draft AAP. Although the two buildings that front Old Kent Road are taller than the high street frontage guidelines, their massing has been carefully articulated by applying set-backs and chamfers to the upper storeys. These two buildings are conceived as gateway marker buildings for the proposed open space and new tube station. Given the townscape role of the buildings, their heights are acceptable.



**Image 70** (above): Visualisation of Buildings C and D as they front onto Old Kent Road.

565. In providing a mix of Tier 1, Tier 2 and Tier 3 buildings, the development broadly follows the heights guidance of the draft AAP. The relative heights of the four buildings would also align with the strategy as set in the AAP, with there being a stepped increase away from the high street and towards the northeast of the site, responding to the Daisy Business Park redevelopment. Building A is 14 storeys taller than Building B, lending the family of buildings a clear hierarchy and creating a primary focal building within the cluster. For these reasons, the proposal would positively cohere in a cluster around the proposed station at this 'Crossing', which is considered beneficial in townscape terms.

566. With regard specifically to massing, Buildings A and B would possess a strong sense of verticality, attributable largely to their gridded frame and the notched corners reducing their apparent width. Buildings C and D have been well articulated to provide added interest and reduce the perception of the massing in the streetscape.

567. To enable legibility across the development, the design and materiality of the ground floors would vary depending on the typology. Buildings A and B would provide a striking white metal grounding, with dynamic artwork included within the double-height colonnade for added interest in immediate views of the tower. Buildings C and D, the conventional housing blocks, integrate chamfered corners to increase the public realm and promote movement into the heart of the site.

568. Underpinning the massing and townscape strategy is the concept of architectural pairs that together form of family of four. With regard to Buildings A and B, their



corners have been indented to exaggerate slenderness and verticality. Both would be topped with portico crowns to articulate the skyline. Due to the consistent massing approach, these two PBSA buildings, despite being of different heights, would nevertheless read as a pair.

569. Looking specifically at Buildings C and D, these would both have a staggered massing, with the 'folding away' upper floors helping to lessen the apparent bulk, and the chamfered corners creating a gateway into the centre of the site. In recessing the taller element of Building D from the Old Kent Road building line, the applicant has reconciled, on the one hand, the need to provide an urban marker for Devonshire Place and the planned underground station, and on the other, the importance of keeping the heights along the high street relatively controlled.

570. Buildings A and B would have an elevational expression distinct from that of Buildings C and D, reflecting the different internal uses. This approach is successful in lending variation and complexity to the cluster in immediate and long-range views.

571. Despite being differentiated in this way, the two couples would respond to each other through their strongly expressed frames and some commonalities in finish colour. As a grouping of four, they would have a dynamic interplay.



**Image 71** (above): Visualisation of the scheme, as seen facing north along the Old Kent Road.

572. The proposed strong and distinguished bases of all four buildings would relate positively to the proposed public realm, their architectural detailing providing a human scale to the development and adding interest in close-range views. In longer-range and wider townscape views, the 'family of buildings' concept is successful in providing further articulation to the massing and skyline.

573. As assessed in detail in a subsequent part of this report, it is not considered that this proposal, due to its height or scale, would result in substantial harm to designated London wide or local protected views.

574. In concluding on height, massing and scale, it is important to recognise that the maximum height of the proposed development is three storeys lower than the maximum height of the consented scheme. At the same time, it should be noted that 23/AP/1862 proposes buildings of comparatively greater height on the Old Kent Road frontage; however, as explained in detail above, it is considered that the approach to massing has mitigated this height such that Buildings C and D would sit comfortably within the streetscene and wider townscape.

575. With regard to policy compliance with London Plan Policy D9 and Southwark Plan Policy P17, the following aspects are of consideration:

Landscape contribution

576. The development comprises a series of open spaces, providing increased permeability for pedestrians and cyclists. Together with neighbouring sites, the development will provide publicly accessible open space for the existing and emerging communities. The proposal provides a number of improvements to the existing streets, including the proposed stopping-up and landscaping of Devon Street (South Arm), improving the public realm contribution between Buildings C and D. These are considered to commensurate with the scale of development.

Point of landmark significance

577. The application site is located opposite the proposed new “Old Kent Road” tube station, forming part of the Bakerloo Line extension. The development will act as a wayfinding node for the station and, together with the Daisy Business Park redevelopment to the northeast, will form part of a cluster of tall buildings. This is considered to be in accordance with key principles of the ‘Stations and Crossings’ strategy. The proposed development would also create a gateway to the potential centralised public square, while reinforcing the high street character along this stretch of the Old Kent Road. In this regard, the development constitutes a key landmark providing increased legibility of the new station. As such, and having regard to its location in the Old Kent Road Opportunity Area and District Town Centre, the height of the building is considered appropriate.



**Image 72** (above): View looking northwest along Old Kent Road, from a position to the front of Bowness House, showing the relationship of the four buildings to the existing and emerging context.



### Highest architectural standard

578. The proposal would be a high quality new-build scheme, incorporating a pallet of robust and rich facing materials, brought together into a refined and striking architecture through careful detailing. Each building would successfully achieve a distinguished base, middle and top. The varied approach to the architectural design of the typologies will ensure the scheme makes a dynamic addition to the skyline. It would deliver high-performance conventional and PBSA housing as well as commercial and community floorspace. The architecture and detailed design is well considered, in both its appearance in immediate and longer-range views.

### Relates well to its surroundings

579. At ground floor level, two-storey colonnade spaces would be provided, framing entrance spaces and providing glazed frontages onto the public realm. The development ensures sufficient activation is provided at the centre of the site, to align with the potential delivery of a public space on the adjacent Devonshire Yard land. The development ensures that the ground floor provides a positive interface with the proposed open spaces and surrounding streets, presenting accessible and welcoming entrances. Through the incorporation of glazing there will be a positive relationship between internal and external uses. The development will also ensure increased permeability through the site. The architectural design and composition of the buildings will aid legibility and wayfinding in mid-range and longer range views.



**Image 73** (above): View looking across *The Grove* towards Building D's colonnaded southeast elevation.



**Image 74** (above): View looking through *The Grove*, with Gasholder 13 visible in the background.

580. The proposed development responds uniquely, but positively, to the local character and will make a positive contribution to the townscape.

### Positive contribution to the London skyline

581. The development would form part of a cluster of emerging large-scale buildings around the planned tube station, a number of which benefit from planning permission. The proposed scale of the development –with the heights stepping up from the high street to the site's northeastern extremity– is consistent with the

heights promoted on this particular site in the AAP, and the 'Stations and Crossings' strategy more generally. The varied distribution of heights will facilitate an articulated skyline, defining a set of marker buildings to aid way finding.

582. 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 to the tallest block, with a well-articulated family of markedly lower buildings surrounding it.

#### Free-to-enter publicly-accessible areas

583. The application proposes public realm at grade covering an area of 1,685 square metres, broadly commensurate in size with the quantum of publicly-accessible open space proposed by the extant scheme (which had a larger site area). In addition to the areas within the site itself, the proposals would deliver widened footways supplemented by planted beds and new street trees. In light of this, the total quantum of new publicly accessible realm created by the redevelopment would be commensurate to the height of the proposed tall buildings, and should be treated as a benefit of the scheme.

#### Mitigated environmental impacts

584. 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. An ES accompanied the planning application and other parts of this report assess these matters comprehensively, and conclude that with mitigation secured, no major adverse long-term effects would arise.

#### Conclusion on massing, height, scale and tall building considerations

585. In summary, although the proposed development –constituting a Tier 1 buildings, two Tier 2 buildings, and a Tier 3 building– would mark a step change in the scale of the immediate area's built scale, this is considered to be in line with the 'Stations and Crossings' building heights strategy in the draft AAP. Formed of a family of confident and carefully modelled buildings set within high-quality public realm, the development would repair a long-standing gap in the high street. It would play its role in delivering the series of tall building clusters planned along the Old Kent Road, while also making a beneficial contribution to the local townscape.
586. Overall, and having taken account of the effects arising cumulatively with other existing, consented and planned tall buildings nearby, the development's design would be exemplary, thereby meeting the policy criteria for a new tall building.

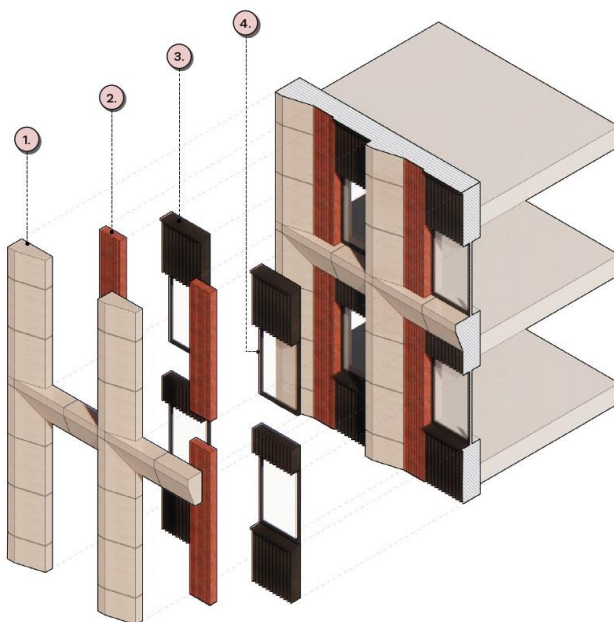
However, a significant outcome of a tall building is its visibility and while this is not harmful in itself, the potential effects on the 'receptor' townscape and heritage assets are of special concern. These are discussed in later parts of this 'Design' section.

### Architectural design and treatment

587. 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.

588. At Buildings A and B, a modern material palette is proposed consisting of:

- a light-coloured metal gridded frame (a crisp white at the base two storeys, switching to a cream above), arranged in four-storeys groupings;
- four portico style screens at roof level, each a continuation of the light-coloured metal gridded frame, collectively forming the 'crown';
- coloured ribbed panels within each bay and at the notched corners, fading in saturation as the height increases, complemented by dark metal panels and window frames; and
- colourful expressions applied to the external lobbies, to help celebrate these key points of arrival.



**Image 75** (above): Exploded isometric of the composition of the Building A and B facades, with (1) referring to the metal piers and beams, (2) to the ribbed metal panel, (3) to the dark grey metal spandrel panel and (4) to the glazing.



**Image 76** (above): Ground and first floor bays of Building A/B, highlighting at (5) the white metal piers and at (6) the textured metal footers.

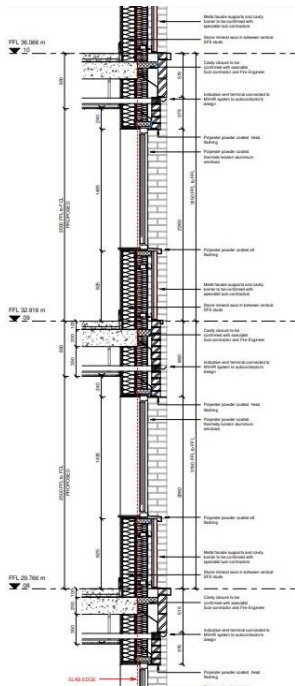
589. The lightweight ground floors, glazed bricks and graduated treatment at the base of the columns are all supported. The colour pops provided by the ribbed panels are intended to aid legibility, with the red hues being a connotation to the red brick masonry finish of Buildings C and D. The vertical stress and repetitious nature of the regular student module would create a functional composition that lends an elegance and controlled quality to these two tall buildings. Overall, the effect is considered to be successful.

590. The approach to the architectural treatment of Buildings C and D is more traditional in nature, reflecting the principal use of these buildings as conventional housing. The main body of the street buildings (including the double-storeyed base) would be faced in:

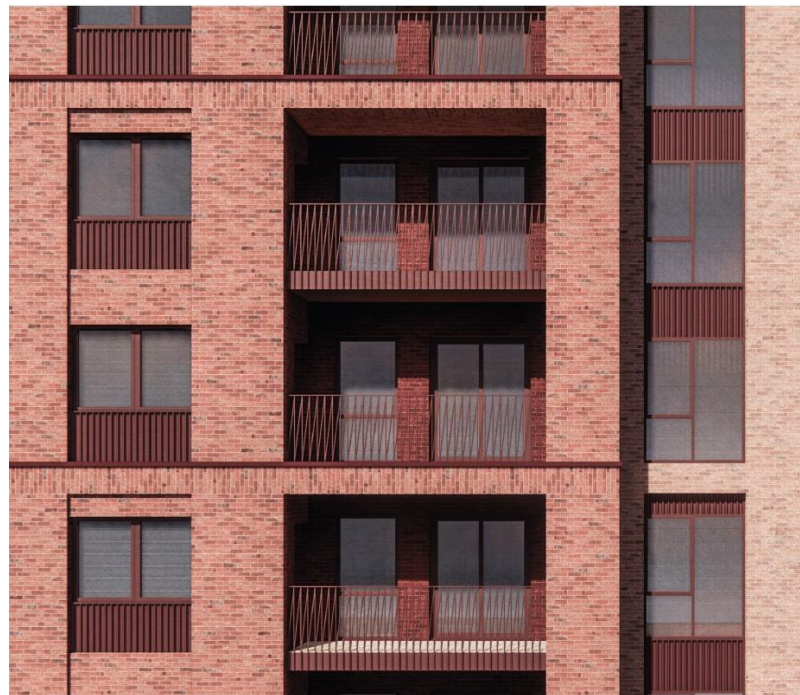
- two tones of red brick, and one lighter beige tone, all laid in a flush joint;
- red pre-cast concrete panels and banding;
- red coloured metalwork to fenestration and balconies;
- bronze glazed brick to base of buildings;
- bronze coloured metalwork to ground floor; and
- white brick to base of buildings.

591. The uppermost storeys of Buildings C and D would employ:

- metalwork lining to the column openings;
- graduated glazed brick detail at the base of columns; and
- full height glazed brick on the recessed wall.



**Image 77** (above): Indicative detailed section through the Building C/D façade.



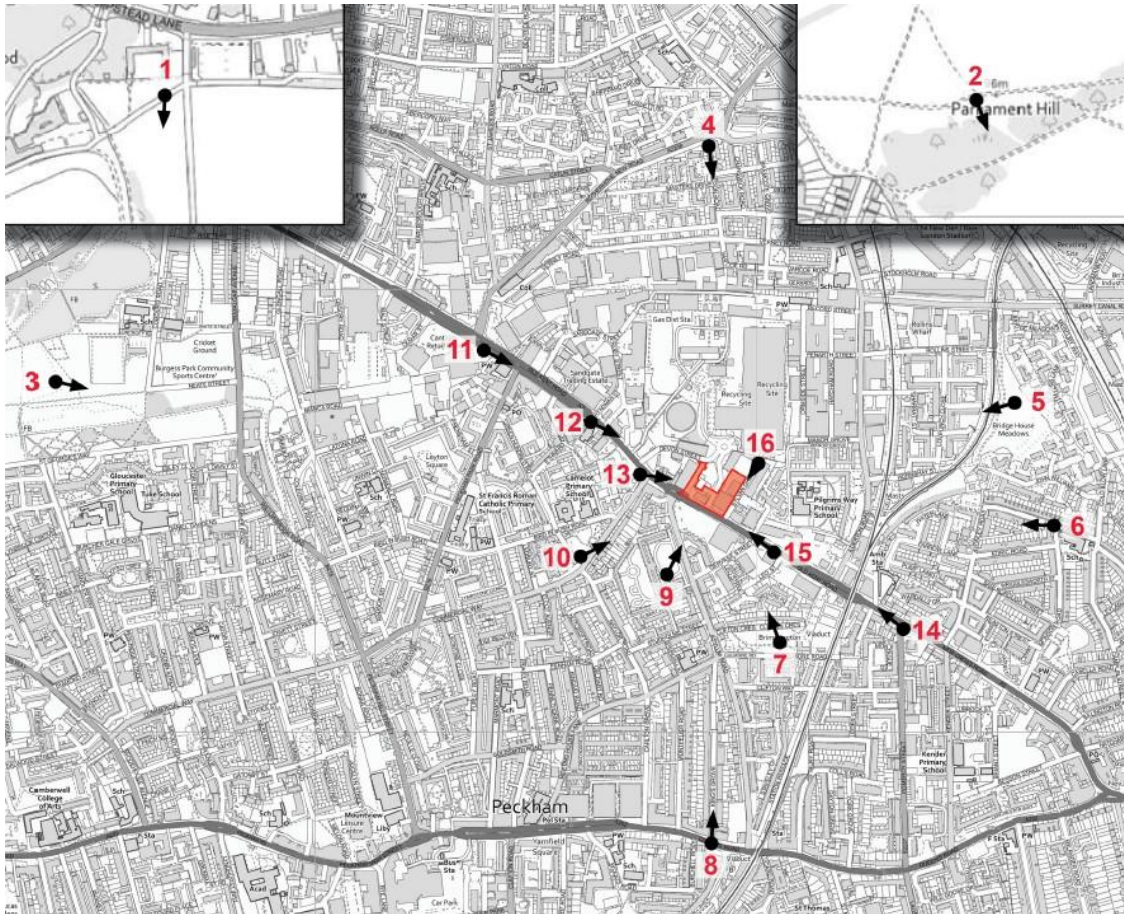
**Image 78** (above): Rendered bay study of Building D showing the two tones of facing brick, together with the use of string courses and vertical brickwork banding on alternate floors, all subtly offset by the metalwork.



592. The warm red hues of the brickwork and metalwork finishes would be consistent with the character of the Old Kent Road high street, and would directly reference the coloured ribbed panels on Buildings A and B, imbuing the four buildings with subtle similarities. The details –such as the string courses, the ribbed spandrel panels, the vertical brickwork banding and the shadow recesses– would complete the composition of Buildings C and D.
593. In terms of how all four buildings would be expressed at street level, a carefully detailed two-storey base would wrap the full perimeter of each building, broken only by the generous colonnades, external lobbies and podium. This consistent architectural approach would, as with the aforementioned use of red hues, help to subtly unite the four buildings as a family. The application of robust materials and rich detailing to the two-storey bases would make for a high quality streetscape environment.
594. The materials shown indicatively at this stage are high quality and robust, such that officers have confidence the appearance and architectural integrity of the building would be sustained through its lifespan.
595. To ensure the texture and interest of the elevational designs are carried through to the as-built scheme, conditions are recommended requiring sample panels of each material (including, in the cases of the bricks, the bond and mortar), as well as samples of the window and door frames.
596. Large scale bay studies have been provided with the submission to demonstrate design quality. Notwithstanding, a full set of detailed drawings will be secured by condition to ensure the delicate qualities and depth of the facades depicted in the application-stage drawings materialise in the as-built scheme. Additional to this, a condition is recommended requiring full scale mock-ups of the façade panels of the towers to be built on site and presented for officers' approval.
597. Overall, and with the abovementioned planning conditions enabling to officers to retain control over the detailed resolution, the proposal would achieve an exemplary quality of architectural design.

### Heritage and townscape impact

598. A Heritage Townscape and Visual Impact Assessment (HTVIA) has been submitted in support of this application. The study area for the HTVIA was informed through discussions with planning officers. A number of conservation areas and listed buildings fall within this radius, as do buildings on the draft local list. The 'townscape' element of the HTVIA considers the impact of the proposed scheme from sixteen different viewpoints (two of which are outside the borough), and includes consideration of cumulatives.



**Image 79** (above): Map showing the fourteen local viewpoints assessed in the HTVIA, as well as the two LVMF viewpoints (top right and top left call-out boxes).

### London Strategic views

599. The London View Management Framework (LVMF) (March 2012) identifies a number of strategic views that are sensitive to change, and require careful management if they are to be protected and enhanced. The types of strategic view are: London Panoramas; Linear Views; River Prospects; and Townscape Views. Two of the LVMF views are potentially sensitive to development at the application site, and as such the HTVIA has tested the impact of the proposed Devonshire Place within these views. The two views are:

- LVMF 3A.1 Kenwood: the viewing gazebo (in front of the orientation board); and
- LVMF 2A.1 Parliament Hill: the summit (looking toward St Paul's Cathedral).

600. While the development will be partly visible in View 2A.1, the degree of its visibility, which is limited, and its distance from St Paul's Cathedral in the view mean that it would not harm the view or the ability to appreciate and understand St Paul's in the view. The development would be seen as a relatively small part of the backdrop development in the view's wider context and would not particularly impinge on St Paul's Cathedral. Similar considerations apply to View 3A.1. Overall, there would be little impact on the protected LVMF views.





**Image 80** (above): View from LVMF 2A.1 with the proposal outlined in green.



**Image 81** (above): View from LVMF 2A.1 with the proposal outlined in green, submitted (but as yet undetermined) schemes outlined in pink and consented/implemented schemes outlined in yellow.

### Borough views

601. The site is not within any Borough View corridors or their wider consultation areas.

### Local townscape views

602. In a number of the views the impact of the proposals are considered to be neutral or in some cases beneficial. For instance in the view from Bridgehouse Fields (View 5) the development would be seen as part of a cluster of tall buildings along the alignment of the Old Kent Road and would be beneficial to the townscape setting by providing a point of orientation and reference from the open space.

603. In View 7 (from Brimmington Park) the development is seen over the roof line of the Grade II listed buildings of Clifton Crescent. The view already includes the

towers of the Tustin Estate, and the taller buildings on the Aldi site at 840 Old Kent Road are currently being constructed. In terms of townscape the towers would form part of a cluster of well-designed tall buildings in this view and the impact would be beneficial.



**Image 82** (above): Triptych view across Brimington Park towards the application site in the existing condition.



**Image 83** (above): Triptych view across Brimington Park in the proposed scenario, showing the proposed development (in full render) in the centreground.



**Image 84** (above): Triptych view across Brimington Park in the cumulative scenario, with the proposal in the centreground, plus the submitted (but as yet undetermined) schemes outlined in pink and consented/implemented schemes outlined in yellow.

604. In View 8 the tallest elements of the scheme are seen on the axis of Kings Grove, and would provide a point of orientation in the townscape proportionate to the terraced street in which they would be visible from. This would add positively to the local townscape.

605. In View 9 (from Caroline Gardens) the development would have some negative effect as the scale and form of the development is in contrast to that of the two-



storey horizontality of the design of the Asylum buildings. However, this is mediated to an extent by the mature planting within the gardens and the impact is considered to be acceptable.



**Image 85** (above): *Triptych view across Caroline Gardens towards the application site in the existing condition.*



**Image 86** (above): *Triptych view across Caroline Gardens in the proposed scenario, showing the proposed development (in full render) in the centreground*



**Image 87** (above): *Triptych view across Caroline Gardens in the cumulative scenario, with the proposal in the centreground, plus the submitted (but as yet undetermined) schemes outlined in pink and consented/implemented schemes outlined in yellow.*

606. In View 11 you see the listed Gasholder 13 from the north to the south along Old Kent Road. Development as promoted by the draft OKR AAP and subsequently consented, such as that at Ruby Triangle, will inevitably mean that views towards the listed structure become somewhat more limited. In spite of this, there will still be views of the gasholder given its significant scale; it will remain a presence even in the reimaged high street setting. The development would sit to the

south of the gasholder in this view and overall the townscape of Old Kent Road would be enhanced.

607. In View 12 (from Hyndman Street/Old Kent Road) you see the slender profile of one of the student towers and the impact is considered to be beneficial to the townscape.
608. View 13 (from the junction with Commercial Way and Old Kent Road) is closer to the development and its height mass and bulk are more apparent in the context of the buildings within the Kentish Drovers and Bird in the Bush Conservation Area (including the listed Kentish Drovers pub). The design has sought to mediate the impact of the building on the immediate townscape, which unlike a lot of Old Kent Road is of a relatively high quality, by incorporating chamfers into the upper storeys. These pick up one of the design motifs of the extant hybrid permission. This, the architectural treatment of the flank elevations and the re-instatement of the high street frontage which the scheme delivers, is considered to be beneficial to the townscape.
609. View 15 (from Gervase Street north along Old Kent Road) is currently characterised by out of town retail sheds and car parking. The introduction of bold urban forms and the re-founding of the high street edge are beneficial in this view.
610. In View 16 (along Sylvan Grove towards Old Kent Road) similar considerations apply. The street is currently poorly defined on its northern side, primarily by open yard and car parking spaces. The student buildings provide a definite street edge, the impact on the townscape being beneficial.
611. In conclusion, in the majority of views the impact of the scheme would either be neutral or beneficial. This is to a degree to be expected, given the poor townscape character of much of the existing area.

#### Designated Heritage Assets

##### *Kentish Drovers and Bird in Bush Conservation Area*

612. The site is within 30 metres of the north edge of the conservation area and the north part of the conservation area spans the Old Kent Road, recognising the quality of the surviving Victorian high street that runs in a brief stretch between the junctions of Commercial Road and Asylum Road. The high street either side of this part of the conservation area is of a particularly poor quality. Opportunities to enhance the setting of the area arise from Future High Street Funding project in respect of the external refurbishment of the Kentish Drovers pub, re-development of adjacent allocations sites and the healthy high streets project which offers the opportunity to enhance the street itself.
613. The re-development of this site is considered to enhance that part of the conservation area that straddles the Old Kent Road, by reinstating the continuous retail frontage and thereby re-establishing a sense of the historic high street character. The new buildings are of a clearly different scale, but by

increasing the intensity of use and activity along the frontage they should ensure the buildings within the conservation area are in turn active and less likely to be vacant and shuttered, enhancing their special character which is in part defined by their retail use.

614. There will, however, be some harm to other parts of the conservation area, in particular from Bird in Bush Gardens where the buildings would appear along the predominantly two storey roofline along the south side of Commercial Way. Although some harm would be caused, the redevelopment would be read as a clearly different character of building in the backdrop of the setting of the conservation area and would not visually dominate the listed and unlisted buildings that make up the conservation area along Commercial Way. For that reason the harm to the character of the conservation area is considered to be at the lower end of the scale of less than substantial. Overall it is considered that the special architectural and historic character of the conservation area would be preserved.

#### *Caroline Gardens Conservation Area*

615. The northern parts of the conservation area are within 60 metres of the site. The main courtyard garden space is somewhat insulated from the poorer aspects of the Old Kent Road by relatively mature planting. Consequently the setting of Caroline Gardens, the central chapel and the ranges that enclose the garden space are more likely to be adversely affected by buildings that appear beyond that landscape screening. The same planting, however, also tends to mitigate the scale of neighbouring developments including this one. In addition, part of the wider setting of the conservation area includes views to it and its listed heritage assets across the car park of the adjacent Lidl supermarket, something that significantly detracts from the conservation area. Redevelopment of adjacent sites in line with the draft OKR AAP, including this site, will overall enhance the setting of the conservation area. The harm that is caused to this conservation area is considered to be at the lower end of less than substantial and outweighed by the overall enhancement of the setting of the conservation area and the scheme's wider public benefits.

#### Listed Heritage Assets

##### *Gas Holder 13 (Grade II listed)*

616. This is an engineering structure of significant scale and presence. The proposed development is 75 metres away from the Gas Holder and is not considered to be of a scale or proximity that would harm the heritage significance or setting of the gas holder.

##### *Kentish Drovers Pub (Grade II listed)*

617. The Kentish Drovers is of a far more domestic scale than Gas Holder 13, albeit having been seen in the context of tall buildings at the Ledbury Estate for at least the last 50 years (the towers on the estate are about to be demolished but will be replaced by a new tall building). Nonetheless, it is considered that there would

be some harm to the setting of this listed by reason of the contrast in height mass and bulk of the proposed scheme. This would, however, in turn be offset to a degree by improvements to the setting of the listed building as a result of the reinstatement of the historic high street frontage. Overall, the harm to the setting of the listed building is considered to be at the lower end of the scale of less than substantial and outweighed by the scheme's public benefits.



**Image 88** (above): View looking southeast along the Old Kent Road high street, with the Kentish drivers pub visible to the far right of the image, showing the proposal rendered alongside cumulatives (yellow and purple lines).

*Doddington Place (Grade II listed) and Doddington Cottage (Grade II listed)*

618. Both of these buildings are located on Commercial Way and are approximately 100 metres from the site. The development would appear above the roofline of this terrace of both listed and unlisted buildings. While there would be some harm to the setting of both listed buildings, given the relative distance, scale and contrasting material finish of the proposed development, it is considered that the harm caused would be at the lower end of the scale of less than substantial and outweighed by the public benefits of the scheme.

*Caroline Gardens (Grade II listed)*

619. Caroline Gardens are the grandest listed buildings in the Old Kent Road. As discussed, an intrinsic part of their setting is the landscaped gardens. The buildings sit on the cusp of the high street/arterial highway character of the Old Kent Road and the surviving leafy suburbia of Peckham New Town to the south east. Views from within the gardens have since the 1870's included views of listed Gas Holder 13 and would have in the past included other gas holders and the gas works coking plant which has been since demolished. The formal symmetry of the listed building is probably best appreciated by a view on axis with the chapel, and within this view the development appears on the periphery creating little harm to the buildings' setting.



620. From within the gardens, the development is more visible within the setting of the south range of the complex and would create some harm to that setting. But for reasons already discussed the mature planting in the gardens tends to mitigate that harm which is considered to be at the lower end of the scale of less than substantial and is outweighed by the scheme's public benefits.

*Clifton Crescent (Grade II listed)*

621. This terrace has a domestic charm, with its gentle curve and park setting. These listed buildings are the most distant from the development at approximately 300 metres. While the scheme does appear over the roofline of the terrace, given the distance, the relative scale of the proposals and the existing setting of this terrace—which includes the Tustin Estate towers—it is not considered that any harm would be caused to the special interest of the listed buildings.

*Non-designated heritage assets*

622. The draft OKR AAP identifies a number of non-designated heritage assets and these in turn have been included on the councils draft local list.

*Daisy Business Park, 19-35 Sylvan Grove*

623. In respect of locally listed buildings, the Daisy Business Park at 19 and 35 Sylvan Grove is closest to the application site. This non-designated heritage asset comprises two-storey brick warehouse buildings, dating from the 20<sup>th</sup> Century, joined at the corner to form an L shape.



**Image 89** (right): Photo of the Daisy Business Park buildings

624. The building has been repurposed as small office spaces. There is a consent (ref: 19/AP/2307) to partially demolish and partly retain the building, with a residential tower exceeding 100 metres in height adjacent to the retained structure. It is not considered that the Devonshire Place proposal would harm the heritage interest of this building.

*719-733 Old Kent Road and 720a to 726 Old Kent Road*

625. These buildings comprise the remaining historic fragment of the Victorian high street. The Council has purchased 719-733 Old Kent Road and has invested Future High Street funds in refurbishing 733. The proposed development has been designed to reinstate the contiguous high street frontage which will

complement and enhance the setting and future use of these non-designated assets.

#### 314-320 Commercial Way

626. The proposed 33-storey tower is visible over the roofline of this terrace. As noted in respect of the designated assets, this would cause some harm but the harm would be relatively limited.

**Image 90** (right): View of the Commercial Way terrace, plus the proposal (in green line) and cumulatives (in pink line).



#### Grenier Apartments, 18 Gervase Way

627. This is a former London Board school converted to residential flats. It is located approximately 200 metres to the south of the site. It is not considered, given the distance between this building and the development, that there would be any harm caused to this non designated heritage asset.

#### Conclusion on heritage and townscape impact

628. There would be some harm to designated and non-designated heritage assets as a result of the development but in all cases these would be at the lower end of the scale of less than significant harm and is clearly outweighed by the public benefits of the scheme. These benefits include a significant contribution to affordable housing supply and also a significant contribution to the reinstatement of the historic high street which is a key aspiration of the OKR AAP. The scheme is therefore considered to be acceptable in respect of heritage matters.

#### Inclusive access

629. Policy D3 of the London Plan states that measures to design out crime should be integral to development proposals and be considered early in the design process. Developments should ensure good natural surveillance, clear sight lines, appropriate lighting, and logical and well-used routes. Policy P16 of the Southwark Plan reinforces this and states that development must provide clear and uniform signage that helps people wayfind and effective street lighting to illuminate the public realm.

630. The various inclusive access measures within the proposal would include:

- all surfaces at a gentle gradient and surfaced in slip-resistant treatments;

- all uses to have step-free access through the provision of ramped or lift arrangements;
- colour contrast to be provided to denote level areas from those with a gradient;
- reflective surfaces, internal finishes and lighting levels and sources to be designed to reduce disturbance for people with sensory disabilities;
- manifestations to glazed doors and windows where necessary;
- lift access to be provided to all levels within the building, with all lifts to include tactile information, audible announcements and adequately sized landing space;
- cycle storage provision to allow for larger cycles such as cargo cycles, purpose built cycles for disabled people and tricycles; and
- signage to be clear, legible and consistent (pictograms will be used wherever possible and text and signs will be in accordance with the Joint Mobility Unit Sign Design Guide).

631. The proposal is ambitious in its inclusive design principles creating a convenient and welcoming building and new public spaces that can be entered, used and exited safely, easily and with dignity for all.

### Designing-out crime

632. Policy D11 of the London Plan and Policy P16 of the Southwark Plan require development proposals to reduce opportunities for crime, and create and maintain safe internal and external environments.

633. Mentioned throughout the application documents are the various 'passive' ways in which opportunities for crime have been designed-out. Examples include:

- creating well lit routes and spaces with good sight lines, creating opportunities for natural surveillance in so doing;
- designing-out alcoves, secluded areas and other spaces for anti-social behaviour; and
- designing all cycle store room to be open-plan, well-surveilled and secure.

634. The Metropolitan Police's Secure by Design Officer has assessed the proposal and is confident that certification can be attained. To ensure certification is ultimately achieved, the imposition of a two-part 'Secured by Design' condition is recommended.

### Community Review Panel

635. The proposals were reviewed by the Council's Community Review Panel on two occasions at the pre-application stage. The first review took place March 2023, and the proposals were brought back for a second review two months later. The opportunity not only to review the scheme, but to see how it had evolved in response to earlier comments, was strongly welcomed by the Panel.

636. The Panel's feedback to the first review, which was generally positive, can be summarised as follows:

- Architecture:
  - welcomed very strongly the decision to remove the podium between Blocks C and D;
  - expressed the view that Buildings C and D would benefit from greater variety and depth, and a less uniform appearance;
  - felt more could be done in terms of the elevational designs to reference the area's Victorian heritage;
- Student accommodation:
  - cautioned that, unless there are robust management arrangements for the PBSA, the facilities and the surrounding public realm may not be successful;
  - felt there should be deeper consideration of how residents and students can mix, and that the spaces and facilities provided on-site should be more intentionally designed to foster integration;
  - suggested that the design team considers '24 hours in the life' of different people living on the site, to provide more detail on the way spaces will be used, and inform the overall design approach.
- Community offer:
  - asked for greater thinking about how the local community could be made to feel welcome, and people other than residents could be attracted to use its spaces (e.g. local artists could be invited to contribute to public art);
  - felt more uses other than a supermarket alone, should be provided, such as a café.
- Amenity impacts for future residents:
  - advised that the potential for unpleasant smells from SWIMF, which could have a negative impact for residents, is accounted for and appropriate mitigation put in place if necessary.
- Transport, highways and movement:
  - stressed the importance of implementing improved road crossings to provide for the large number of new residents the scheme will bring.

637. At the second review, the Panel was pleased to see that the proposals had been developed positively since the previous review meeting in response to the issues raised. The Panel's feedback was generally very positive, with only a few matters raised, as follows

- Playspace and public realm:
  - questioned if there might be scope to provide play space for adolescents as well as younger children;
  - sought more thinking about how the bandstand would be used, including how it would be used, who would play in it, whether it would

- cause noise problems, and whether it was appropriate to construct it around a tree;
  - asked if raised vegetable-growing beds could be provided for residents;
  - emphasised the importance of a safe public realm for all, and asked for detail on how this will be achieved (lighting plan, surface treatments plan etc.).
- Architecture:
  - expressed concerns about white material being used at ground-floor level, because positioning the palest colour at the base of the towers may undermine the overall effect of colour progression across the full elevations.
- Amenity impacts for future residents:
  - Reminded the applicant of the importance of making sure high level amenity spaces are not uncomfortably windy.
- Transport, highways and movement:
  - suggested drop kerbs from the planned/future floating bus stop, as well as visitor disabled parking bay, would be beneficial for those visiting the potential surgery;
  - stressed the need for a robust and workable move-in/move-out strategy for the PBSA.

638. The second review concluded with the Panel expressing confidence in the ability of the applicant and officers to collaboratively resolve the final few matters through the remainder of the pre-application process. A full account of the feedback from both rounds of the Community Review Panel is provided at Appendix 6 of this committee report.

### Design Review Panel

639. The proposals were reviewed by the Council's Design Review Panel at the pre-application stage in March 2023. The opportunity to review the scheme in an early stage of the design process was welcomed by the Panel. The Panel's feedback can be summarised under three themes, as follows:

- Urban morphology:
  - encouraged the applicant to rigorously test the proposed massing (and possible alternative heights and massing) alongside the optimal development for the council-owned Devonshire Yard land and what was generally known of emerging schemes on nearby sites;
  - questioned the distribution of heights and massing across the site;
  - questioned the size and arrangement of the public realm;
  - felt more focus should be given to how the environmental or energy strategy influences the composition and inter-relationship of buildings (e.g. through orientation and spacing); and

- questioned the appropriateness of placing the conventional (Class C3) housing adjacent to the Old Kent Road, with the student accommodation located towards the rear of the site.
- Human scale and resident/community offer:
  - encouraged the applicant to optimise active frontages, and the quality and public safety of the scheme's public realm;
  - raised concerns about the separation distances between the buildings, and how this may impact the quality of daylight and extent of direct views within the interior spaces;
  - felt that the community hub, at 45 square metres, was too small and that the applicant should make sure the interior dovetails with the adjacent Sylvan Gardens landscape; and
  - cautioned that, unless outdoor amenity space is provided for the students, this would only add pressure to the limited public space generated by the scheme's own housing provision.
- Architectural expression
  - advised that more work was needed to give legibility to the buildings;
  - expressed the view that the buildings would benefit from greater variety and depth, and a less uniform appearance;
  - felt the appearance of the two PBSA buildings was too corporate; and
  - felt the buildings needed a more sculptural quality, with Building D needing to be expressed as two volumes in different planes.

640. For the reasons set out in the preceding parts of this 'Design' section, it is considered that the applicant has positively evolved the design of the proposal in response to a number of the concerns raised by the Panel. These include:

- taking an entirely new approach to the articulation of Building D, to express it as two conjoined volumes, with the taller element set back from the other element fronting the Old Kent Road high street;
- significantly refining the elevational designs, to bring depth and relief, and to introduce some subtle references to the area's architectural heritage;
- adding chamfers to the tops of the buildings, with differentiation brought by indented balconies and pillars, creating clear definition of shadow and light;
- introducing colour gradation and indents to the façades;
- notching the massing of the building at staged heights around the four corners to create a more hewed, and less pure, form;
- re-engineering the building crowns to enable a cut-away on each of the four corners, giving the tower tops a more delicate and sculptural quality;
- introducing public art to some of the ground floor level facades; and
- increasing the size of the community hub to 95.4 square metres, more than double its original size.

641. A full account of the Design Review Panel's feedback is provided at Appendix 7 of this committee report.



## Conclusion on design

642. The design of the proposal evolved through the pre-application and planning application stages in direct response to independent design scrutiny from the Southwark Design Review Panel and two rounds of the Old Kent Road Community Review Panel. Extensive engagement with council officers and other bodies including the GLA and HSE also informed this iterative design process.
643. The relative heights of the four proposed buildings and their distribution across the site is logical and responds appropriately to the existing and emerging context, while also being broadly consistent with the tall buildings policy of the draft AAP. The proposal meets the Southwark Plan and London Plan tall building tests, and overall it is considered that the scale and massing of the proposal can be accommodated without undue harm to the established townscape. Throughout, robust and high quality finishes are proposed. To ensure high quality execution, sample materials, detailed section drawings and mock panels will be required by condition.



**Image 91** (above): Evening visualisation, facing southeast along Old Kent Road, of the proposed development. In this view, only Buildings A, B and D can be seen.

644. Having applied the statutory tests as set out in the Planning (Listed Buildings and Conservation Areas) Act 1990 and the requirements of the NPPF, it is considered that the proposal would conserve and enhance the significance of designated and non-designated heritage assets, with some less than substantial (but outweighed) harm caused in some instances, and would make a positive contribution to the wider townscape character. The proposed development would also make efficient use of land, optimise density and contribute towards creating

beautiful and sustainable places, in accordance with NPPF paragraphs 122 to 125, London Plan Policies GG2 and D3, and Southwark Plan Policy P18.

645. Inclusive design and crime minimisation considerations have all been resolved to an acceptable level of detail.

646. For the reasons given above, it is considered that an acceptable quality of design would be achieved.

### **Public realm, landscaping and trees**

647. London Plan Policy G7 and Southwark Plan Policy P61 recognise the importance of retaining and planting new trees wherever possible within new developments. London Plan Policy G5 requires major development proposals to contribute to the greening of London by including urban greening as a fundamental element of site and building design, and by incorporating measures such as high-quality landscaping (including trees), green roofs, green walls and nature-based sustainable drainage.

648. As set out in the draft Old Kent Road AAP, all new development must deliver 5 square metres of public open space per proposed dwelling (including student housing). As prescribed by the draft AAP indicative masterplans, sites are identified as providing public open space either:

- a) all on site; or
- b) some on site, some off-site; or
- c) all off-site.

649. In scenario b), the total quantum of on-site public open space proposed by the planning application can be deducted from the 5 square metre per dwelling financial contribution requirement. Where a site is required to make a public open space financial contribution, the £205 per square metre tariff specified in the Council's S106 and CIL SPD should be applied.

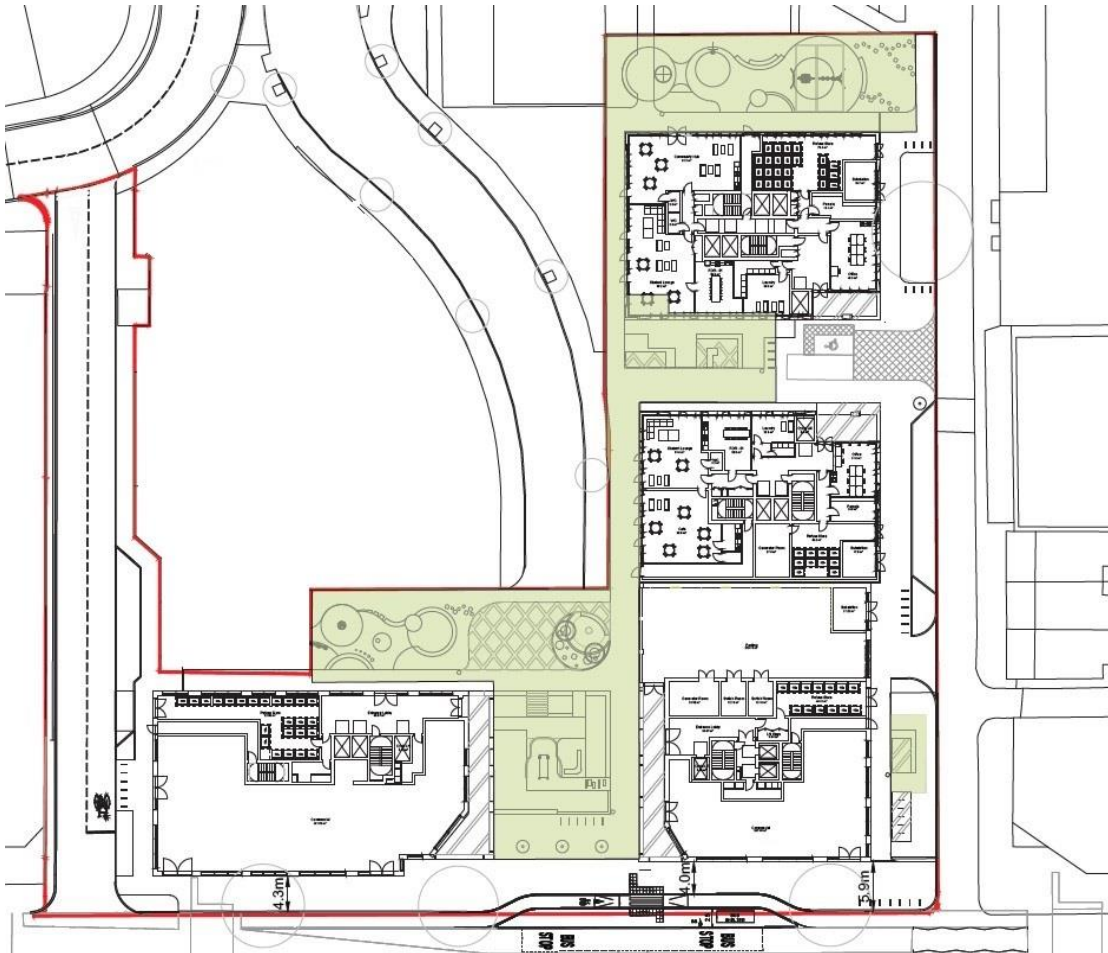
### **On-site public open space**

650. As mentioned in the 'Details of proposal' of this report, the proposed development incorporates four on-site public open spaces, each designed to have a distinctive character and programme. As the 'Residential external amenity space and young people's play space' part of this report has already explained, all but one of these areas of public realm would also incorporate play space; these facilities would be available to the resident children as well as young people from the wider neighbourhood.

651. When measuring the total quantum of public open space delivered by a proposal, areas that do not provide an open-to-the-air environment in which to dwell, relax, meet others and/or play should be excluded. Examples of such 'excluded' zones include:

- areas immediately to the front of main entrance doors and lobbies;
- colonnaded areas;
- footways (including any grassed/planted verges) running alongside main carriageways or servicing areas.

652. Applying the above rules, the Devonshire Place development would deliver in total 1,685 square metres of 24/7 free-to-access public open space, equating to 23% of the site area. The plan below shows the areas treated as ‘public open space’:



**Image 92** (above): Plan of the on-site areas treated as ‘public open space’.

653. Given the site’s Opportunity Area location, where density and intensification are expected, and also taking into account the height of the proposed buildings and the scale of the existing and planned surrounding built form, the balance of proposed public open space to building footprint is considered acceptable.

654. Sylvan Gardens would adjoin the public open space proposed at the Daisy Business Park site to the north (ref: 23/AP/0582), as is expected in the draft OKR AAP site allocation, creating a seamless and integrated new community space of generous proportions.

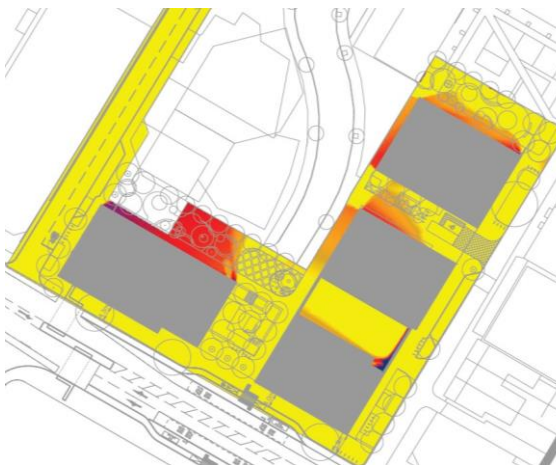
655. Coordinating these two spaces successfully through a coherent detailed landscape design can be achieved through the post-permission 'discharge of conditions' stages of the respective planning applications.



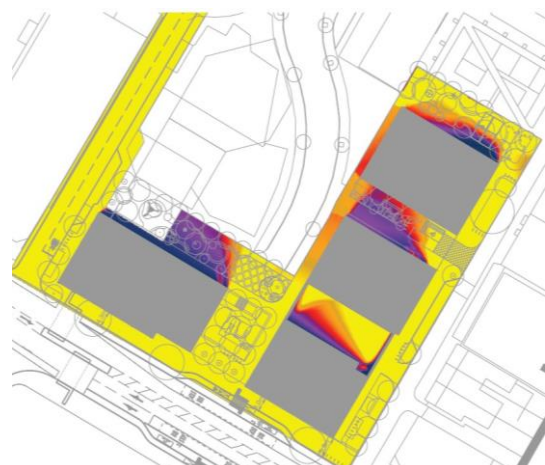
**Image 93** (above): Layout of the portion of Sylvan Gardens proposed at Daisy Business Park, with Devonshire Place's contribution indicated in mint green.

656. While the three other proposed spaces (Assembly Gardens, The Grove and Grove Play) are intimate and attractively-designed environments in themselves, their success is dependent to an extent on the nature of any future development proposals on the Devonshire Yard land (as discussed in other parts of this report).

657. A final consideration in respect of public open space is whether the configuration would achieve good levels of sunlight penetration. The DSO report submitted with the application demonstrates that, in the current-day context, 69% of the external amenity and play areas would receive in excess of the BRE recommended levels of sunlight (50% for 2 hours of the day when measured on the Equinox).



**Image 94** (above): Sun-on-ground analysis in the existing scenario (the areas in yellow, amounting to 69% of the site would achieve at least 120 minutes of coverage on the Equinox).



**Image 95** (above): Sun-on-ground analysis in the cumulative scenario, showing how the parameters of the Tustin Estate outline permission would reduce the site's performance.



658. Cumulatives, and their potential overshadowing effects, have also been considered. Once the Tustin Estate redevelopment is built out, it would affect the sunlight to the play space and amenity area, reducing the site-wide sun-on-ground performance to 51%. However, this performance is partly due to the massing being in a maximum parameter form. It is likely that any reserved matters application for this part of the Tustin Estate would be smaller, meaning the sun-on-ground performance at Devonshire Place would in reality be higher than 51%. In any case, 51% meets the BRE recommended levels of sunlight.
659. In light of the above, excessive levels of overshadowing are not, therefore, a concern.

### Off-site (Old Kent Road Opportunity Area) public open space

660. The proposal hereunder consideration would deliver the equivalent of 514 dwellings, producing a requirement for 2,570 square metres of public open space. The 514-equivalent dwelling yield is calculated as follows:

- one third of the 941 PBSA units (or part thereof) which is 514; plus
- the 200 conventional homes.

661. As the planning application would provide 1,685 square metres of on-site publicly-accessible open space, this can be subtracted from the 2,570 square metres required by the draft AAP. The residual is 885 square metres. Applying the £205 multiplier, this generates an in-lieu contribution of £181,435.00. These monies could form part of the funding pot for delivering Livesey Park. Alternatively, there are some opportunities along sections of the Old Kent Road high street relatively close to the site to repave the asphalt pavement and/or introduce at-grade SuDS/planting beds; this would help to reduce air and noise pollution, achieve greenfield run off rates, and encourage habitat creation.

### Public realm adjoining the site

662. At the base of the buildings where they front onto Devonshire Grove, Old Kent Road High Street and Sylvan Grove, widened footways would be delivered as part of the proposed development, all of which would be finished in materials consistent with the adopted footway so that the ownership line would be imperceptible. These widened sections of footway would be offered up for adoption once constructed. A number of at-grade beds are proposed alongside sections of the footway, some to be planted with trees, helping to green the street. One example is the 'Sylvan Green' pocket proposed at the southeastern end of Sylvan Grove, where seating would be set amongst planting and a new tree, the layout and a precedent image of which are provided below. This would all make for a more pleasant and spacious pedestrian experience



**Image 96** (above): Layout of Sylvan Green.



**Image 97** (above): Example of the landscape design intended for the Sylvan Grove pocket.

## Landscaping

663. With respect to the material strategy, a restrained palette of high-quality paving materials will enhance the character of the key spaces and define routes and places to pause. Warm-coloured pavers with natural stone aggregate will be used in the principal public realm zones, with entrance areas to the buildings and the community square finished in a combination of paving colours to create distinct surface patterns.

664. Turning to the furniture design, timber benches would provide comfortable seating opportunities for people to sit for longer periods. These would incorporate backrests and arm rests along part of their length to make them usable for people of all generations. The landscape design also incorporates large timber platforms – these have the ability to host multiple functions: places for groups to sit together, informal/incidental play, and performance space. A final element of the furniture design is the incorporation of hanging seats within the bandstand.



**Images 98, 99 and 100** (above left to right): Two precedent images of bandstand-style seating built around a tree, showing how it can provide a function during both the day- and night-time, which has informed the indicative proposals (third image) for the proposed bandstand at Devonshire Place.

665. The lighting strategy is the third element of the landscape design. At The Grove and in Assembly Gardens, lighting columns would complement catenary lighting,



the latter creating pools of light over seating and play elements. The bandstand, the centrepiece of The Grove, would contain canopy lighting, emphasising its role as a focal point in the landscape and enhancing its use for community events throughout the day and evening. The lighting strategy for Sylvan Gardens and Grove Play would be simpler: a small number of columns are proposed, along with luminaires integrated within seating.

666. The final element of the landscape strategy, the planting design, aims to create four distinct character zones linked to the functions of the public realm areas, as follows: 'play area planting', 'shade planting', 'boundary swale planting' and 'swale and play planting'. Although the planting schedules are indicative at this stage, they nevertheless comprise a good mix of drought tolerant and sun-loving species, as well as an appropriate ratio of evergreen to deciduous.



**Image 101** (above): The indicative schedule for the 'play area planting' zones.

667. The landscaping proposals are considered to be locally specific and mindful of climate change, with the indicative specification having appropriately privileged species for their hardiness and minimal maintenance needs. Through planning conditions, the applicant will be required to install the soft landscaping to the agreed specification and maintain it in the long-term. Its enduring positive contribution to the greening of the site and local area can therefore, be assured.

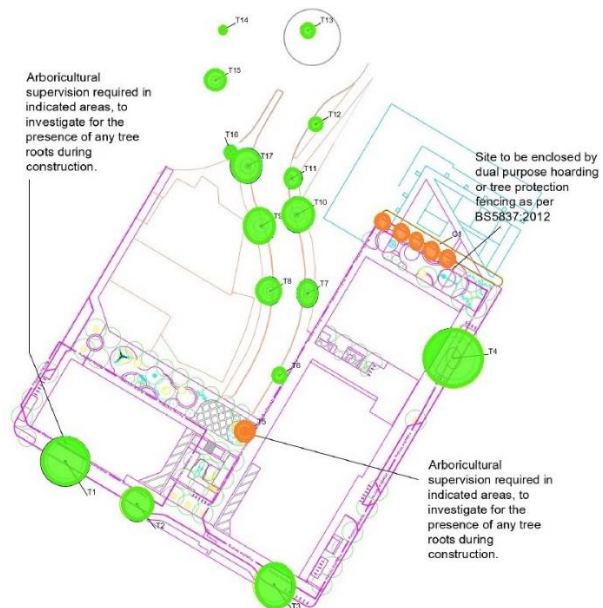
## Trees

668. A Tree Survey and Arboricultural Impact Assessment accompany the planning application. The Tree Survey identifies 18 arboricultural features either within or on land adjacent to the site.

669. These 18 features comprise 17 individuals and 1 group, to which the Tree Survey attributes the following classifications:

- Category B: 10 individuals;
- Category C: 6 individuals and 1 group; and
- Category U: 1 individual.

670. One of these trees, the large Lime on Sylvan Grove, denoted as T4 in the image, is subject to a Tree Preservation Order (TPO). It is the last surviving tree of the historic avenue and eponymous road, and therefore possesses heritage and biodiversity value. The application proposes the retention of all of the existing trees and groups.



**Image 102** (above): Arboricultural plan, with orange denoting the tree and group with stems inside the site boundary, and green denoting trees outside the boundary.

671. The Council's Urban Forester has appraised the Arboricultural Impact Assessment and Method Statement, and has deemed them acceptable.

672. This planning application proposes to plant a total of 68 new trees across the site. These would be provided in addition to the retained existing trees. The indicative details suggest that a variety of native species and tree sizes would be included. A mix of fast and slower growing species with a range of carbon storage potential is proposed. The detailed drawings show tree canopy extents at maturity (25 years) and any conflicts with built structures. The Council's Urban Forester has assessed these proposals and considers them to be well thought through and deliverable.



**Image 103** (above): Site layout showing the arrangement and variety of the 68 trees proposed. The deep and mid-greens indicate large/medium sized trees, whereas blue and mint green indicate smaller naturalistic or feature trees.

673. Additional to the 68 at-grade trees, a number of trees are proposed to be planted within the Building C podium area. These trees will be limited in size, being mainly multi-stem specimens in raised planters. They will nevertheless provide amenity value to the residents and some biodiversity benefit.
674. Sufficient soil volumes, long-term management and watering schedules are paramount to establishing trees within the urban environment. The applicant is currently working through the technical and construction design. Final details are to be secured through planning conditions and obligations.
675. Overall the proposal presents a significant uplift in tree cover for the site, which should be treated as a major benefit of the planning application.

### Conclusion on public realm, landscaping and trees

676. The scheme would make high quality public realm offer, all of which is to be open to the general public on a 24/7 basis. A robust palette of hard finishes would be paired with a diverse specification of planting, completed by a scheme of lighting appropriate to the context and mindful of public safety and biodiversity. A total of

68 new trees would be planted, with all 18 existing trees and groups to be retained, making a major contribution to the Opportunity Area's green infrastructure.

677. Having reviewed the landscaping proposals, the Council's Urban Forester considers the indicative materials and specifications to be of a high quality, with appropriately-selected trees and other soft planting. Many of the spaces would be suitably framed by active frontages and/or accommodate incidental play facilities. This will make for a rich, vibrant and attractive publicly-accessible realm.

678. Through the Section 106 Agreement, a contribution of £181,435.00 will be secured, to be put towards the delivery of off-site (Old Kent Road Opportunity Area) public open space. The Section 106 Agreement will also include a payment-in-lieu mechanism in the (albeit unlikely) event of the developer failing to deliver any of the 68 trees proposed.

### **Green infrastructure, ecology and biodiversity**

679. Policy G5 of the London Plan states that urban greening should be a fundamental element of site and building design. It requires major developments that are predominantly commercial to achieve an Urban Greening Factor (UGF) score of 0.3 and those that are predominantly residential to achieve a score of 0.4. The scheme proposed by 23/AP/1862 falls within the latter category.

680. The new Environment Act 2021 introduced a requirement for planning applications to deliver biodiversity value 10% in excess of the pre-development biodiversity value of the on-site. This is known as 'Biodiversity Net Gain' (BNG). The Act requires planning authorities to secure the BNG value delivered by the development through an appropriate planning mechanism for a minimum duration of 30 years. These requirements will become mandatory for all applications submitted from January 2024 onwards.

681. Notwithstanding that this planning application would not be subject to the mandatory requirements because it pre-dates January 2024, the protection and enhancement of opportunities for biodiversity is a material planning consideration.

682. London Plan Policy G6 requires development proposals to manage impacts on biodiversity and secure net biodiversity gain. This should be informed by the best available ecological information and addressed from the start of the development process. Southwark Plan Policy P60 seeks to enhance populations of protected species and increase biodiversity net gains by requiring developments to include features such as green and brown roofs, green walls, soft landscaping and nest boxes. Southwark Plan Policy 59 requires major development to provide green infrastructure with arrangements in place for long-term stewardship and maintenance funding.

## Urban greening

683. The proposal would achieve a UGF score of 0.43 through a combination of these principal elements:

- 380 square metres of semi-natural vegetation;
- 1191 square metres of 'larger' tree coverage (trees planted in connected pits with soil volumes to at least two thirds of the projected tree canopy);
- 661 square metres of rain gardens and other vegetated sustainable drainage elements;
- 323 square metres of extensive green roof; and
- 1120 square metres of intensive green roof with substrate of minimum settled depth of 150mm.

684. The score of 0.43 would meet the minimum policy requirement, and as such should be treated as a benefit of the scheme. A two-part condition will be imposed to ensure the development is built-out to achieve the 0.43 UGF.

## Ecology

685. An Ecological Appraisal accompanies the planning application. It notes the following:

- Habitat suitable for roosting bats is present – further survey will be required to establish their presence/likely which are to be affected by works;
- habitat suitable for breeding birds is present – measures must be taken to avoid killing birds or destroying their nests;
- invasive plant species are present on site – measures must be taken to avoid causing the spread of these species into the wild; and
- a range of measures should be undertaken to satisfy the requirement for ecological enhancement included in planning policy.

686. The Ecological Appraisal concluded that provided the measures set out in the Appraisal are adhered to, all identified impacts to ecological receptors will have been addressed, with no residual impacts.

687. The accompanying Bat Survey, prepared by Temple, sets out that no evidence of roosting bats was recorded within any of the buildings on Site. Provided sensitive artificial lighting is employed during the construction and operational phase of development, the proposed development is considered unlikely to impact foraging or commuting bats using the site.

688. With a condition requiring the development to be constructed in accordance with the Ecological Appraisal, the ecological impacts of the development would be mitigated, in compliance with Policies P59 and P60 of the Southwark Plan.

## Biodiversity

689. The applicant's Biodiversity Net Gain Assessment found the site to have a baseline score of 2.19 habitat units. This relatively low score is attributable to the site coverage mainly comprising buildings, areas of hardstanding and bare ground, with only some introduced shrub and scattered trees. As a consequence of the development, the biodiversity score of the site would increase by 1.54 habitat units to a new score of 3.73, representing a gain of 70.37% on the baseline.
690. A planning condition is recommended requiring the submission of biodiversity audits at various stages across a 30-year duration commencing upon first occupation of the development. The purpose of these reports is to ensure the new habitats delivered as part of the development are managed and sustained appropriately post-permission.
691. In summary, the applicant has maximised opportunities for biodiversity within the proposal, achieving a gain of 70.37%. The proposal therefore complies with London Plan Policy G6 and Southwark Plan Policy P60.

## Conclusion on urban greening, ecology and biodiversity

692. The Council's Ecologist and Urban Forester have reviewed the application information and deemed the proposal to be satisfactory. The Ecologist welcomed the provision of urban greening, recommending conditions to secure the provision of features within the building fabric to support local biodiversity (24 Swift nesting bricks, 12 bat bricks/tubes and 6 bee bricks and/or invertebrate hotels), along with biodiversity audits for a 30-year period. A two-part condition will be imposed at the request of the Urban Forester to ensure the development is built-out to achieve the 0.43 UGF score.

## **Archaeology**

693. The site is located within the 'North Southwark and Roman Roads' Archaeological Priority Area and is of geo-archaeological significance. Having considered the proposal and the desk-based assessment that supports the planning application, the Council's archaeologist is satisfied that there is a secure baseline of data from which to assess the archaeology on site.
694. The planning application is supported by a desk-based assessment that provides a clear baseline of data concerning the level of archaeological work undertaken at surrounding sites. The site holds potential for prehistoric archaeology, roman archaeology and post-medieval or industrial remains. Based upon the results of surrounding excavations, this is a complex landscape with areas of isolated exploitation by prehistoric and roman people. There is a balance of what areas were exploited and what land surfaces or features left by such exploitation survive. The only way to detect this and manage the site is to undertake an archaeological evaluation to assess the potential. Depending upon the results of the evaluation further archaeological work may be required to excavate and record such remains.



695. Given the archaeological potential outlined above, the applicant has agreed to a number of conditions recommended by the Council's archaeologist to secure the archaeological interests of the site. Additionally, and in accordance with Council's CIL and S106 SPD, the applicant will provide £11,171 of funding to cover monitoring and technical archaeological support during the construction works.

## Transport and highways

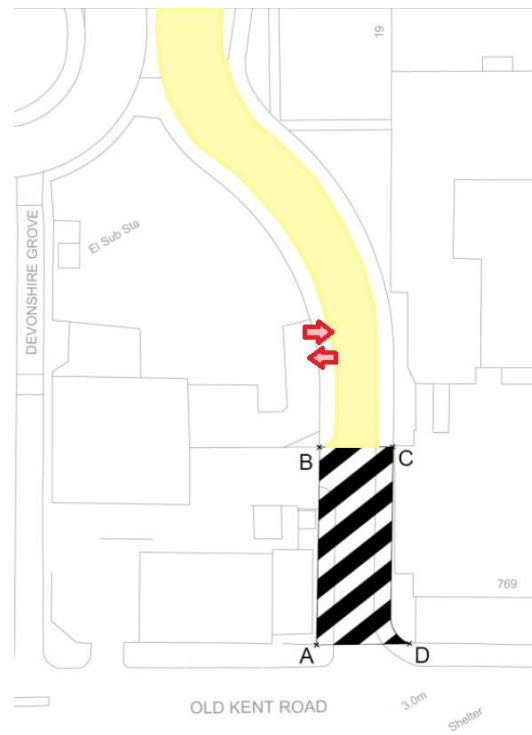
### Highways reconfigurations

696. As mentioned in the introductory parts of this report, the application proposes to widen the carriageway of Devonshire Grove and remove the bollards at the northern end to create a vehicular through-route from the SWIMF to the Old Kent Road. The widened carriageway would comprise two lanes (each 3.5 metres in width) flanked by a 2.4 metre wide footway along its eastern edge. The purpose of the reconfigured road is to enable current flows of traffic along Devon Street (South Arm) to be transposed to Devonshire Grove.

697. When the reconfigured Devonshire Grove is ready for operation it will initially replicate what it is replacing i.e. a two lane one-way road. As such, Devonshire Grove will be a 'left turn only' onto Old Kent Road. Only once Asylum Road has been realigned to create a four-way junction with Old Kent Road (as explained in more detail below) will Devonshire Grove become a two-way operation.

698. The purpose of providing Devonshire Grove in a reconfigured format is to ultimately enable the southernmost stretch of Devon Street (South Arm) to be stopped up, in turn enabling the proposed Devonshire Place development to be delivered. The northern two-thirds of Devon Street (South Arm) would remain open and accessible to ensure continued vehicular access to and from Devonshire Yard via its east entrance.

**Image 104** (right): Plan of Devon Street (South Arm), showing in black and white hatch the section to be stopped-up, and in yellow the stretch to remain operational to ensure continued access to the Devonshire Yard east entrance (red arrows).



699. Of the vehicles that make up the SIWMF fleet, the largest is a 16.5 metre long articulated truck. The Devonshire Grove carriageways have been designed to accommodate this type of vehicle; this ensures that two trucks travelling in

opposing directions along Devonshire Grove would be able to pass each other comfortably. The junctions at either end of the street have also been designed to ensure the trucks can make a feasible single 'sweep' as they pull into and exit from the reconfigured street. Manoeuvrability at the junction has been balanced against the Council's objective of creating tight bellmouths in the interests of improving the pedestrian experiences. Setting-back the stopping lines generously from the junction has helped achieve this.

700. Devonshire Grove when fully operational would be able to allow access to an 8-metre wide vehicle that is an occasional requirement of the UKPN site behind the gasholders. This positively responds to the needs of this utilities provider, while also improving long-term options for accessing the future Livesey Park.

701. A final important requirement of the package of highways works detailed above is that it does not limit the usability of the Council-owned Devonshire Yard site. The applicant has made an appropriate response to this by proposing that a new access point to the yard would be formed slightly further south of the existing gates. This would be supplemented by a new dropped kerb on the east side of the carriageway, enabling vehicles to cross over. Tracking has been provided to show how a vehicle entering the yard from this new (west) entrance could make the cross over manoeuvre without swinging into the opposite carriageway or clipping the kerb. The technical design is considered to be sound.

702. On account of all of the above, the detailed design of Devonshire Grove is considered acceptable. It would:

- provide a two-lane carriageway in direct replacement of, and capable of accommodating the traffic volumes currently encountered by, Devon Street (South Arm);
- incorporate parallel servicing laybys set entirely off the carriageway so as not to create queuing;
- safeguard optionality for the adjacent Council-owned Devonshire yard site;
- provide a widened footway, new street trees and new short-stay cycle strands; and
- deliver high quality surfacing and treatments throughout, all compliant with Council's technical specification.

#### Routing of SIWMF traffic: short-term scenario

703. There is a complex arrangement of vehicular routing along the streets that surround and bisect the application site, and upon which Veolia relies in order to carry out their refuse collection activities effectively. As part of the public consultation on the extant hybrid permission, Veolia raised concern about the potential for disturbance to the routing of their fleet during construction of the consented development. Similar concerns have been raised in respect of this new planning application.

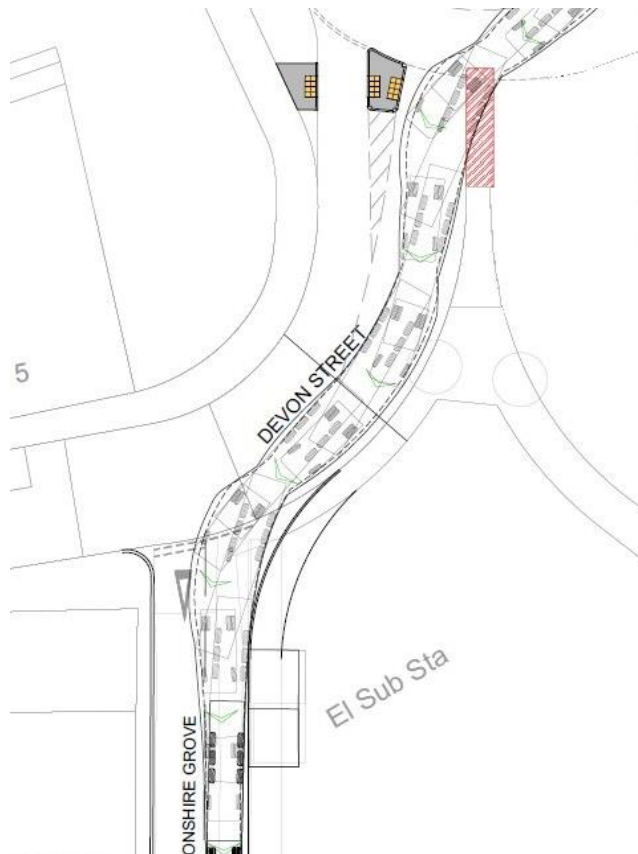
704. In line with the solution secured as part of the extant hybrid permission, 23/AP/1862 proposes that for the duration of the Devonshire Grove works and up until the road is operational, the existing egress arrangements via Devon Street (South Arm) will remain unaffected.

705. The stopping-up of the southern end of Devon Street (South), and with it the cessation of the current means of vehicular egress from SIWMF, would not rely simply on the Devonshire Grove becoming operational. Other management and physical changes to the local highway network would also be required, as set out below. These would need to be secured through Traffic Management Orders (TMOs), and as such can only be implemented by the Local Highways Authority:

- Devon Street (West Arm) to be made two-way;
- Any associated adjustments to parking/waiting/loading restrictions; and
- The bellmouth of the southwest leg of the roundabout to be widened and the footway peninsula shortened, to accommodate the swept path of a SIWMF refuse vehicle.

706. Once the works described above have been secured through the TMOs, this will allow vehicles exiting the SWIMF to egress from the roundabout onto the west-bound lane of the newly two-way Devon Street (West Arm). From there, the vehicles could then turn left into the southbound lane of the reconfigured Devonshire Grove.

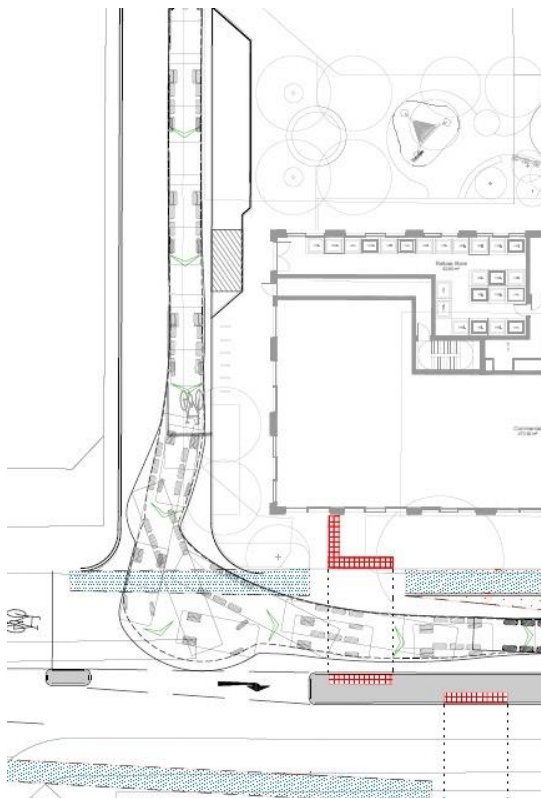
**Image 105** (right): proposed indicative configuration of the southwest leg of the roundabout, showing how the tip of the footway peninsula (red hatch) would need shortening to accommodate the path of a 16.5 metre articulated lorry.



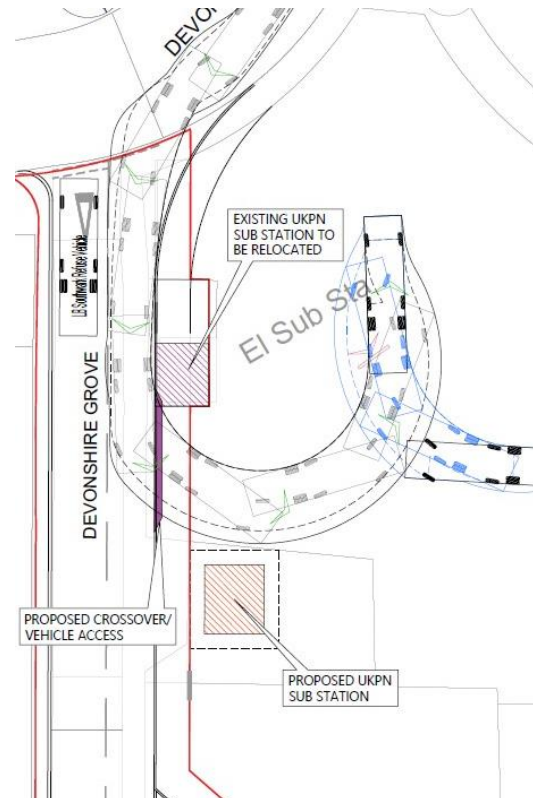
707. Devonshire Grove as reconfigured would enable vehicles departing IWMF to turn left (i.e. head southbound towards Lewisham) at the southern end of Devonshire Grove. However, due to the current configuration of the junction between Old Kent Road and Asylum Road, it would not be possible for a vehicle departing IWMF to make a right-turn out of Devonshire Grove onto Old Kent Road (i.e. heading northbound towards Elephant and Castle).

708. In the immediate short-term, there is no opportunity for northbound vehicles egressing the SIWMF to be routed along the newly two-way Devon Street (West Arm), and turn right at the end of the street onto Old Kent Road. This is because there is a staggered puffin crossing at the intersection of Devon Street (West) Arm and the Old Kent Road high street, the positioning and size of which would prohibit a northbound IWMF vehicle from making a right-turn out of Devon Street (West) Arm. There is a commitment on the part of the Local Highways Authority and TfL to relocate the puffin crossing further to the north so that the junction can facilitate bi-directional movements on all three arms. However, the precise timeframe for carrying out these works is unclear; it may be a matter of years rather than months.

709. For this reason, up until the point in time the puffin crossing relocation works occur, uninterrupted passage for IWMF vehicles wishing to egress in a northbound direction must be maintained. To this end, a Stopping-up Order will not be made by the Council in respect of Devon Street (South Arm) until the crossing relocation works have occurred and the intersection has been made multi-directional. Keeping the full stretch of Devon Street (South Arm) open to vehicles would not make it impractical for the construction of the Devonshire Place development to get underway. As such, it would not pose a barrier bringing forward the proposal (although it should be noted that stopping-up before the main works commence is the applicant's preferred option).



*Image 106 (above): Swept path analysis for a 16.5 metre articulated lorry making a left turn from the southern end of Devonshire Grove.*



*Image 107 (above): Swept path analysis for a 10.5 metre lorry making a left turn from Devonshire Grove into the Devonshire Yard site.*

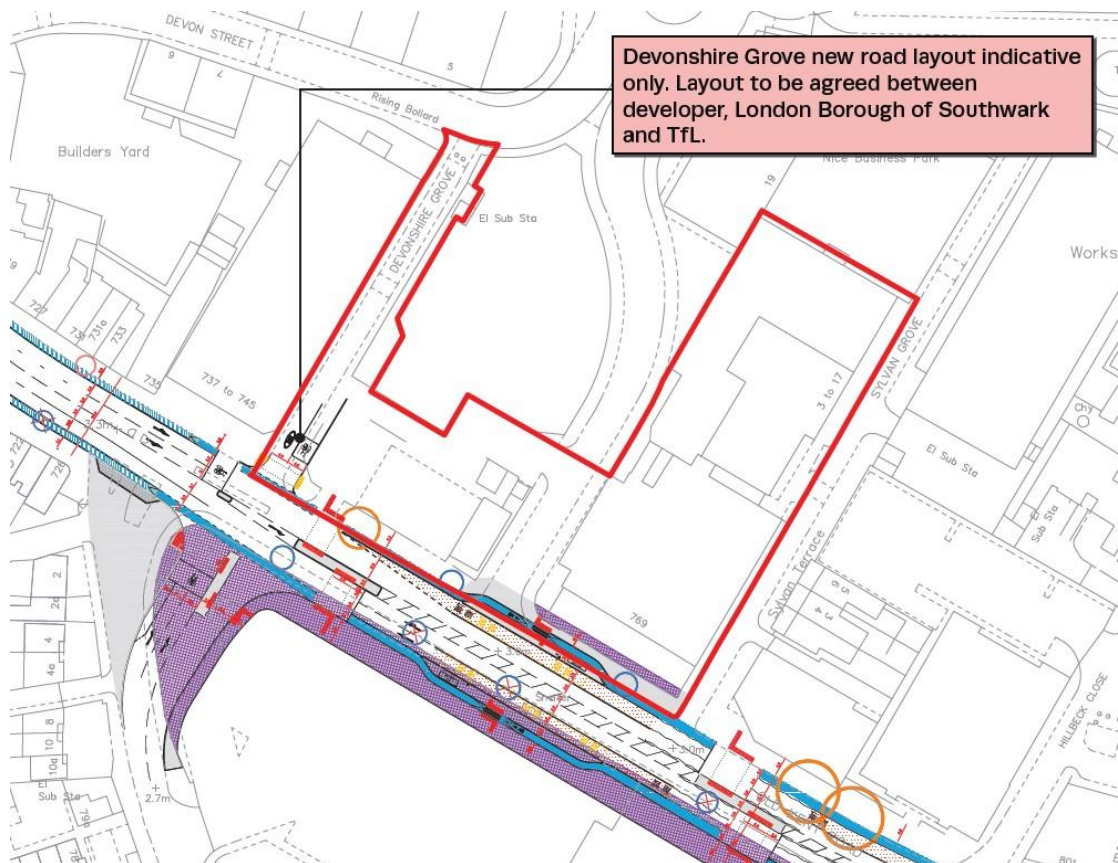
710. On account of all of the above, in all short-term scenarios the planning application secures the ability for egressing SIWMF vehicles to head in both north- and south-ward directions along the Old Kent Road. It should be noted that the applicant has worked proactively with the Council's Transport Projects, Network Management and Highways Development Management Teams throughout the pre-application stage and the course of the planning application process. These divisions understand the value of making the abovementioned traffic regulation/ management changes in the area, and for these changes to be timed accordingly to facilitate the development and safe operation of the highway.

Routing of SIWMF traffic: long-term scenario

711. As mentioned in the introductory parts of this report, TfL has future plans to deliver the Healthy Streets A2 Corridor scheme, which would run along Old Kent Road directly in front of the application site. This reconfiguration will see the point at which Asylum Road meets Old Kent Road realigned slightly to the southeast, producing a crossroads with (and entailing the signalisation of) Devonshire Grove. It is a long-term scenario which is expected to be brought about alongside the implementation of the new BLE station (i.e. not until the late 2030s / early 2040s). The improvements could be implemented sooner and/or as an incremental approach, but this would be subject to TfL's programme for its Healthy Streets initiative, which is outside of the applicant's control.

712. The potential future arrangement of the four-armed signalised junction is shown below:





**Image 108** (above): Indicative long-term layout of the junction, showing how the Asylum Road arm would be moved approximately 15 metres to the southwest to align with Devonshire Grove, thereby creating a four-way junction.

713. In the event of the above A2 Corridor configuration being delivered, SIWMF's fleet would be able to rely solely on Devonshire Grove to travel to and from the facility, with the four-armed junction enabling movements to and from the north, west and south. The applicant has provided swept path analysis to show that a 16.5 metre long articulated lorry making a left turn off Old Kent Road into Devonshire Grove would be able to navigate the bellmouth in a single movement.

714. Aside from having proven that the needs of the SIWMF fleet can be met in the short- and long-term, the above demonstrates that the planning application has been designed cognisant of the longer-term aspiration to rationalise the highways network locally as part of three major regeneration programmes, namely:

- the delivery of the Old Kent Road masterplan (as set out in the draft AAP);
- the implementation of TfL's Healthy Streets initiative; and
- the delivery of the underground station on the Lidl supermarket site as part of the Bakerloo Line Upgrade and Extension.

715. Therefore, the proposed highways reconfiguration strategy is strongly supported and should be treated as a major benefit of the planning application.

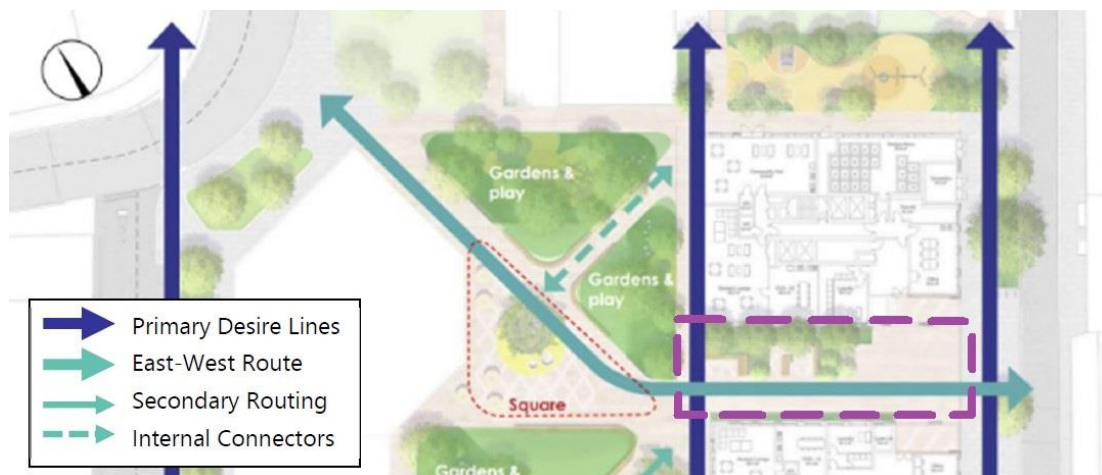


## Healthy Streets

716. London Plan Policy T2 requires development proposals to demonstrate how they will deliver improvements that support the ten Healthy Streets Indicators in line with TfL guidance. These indicators are intended to inform design, management and use of public spaces in order to place people and people's health at the forefront of development decisions.
717. The preceding part of this report has detailed the highway reconfigurations proposed around the site. As these would make for a more attractive and fully-accessible public realm, these would bring active travel benefits and should be treated as a major part of the 'Healthy Streets' offer. Additional to the highway reconfigurations, other Healthy Streets benefits would be delivered, which the following paragraphs summarise.

### Enhancements to the pedestrian and cycle environment on-site

718. The AAP includes aspirations for a new 'shared surface' route, for use by pedestrian and cyclists, running parallel to the Old Kent Road high street. The AAP anticipates that the route will pass through the Devonshire Place site, connecting Sylvan Grove to the east with Devon Street to the west, linking through to Hillbeck Close and the Tustin Estate.
719. This planning application responds positively to the AAP expectation, proposing to deliver a 'shared surface' route in-between Buildings A and B. The route would form an integrated part of Assembly Gardens, while still providing a linear 4.2 metres wide clear cycleway.
720. During the interim period until the Devonshire Yard site is redeveloped, the section of quieter route to be provided at Devonshire Place will serve as a walking route away from Old Kent Road high street, linking Sylvan Grove to Devonshire Grove. During this interim period, there may be the ability to provide a temporary connection through the Devonshire Yard land, subject to agreement with Southwark Council as landowner, which would achieve the AAP 'vision' of a cycleway from Sylvan Grove to Devon Street.



**Image 109** (above): Cycling and walking strategy for the northern part of the site, with the stretch of the east-west route delivered by this planning application shown edged in purple, with the remainder (shown here indicatively) to be delivered as part of future proposals at Devonshire Grove.

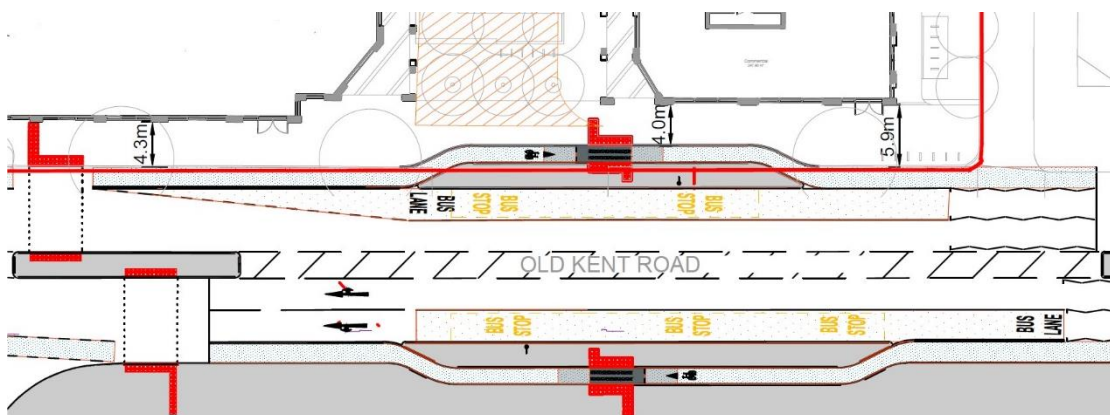
721. In proposing to deliver a section of the east-west route, this planning application maintains one of the key principles to the delivery of public realm improvements. The proposed routing would align very closely with the highway and pedestrian/ cyclist improvements agreed as part of the consented scheme, and be finished to a similarly high quality. In summary, the proposal makes a contribution towards active travel that, compared with the extant hybrid permission, is of proportionate magnitude and value.

#### Enhancements to the existing highways network adjacent to the site

722. In addition to the aforementioned works to Devonshire Grove, Healthy Streets improvements would be delivered in the form of widened footway, trees and at-grade planting beds on Sylvan Grove. These enhancements would be secured through a Section 38/278 Agreement.

723. A contribution of £120,000 is to be secured in the Section 106 Agreement to help deliver the comprehensive re-construction of the Sylvan Grove carriageway. The other contributors are the Daisy Business Park development and 18-24 Sylvan Grove, each also contributing £120,000. The works will be carried out by the Local Highways Authority after all three developments have been built.

724. The proposals also enable the future delivery of improvements to the Old Kent Road pedestrian and cyclist environment as part of TfL's Healthy Streets A2 Corridor Initiative. In particular, the setting-back of the building line onto the Old Kent Road high street will enable the delivery of floating bus stops with a dedicated cycle lane behind. Once the bus stops and cycle lane are delivered, very generous footway widths of between 4.0 and 5.9 metres would be retained along the Old Kent Road frontage. This future arrangement would provide a high quality and accessible public realm, and make active travel a safer and more attractive mode of transport.



**Image 110** (above): *Proposed layout of Old Kent Road high street as part of the Healthy Streets A2 Corridor scheme, showing the extent of footway the application site would contribute (as indicated by the red line boundary).*

725. These enhancements to the existing highways network adjacent to the site are strongly supported. They will make for a safer and more accessible public realm, and one that is more attractive to those considering travelling on foot or by bike.

#### Active Travel Audits

726. The 'Active travel' agenda, which is promoted at all levels of policy, seeks to make walking, wheeling and cycling the preferred choice for everyone. The applicant carried out two Active Travel Audits (ATAs), one for the day-time and one for the night-time. The purpose of the ATAs is to identify deficiencies in the existing local transport and public realm network, and make recommendations as to how these could be improved.

727. Turning firstly to the day-time ATA, this identified the following interventions as holding the greatest potentially to reduce barriers to active travel:

- provision of improvements to the routing, sense of place and pedestrian environment on Devon Street and Devonshire Grove;
- provision of even, well maintained paving and tactile paving at sections requiring improvement on the A2 OKR, New Cross Road, Asylum Road and Ilderton Road; and
- provision of dropped kerbs and tactile paving at crossings on Commercial Way.

728. With regard to the night-time ATA, this identified a number of ways the local environment could be improved to make active travel more appealing, safe and convenient. Examples include:

- repaving Asylum Road to provide wheelchair users and other disabled pedestrians with
- better access to Queens Road Peckham Station;
- relocating street furniture on Ilderton Road make navigating the route to South Bermondsey station easier for vulnerable pedestrians.

729. While the latter two issues identified by the day-time ATA warrant rectification as soon as possible, it is considered that other future major planning application proposals nearer to the locations in question could credibly deliver this remediation as part of their Healthy Streets contribution. In a similar way, all of the issues identified by the night-time ATA are a good distance away from the site, and could realistically be funded by other forthcoming developments closer to the locations in question, or through publicly-funded works.

730. As mentioned in earlier parts of this report, the planning application proposes significant reorganisation and enhancement works to Devon Street, Devonshire Grove and Sylvan Grove. In combination, these will bring forward

significant improvements to the local pedestrian environment and the 'sense of place' more generally. As such, these works alone represent an adequate contribution towards the Healthy Streets agenda. They will make for a safer, more comfortable and more convenient environment for pedestrians and cyclists. Therefore, in this particular instance, it is not considered necessary or proportionate to require the applicant to make contributions towards any of the off-site active travel enhancements identified in the two ATAs.

### Conclusion on Healthy Streets

731. Some ways in which the proposal would support the ten Healthy Streets indicators are:

- it would make major enhancements to the public realm around the site, safeguarding vehicular access rights for the SIWMF and UKPN, while also ensuring support for the future Healthy Streets corridor planned by TfL;
- it would provide a new walking and cycling route parallel to the Old Kent Road (providing a safe and pleasant active travel experience), which would form a critical part of a wider future network;
- it would be car-free save for wheelchair parking spaces, thus promoting walking, cycling and use of public transport;
- It would provide investment in sustainable transport facilities and services (including over £1.3 million specifically for bus services) to commensurately mitigate the impact on existing infrastructure; and
- it has been designed to minimise air and noise pollution.

732. The Section 106 Agreement will include clauses requiring the applicant to enter into the Section 278 works. The works will be packaged into sub-parts, reflecting the order in which the works are likely to be rolled out across the duration of the project delivery programme. These sub-parts are anticipated to be:

- Devonshire Grove Works;
- Devon Street Roundabout Interim Works;
- the Building A-B-C Section [i.e. Sylvan Grove] S38/278 Highway Works;
- the Building C-D Section [i.e. Old Kent Road high street] S38/278 Highway Works; and
- Devon Street Roundabout Permanent Works.

733. With all of the Healthy Streets benefits secured through the appropriate mechanisms (planning conditions, Section 106 obligations and a package of sequenced Section 278 agreements), the proposal meets the requirements of London Plan Policy T2.

### Trip generation

734. Policy T4 of the London Plan requires development proposals to ensure the impacts on the capacity of the transport network are fully assessed and that

any adverse impacts are mitigated. Policies P45, P49 and P50 of the Southwark Plan require developments to minimise the demand for private car journeys and demonstrate the public transport network has sufficient capacity to support any increase in the number of journeys by the users of the development.

735. As a borough, Southwark agrees with TfL that bus services will need to be increased in the Old Kent Road area ahead of the delivery of the BLE, in order to accommodate the demand generated by additional homes (as part of Phase 1 of the Delivery Plan) and additional jobs. As part of this agreement, TfL is required to report back to the Council with evidence that these pooled contributions are being spent appropriately; this reporting will serve as evidence that any further financial draw from future development is justified. As part of the agreement, TfL can require contributions from developments based on a tariff of £2,700 per proposed home (or equivalent for PBSA bedspaces), index-linked to March 2019.

736. Given the lack of on-site general needs car parking along with the various public transport options in the area, cycle links and cycle parking, the trips associated with the proposed residential accommodation and the four community/ commercial/ business units would predominantly be by sustainable travel modes including on public transport, by bicycle and on foot. The main drivers of trip generation in the proposed development are the residential uses, which would generate the following estimated trips:

- Conventional (Class C3) housing element:
  - 171 individual trips in the AM peak hour (of which only 5 would be undertaken using a private motor vehicle); and
  - 139 individual trips in the PM peak hour (of which only 4 would be undertaken using a private motor vehicle).
- PBSA element:
  - 93 two-way trips in the AM peak hour (of which only 2 would be undertaken using a private motor vehicle); and
  - 112 individual trips in the PM peak hour (of which only 1 would be undertaken using a private motor vehicle).

737. It is important to note that, compared to the existing site with its large areas of surface parking, the proposed development would result in a significant reduction in private car trips, with 64 fewer two-way trips in the AM peak and 139 fewer two-way trips in the PM peak.

738. Compared to the extant hybrid permission, 19/AP/1239, the new proposal hereunder consideration would generate 269 fewer movements during the AM peak and 176 fewer movements during the PM peak in comparison to the consented development. When considering the lesser transport infrastructure burden resulting from the new Devonshire Place proposal, it must be borne in mind that the consented development included the Devonshire Grove parcel of land and proposed a greater quantum of development – inevitably, therefore, its trip generation would be greater than that of the new proposal.

739. As there would be a public transport capacity impact from planning application 23/AP/1862, a contribution of £1,387,800 towards local bus service investment is to be secured for use by Transport for London. The applicant has agreed to this contribution.

740. It is considered the trip numbers generated by this planning application would not have any noticeable adverse impact on the local highway network when accounting for the bus service investment contribution, together with the other mitigation secured such as the initiatives in the Travel Plan. These initiatives include the appointment of a dedicated Travel Plan Coordinator, the provision of cycling facilities, furnishing users of the development with travel information, and offering cycle training courses.

741. A Final Travel Plan and Transport Methods Survey is to be secured by condition to ensure the measures outlined in the draft document are implemented and promoted.

### Servicing and deliveries

742. London Plan Policy T7 deals with servicing and delivery arrangements during construction and end use. With respect to end use, the policy requires provision of adequate space for servicing, storage and deliveries to be made off-street, with on-street loading bays only used where this is not possible.

### Servicing/delivery trip generation

743. The applicant's Transport Assessment, which uses TRICS data, predicts on a daily basis approximately 96 deliveries to the development, with the vast majority being in connection with the PBSA and conventional housing. The split would be as follows

- Conventional housing (Block D): 18 deliveries
- Conventional housing (Block C): 11 deliveries
- PBSA (Blocks A and B combined): 19 deliveries [a further forecasted 118 takeaways have not been factored-in because they are ad hoc and uncontrollable in their nature]
- Commercial (Block D): 2 deliveries
- Commercial (Block C): 1-2 deliveries
- Commercial (Block B): 1-2 deliveries

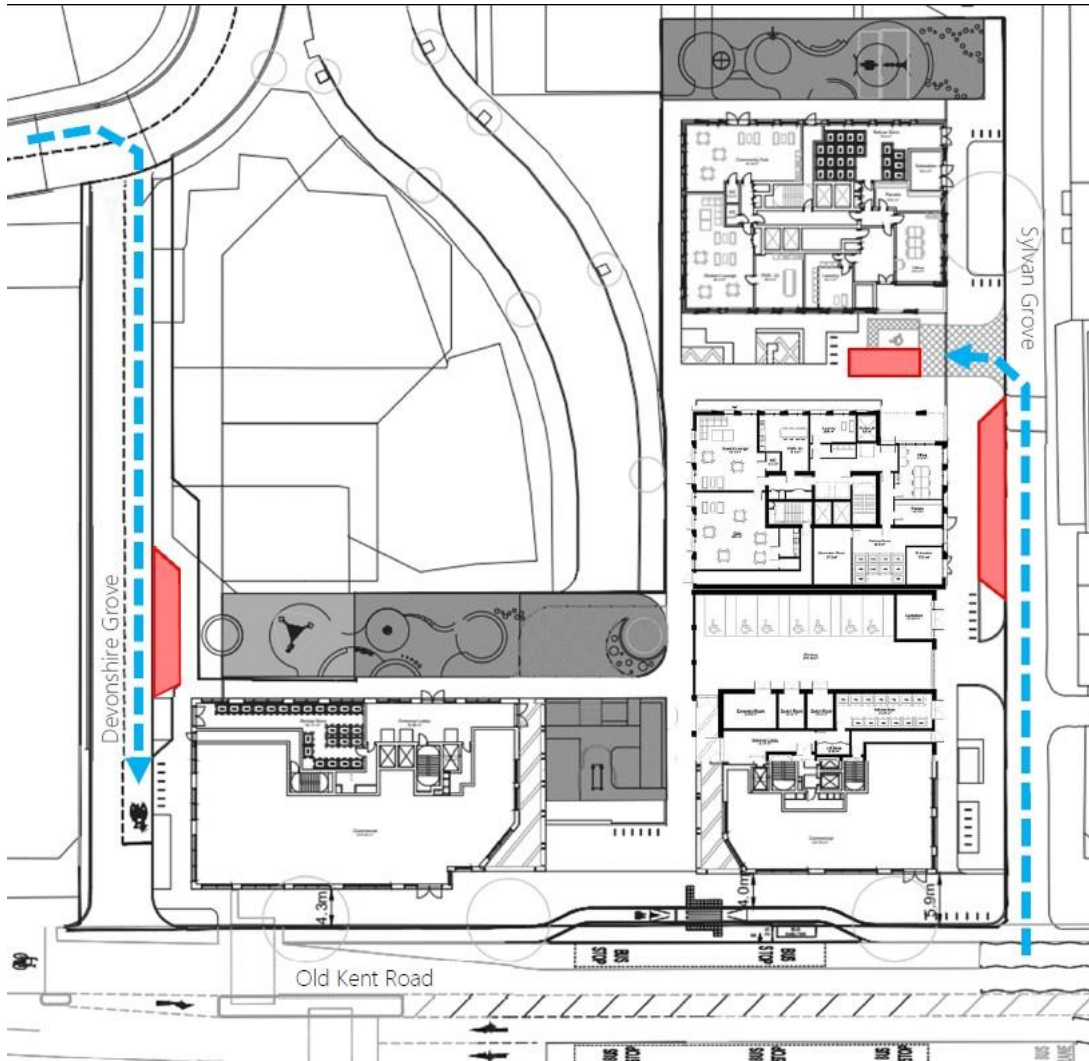
744. In respect of the PBSA premises (including the café), the Transport Assessment predicts that no more than 3 deliveries would be during the peak hour (assumed as 13:00-14:00). It finds that these vehicles could be comfortably accommodated in succession by the servicing/maintenance bay located in between Buildings A and B. 14 motorcycle or cycle take-away trips are predicted to occur during the peak hour (assumed as 19:00-20:00). Given that this peak hour is in the evening, if a delivery vehicle was to arrive at the site to find the servicing/maintenance bay already occupied, the Sylvan Grove loading layby could realistically be relied on as a fall-back facility.



745. In respect to servicing and delivery vehicles attending in Block C, these would use the layby on Sylvan Grove. With Block C anticipated to receive on average less than one delivery per hour (these would in the majority be ad hoc online retail deliveries primarily to the homes), the servicing demand of these 75 dwellings and one commercial unit can be adequately accommodated within the proposed on-street loading bay on Sylvan Grove.
746. With respect to servicing and delivery vehicles attending Block D, these would use the layby on Devonshire Grove. In calculating the necessary extent of servicing facilities for this building, the Transport Assessment has given consideration to the potential redevelopment of the adjacent Devonshire Yard land for a housing-led scheme. Assuming approximately 170 homes were to come forward on the adjacent land, the Transport Assessment concludes that the cumulative demand on the Devonshire Grove layby would be 40 deliveries (18 from the Block D homes, 3 from the Block D commercial premises, and 19 from the Devonshire Yard homes). When reviewing this number of deliveries across a 12-hour daytime profile, 40 deliveries is the equivalent of 3.33 deliveries per hour. This level of demand could be catered for within the proposed loading bay on the basis that dwell times would be limited, and multiple vehicles can be accommodated simultaneously.
747. The following initiatives will be adopted through the Final Delivery and Servicing Plan and the associated monitoring mechanisms, including a Delivery and Servicing Bond relating to the non-housing elements:
- on-site management team will manage servicing activity in relation to the PBSA, seeking where possible to minimise deliveries during peak hours;
  - all residents will be provided with a Home User Guide containing details on how to book deliveries;
  - suppliers will be encouraged to use consolidation wherever possible; and
  - the PBSA management team will ensure that deliveries remain in the vicinity of the site for as little time as required and that vehicle engines are switched off while stationary (where possible).

#### Servicing/delivery routing

748. In terms of routing, to access the Devonshire Grove loading bay, vehicles would arrive from the north via Devon Street (West Arm) in the interim period prior to TfL's Healthy Streets proposals being implemented. During the interim period Devonshire Grove will be southbound only. Vehicles would then exit onto Old Kent Road, heading southbound due to this exit being 'left turn only'.
749. To access the Sylvan Grove on-street loading bay, vehicles would turn left or right in to Sylvan Grove from Old Kent Road. Once loading/unloading has been completed, vehicles would then be able to turn around in the turning head proposed in-between Buildings A and B, enabling them to egress back on to Old Kent Road in forward gear.



**Image 111** (above): Routing strategy for servicing the southeast and northwest sides of the development, with the servicing facilities highlighted in red.

750. Once TfL's Healthy Streets proposals are fully implemented, Devonshire Grove will revert to two-way and form an all-movements junction with Old Kent Road. This will enable vehicles to arrive and depart from the south as well as arriving from the north.

751. The arrangements –both in the interim and long-term scenarios– are considered acceptable, and would have no negative impact on the local highways network or pedestrian safety.

#### Servicing/delivery hours

752. Servicing hours to all of the uses would be restricted by condition, as follows:

- 07:00 to 20:00 Monday to Saturday; and
- 10:00 to 18:00 on Sundays and Bank Holidays.

#### Conclusion on servicing/deliveries

753. The proposed servicing arrangements, with appropriate routing of inbound and outbound vehicles, as well as limitations on delivery hours, are supported by the Council's Transport Policy and Highways Development Management Teams.

754. The submission and approval of a standalone Final Delivery and Servicing Management Plan (DSP) is to be required by condition. This should be based on the principles established by the outline version submitted with the application, and the operation of the building thereafter will need to be in accordance with the approved Final DSP. As a precautionary measure, a Delivery and Servicing Management Bond will be secured so that adherence to the Final DSP and highways impacts can be monitored over the course of the first two years of operation.

### PBSA move-ins and move-outs

755. Students moving in and out of PBSA can generate a significant demand for loading space nearby. To ensure these impacts are minimised, the procedure for managing student arrival and departure periods at the start and end of term will be set out within the Final Student Management Plan to be secured by obligation, and this will be expected to align with the principles in the application-stage documents. The key elements proposed at this stage are:

- the servicing and maintenance bay provided on-site adjacent to Buildings A and B will be suspended for use by drop-off/pick-up activity;
- through an electronic booking system, students will be given a dedicated time slot (times would be distributed to avoid peak periods) in which they are able to make use of the service and maintenance bay to move their items;
- the move-in/out process may (if necessary, depending on numbers of move-ins) be spread across multiple days as necessary to ensure each student who requires it is provided with a time slot.

756. Specifically with regard to move-ins, but not move-outs, these further measures are proposed:

- an increased management presence will be provided to manage activity;
- in advance of their move-in date, students will be sent a supporting information pack relating to the vehicle move-in strategy, as well as information on public transport routes available to non-car arrivals.

757. In respect of move-out arrangements, student term end dates are variable depending on their respective courses, and as such, the process is less intensive – hence why only three of the five commitments above would apply to move-outs.

758. These measures are considered acceptable. With the final version of the Student Management Plan Plan secured prior to occupation, no harm would be caused to the local highway network or surrounding residential amenity.

### Refuse storage arrangements

759. With regard to the PBSA, waste would be collected by a private contractor, from bin stores sufficiently close to the collection point on Sylvan Grove. Plans submitted with the application demonstrate that the refuse store has been sized to accommodate the refuse receptacles necessary to meet the volumes of waste generated by the PBSA, with sufficient manoeuvring and circulation space factored-in.

760. With regard to the 120 conventional housing units, it will be the responsibility of the residents to transport their waste from their apartment to the bins provided in the communal bin store at ground floor level. Waste would be collected by Southwark Council Refuse Services. The stores at each building within 10 metres drag distance of the nearest collection point, which in the case of Building C is the Sylvan Grove layby, and in the case of Building D is the Devonshire Grove layby. The proposed collection arrangements are acceptable, as is the detailed design of the stores, with sufficient manoeuvring and circulation space factored-in.

761. The operators of the non-residential units will be expected to keep refuse within the demise of the property, and transport this to the kerbside on collection day by private contractors.

762. The Final DSP, to be required by condition, will secure the finalised refuse details including the collection arrangements.

### Car parking

763. Policy T6 of the London Plan requires developments in locations with existing and future high public transport accessibility to be car-free, save for adequate parking for disabled people. Specific requirements for different uses are set out in Policy T6.1 through to Policy T6.4, while Policy T6.5 deals with non-residential disabled persons parking.

764. Southwark Plan Policy P54 echoes the London Plan, promoting car-free development in zones with good public transport accessibility. It requires car-free non-residential proposals in CAZ locations, and for any disabled parking to be provided on-site and supported by EVCPs.

### Wheelchair car parking provision

765. Applying the London Plan standards, a total of 35 wheelchair accessible parking spaces should be provided on-site from first occupation of the proposed development, split between the residential uses on the following basis:

- PBSA: 29 (i.e. 3% of one third of 941)
- Conventional housing: 6 (i.e. 3% of 200)

766. The Southwark Plan requires a maximum of one car parking space per wheelchair accessible unit, which for this application would equate to a maximum of 62. This splits as 25 from the conventional housing, and 37 from the PBSA, the latter figure having been arrived at applying a 1:3 ratio to the PBSA wheelchair units). The policy makes clear that lower levels of parking can be provided, depending on:

- the anticipated demand for parking spaces,
- the tenure of the development;
- the quality and accessibility of the local public transport network; and
- the access to local amenities.

767. The application proposes a total of 7 wheelchair car parking spaces, 6 for the conventional housing residents (to be provided in an enclosed car park at ground floor level) and 1 for the PBSA occupiers (in the turning head in-between Buildings A and B).

768. Given the site's location close to numerous and regular bus routes and Queen's Road Station, as well as its predicted future PTAL rating, residents would benefit from a range of public transport options. As discussed below, a new Car Club bay would be provided on Devonshire Grove, which would provide an alternative car travel option for less physically able residents who do not own their own car. On balance, the number of car parking spaces provided is acceptable. Electric vehicle charging points for at least two of the spaces (equating to 20% of the total, rounded up) should be provided, and this will be required by obligation.

#### Reducing car usage

769. The applicant has also agreed to deliver a Car Club bay, in accordance with Policy P54 of the Southwark Plan. This would be located on the reconfigured Devonshire Grove, alongside the fully inset loading bay. The works will be delivered as part of the Section 278 Agreement.

770. Through an obligation in the Section 106 Agreement, all residents of the proposed development would be exempted from applying for parking permits.

#### Cycle parking

771. London Plan Policy T5 sets minimum cycle parking standards for different uses. Southwark Plan Policy P53 sets out requirements that are generally higher than the London Plan standards.

772. The table below summarises the minimum cycle parking required by the Southwark Plan and London Plan, alongside the provision proposed by this application. Wherever flexible uses are proposed, the use with the highest

storage requirement yield has been adopted for the purposes of these calculations:

<b>Cycle parking minimum policy requirements vs provision: Summary table</b>						
<b>Land use</b>	<b>Long-stay spaces</b>			<b>Short-stay spaces</b>		
	<b>Requirement</b>		<b>Provision</b>	<b>Requirement</b>		<b>Provision</b>
	<b>SP '22</b>	<b>LP '21</b>		<b>SP '22</b>	<b>LP '21</b>	
PBSA	941	706	731	95	24	70
Class C3 housing	561*	363	366	20	8	
Flexi commercial	6	6	4	42	42	
Community	2	1	0	2	1	
<b>Total</b>	<b>1,510</b>	<b>1,076</b>	<b>1,101</b>	<b>159</b>	<b>75</b>	<b>70</b>
* For the purposes of these calculations, the site has been treated as being in the 'PTAL 6a, 6b and 5 areas' to reflect the likely future improvement to the site's PTAL, and the higher cycle storage yield this would generate						

#### Long-stay cycle parking

773. As the table above shows, the proposal would fall short of the minimum Southwark Plan requirement by 409.

#### PPSA long-stay cycle parking

774. With regard specifically to the PBSA, in total 731 secure long stay cycle parking spaces would be provided – these would be located above ground floor level, but accessible by lift. 498 (representing 68.1% of the total) would be at Building A, in this mix of formats:

- 212 two-tier Josta Stands [424 spaces] (85% of the total);
- 48 standard Sheffield Stands [48 spaces] (10% of the total); and
- 26 Sheffield Stands for use by accessible/larger cycles [26 spaces] (5% of the total).

775. 233 of the spaces would be at Building B, in this mix of formats:

- 101 two-tier Josta Stands [202 spaces] (87% of the total);
- 19 standard Sheffield Stands [19 spaces] (8% of the total); and
- 12 Sheffield Stands for use by accessible/larger cycles [12 spaces] (5% of the total).

776. Detailed layouts have been provided of all the cycle stores, showing general compliance with the London Cycle Design Standards, including adequate aisle widths and stand spacings, adequate clear headroom, sufficient space for 2 cyclists to use the lift at any one time, and sufficient space for 2 cyclists to pass



in corridors. For these reasons, the quality of long-stay cycle storage is considered acceptable.

777. In an effort to address the shortfall from the policy minimum of 941 spaces, the applicant has proposed to supplement the long-stay stands with a pre-loaded 12-bike locker bank. Responsibility would fall to the PBSA operator to run a booking system, keep the bikes in well-maintained order, and replace/upgrade them as necessary over the lifetime of the development.
778. The cycle locker bank is a non-conventional form of long-stay cycle parking, but may potentially be advantageous to those who do not regularly choose, or have not previously sought out, cycling as a means of travel.
779. The cycle lockers should not be seen as increasing the quantum of long stay spaces, but rather as a form of mitigation (and a very limited one) for the 210-space shortfall from the Southwark Plan minimum standard. Additional to the lockers, a Travel Plan to be secured via the Section 106 Agreement will secure further mitigation.
780. The Section 106 Agreement will ensure that the cycle lockers remain free-of-charge and for the exclusive use of occupiers of the PBSA.
781. This failure to meet the minimum policy requirements should be treated as a deficit of the scheme, but –when the mitigation as outlined above is taken into account, and when balanced against the other various benefits of the planning application– not sufficient to warrant refusal of planning permission.

*Conventional (Class C3) housing long-stay cycle parking*

782. With regard specifically to the conventional housing, in total 363 secure long stay cycle parking spaces would be provided – these would be located at ground and basement levels. At Block D, 134 spaces would be provided in this mix of formats:
- 54 two-tier Josta Stands [108 spaces] (81% of the total);
  - 19 standard Sheffield Stands [19 spaces] (14% of the total); and
  - 12 Sheffield Stands for use by accessible/larger cycles [12 spaces] (5% of the total).
783. At Building D, 232 spaces would be provided in this of formats:
- 92 two-tier Josta Stands [184 spaces] (79% of the total);
  - 36 standard Sheffield Stands [36 spaces] (16% of the total); and
  - 12 Sheffield Stands for use by accessible/larger cycles [12 spaces] (5% of the total).
784. The level, quality and detailed design of the proposed long-stay cycle parking is acceptable. The delivery of these facilities will be secured through a compliance condition.

### Community, commercial and business/employment long-stay cycle parking

785. With regard specifically to the commercial/business uses fronting into Old Kent Road, in total 4 secure long stay cycle parking spaces would be provided, all in Sheffield Stand format. These would be contained within the footprint units, 2 in each unit. This meets the requirements.
786. Although detailed plans showing how the 2 spaces needed for both the Block A community hub and the Block b café have not been provided, realistically such a small number of bikes could be comfortably accommodated within the footprint of each unit. As such, policy compliance can be assumed in respect of these two units.
787. As the non-residential floorspace proposed by this application would take the form of a number of small-scale units, the non-provision of dedicated showers for employees is acceptable in this instance.

### Short-stay cycle parking

788. With regard to the proposed short-stay (visitor) provision, 35 stands all in a Sheffield format are proposed, providing 70 spaces in total. The stands would be distributed across the public realm with smalls cluster adjacent to the various main entrances of the buildings. These are appropriate locations, as they would ensure the effective footway widths along the site's three main frontages are kept clear of cycle storage.
789. The short-stay provision would fall slightly short of the London Plan requirement, and significantly short of the minimum Southwark Plan requirement (the shortfall being 89 spaces). In recognition of this, the applicant has offered to monitor the use of the proposed Sheffield stands as part of the Travel Plan, with a commitment to explore opportunities to provide additional spaces if the demand necessitates it. There may also be an opportunity to provide a further 14 spaces within a suitably wide section of the footway on the Old Kent Road high street, subject to agreement with TfL.
790. Given that opportunities have been maximised around the base of the building and within the red line boundary of the site to accommodate visitor cycle parking, and having regard to the applicant's offer to contribute towards investment locally in TfL (Santander) docking stations in addition to the monitoring mechanism within the Travel Plan, in this particular instance the shortfall is considered permissible.

### Improving access to cycle hire options

791. Given that the development would introduce up to 58 additional FTE employees to the site as well as 200 new households and 941 students upon full occupation, the applicant has agreed to contribute £25,700.00 (index linked) towards expansion of one or more TfL (Santander) cycle docking stations in the vicinity of the site. To be secured in the Section 106 Agreement, this contribution would

meet the requirements of Policy T5 of the London Plan and Policy P53 of the Southwark Plan.

### Legible London signage

792. The applicant has agreed, at the request of TfL, to make a contribution of £30,000 towards providing new and refreshed Legible London signage. This will be secured in the Section 106 Agreement.

### Level changes across the ground plane

793. The proposed development would improve the public realm along the frontage of the site, particularly on Old Kent Road high street and Sylvan Grove, including widening the footways, and providing street trees and at-grade planted SuDS beds. As part of these public realm enhancement works, there is likely to be a degree of regrading of some of the existing footway to achieve the requisite cross-fall. This is standard practice and will be agreed through the Section 278 process, which occurs subsequent to planning permission being granted. The planning application proposes no changes to the existing road carriageway or kerb levels.
794. In the interests of optimising the layout of the development, ensuring the most efficient use of land, and having regard to inclusive design policies and equalities considerations, a planning condition is recommended requiring the applicant to provide a Final Ground Plane Spot Levels Plan prior to above grade works.

### Transport and highways summary

795. Having considered all transport and traffic related implications, the Council's Highways, Transport Planning and Waste Management Teams are satisfied with the proposal. The scheme would minimise vehicle movements by prioritising use of public transport, walking and cycling, and by encouraging consolidation of deliveries.

## **Environmental matters**

### Construction management

796. The applicant has submitted an Outline Environmental Construction Management Plan explaining how construction activities will be managed to minimise neighbour amenity, environmental and highway network impacts. This document has been reviewed by the relevant transport and environment consultees, who have deemed it to be a satisfactory framework document.
797. In order to ensure that increases in traffic, noise and dust associated with the demolition and construction phases of the development are minimised, a Final Construction Environmental Management Plan and a Construction Logistics Plan are to be required by condition. The applicant has also agreed to pay a sum of £20,560 to the Council's Highways Network Management to fund their work

in monitoring adherence to the CEMP through the demolition and construction phases.

### Flood risk, resilience and safety

798. The site is in Flood Zone 3 and is located within an area benefitting from flood defences. The applicant's Flood Risk Assessment sets out that the site is at low risk of groundwater flooding and only a small portion of it is at risk of surface water flooding. The Environment Agency has reviewed the applicant's Flood Risk Assessment and considers it to be acceptable.

799. In terms of flood resilience and safety, the Council's Flood Risk Management Team has assessed the applicant's Flood Risk Assessment and is satisfied that:

- the site will not flood as a result of the 1 in 30 year rainfall event;
- there will be no flooding of buildings as a result of events up to and including the 1 in 100 year rainfall event; and
- finished floor levels can be designed to produce a nominal threshold above surrounding ground levels, with the external levels designed so any surface flows shed away from buildings and towards positively drained areas.

800. Compliance with the Flood Risk Assessment will be secured by way of a condition, and a pre-commencement obligation will be imposed requiring submission of a Flood Warning and Evacuation Plan.

### Sustainable urban drainage

801. The applicant's Drainage Strategy proposes that surface water flows would be attenuated through the use of a blue/green roof system, rain gardens, permeable paving and rainwater harvesting complemented by below-ground geo-cellular storage crates. The application proposes to discharge surface water drainage from the development to combined public sewers; however, the discharge rates are proposed to be restricted to a rate equivalent to greenfield runoff. This has been deemed satisfactory by the Council's Flood Risk Management Team. Two conditions are recommended, one requiring details of the final surface water drainage system to be submitted prior to commencement of the development, and the other requiring submission of a verification report prior to occupation.

802. As a precautionary measure, the Section 106 Agreement will include an offset obligation in the event that the finalised drainage system fails to achieve greenfield rates of run-off cannot (to be confirmed by the verification report referred to above). The contribution will be calculated at a rate of £366 per cubic meter.

### Land contamination

803. The application was accompanied by a preliminary Land Contamination Risk Assessment, which the Council's Environmental Protection Team has assessed and deemed acceptable.

804. The Site is considered to be similar to many brownfield development sites in the London area. Urban contaminants were identified in the made ground, including potential hydrocarbons and organic vapours associated with potential below ground fuel releases from the existing petrol filling station. The assessment concludes by assigning a moderate preliminary land contamination risk rating to the proposed development, recommending that in advance of any redevelopment of the site it will be necessary to decommission and remove the underground fuel storage tanks and fuel distribution infrastructure. In doing so, any unexpected contamination may require further assessment, remediation and verification.

805. A condition is to be imposed requiring a Phase 2 investigation to be conducted and the results submitted to the Council for approval, with further remediation measures to apply if contamination is found to be present.

#### Basement-related impacts

806. A Basement Impact Assessment (BIA) was submitted with the application. It assesses predicted ground movements and estimates of any possible degree of damage (according to the Burland scale) on nearby structures and buildings. The BIA concludes that the proposal would be unlikely to result in any detrimental effect on the local hydrogeology and hydrology of the site, and would not have any adverse impact on neighbouring infrastructure.

807. The Council's Environmental Protection Team has assessed the BIA and raised no objections. A compliance condition is recommended to ensure the basement is constructed as per the method statement and with all mitigation measures implemented where necessary. A Section 106 obligation relating to an Approval in Principle (AIP), due to the proximity of the basement to the public highway, is also recommended.

#### Utilities

808. The submitted Utilities Strategy sets out the existing utilities on site (electricity, potable water, waste water and gas), and assesses the potential impacts of the proposed development on the wider networks, including the potential provision of additional services that may be required to deliver the proposals.

809. The applicant has made a submission to UKPN with an estimated total site load of 2500 kVA to carry out a developmental impact assessment for the site. The exact location of the connections required are to be confirmed by UKPN and relevant parties in due course. UKPN has not responded to a consultation request from the Southwark Council about the planning application, and as such no objections are assumed in regards to the impact the proposal will have on the power supply network.

810. The Council has commissioned AECOM to deliver an Integrated Water Management Strategy for the Old Kent Road Opportunity Area. The applicant's Utilities Report set out how the Devonshire Place proposal seeks to align with the Strategy. Thames Water has issued a 'no objections' consultation response to a request from Southwark Council, and has separately corresponded with the applicant to confirm that there is sufficient network capacity to serve the proposal. As such, it can be concluded that there would be no impact with regards to delivering acceptable pressure levels in the potable water supply and the local foul water infrastructure. Impacts on the local surface water infrastructure are dealt with in a separate part of this report entitled 'Sustainable urban drainage'.

811. As the scheme is all-electric, there would be no impacts on the National Gas Transmission network.

812. For these reasons, it is considered that the application meets the requirements of Southwark Plan Policies P64, P67 and P68.

### Wind microclimate

813. London Plan Policy D9 requires all tall building proposals not to cause changes to the wind environment that would compromise comfort and the enjoyment of open spaces around the building and in the neighbourhood. Southwark Plan Policies P14 and P56 require wind effects to be taken into consideration when determining planning applications, as does Policy P17 where the proposal is a tall building.

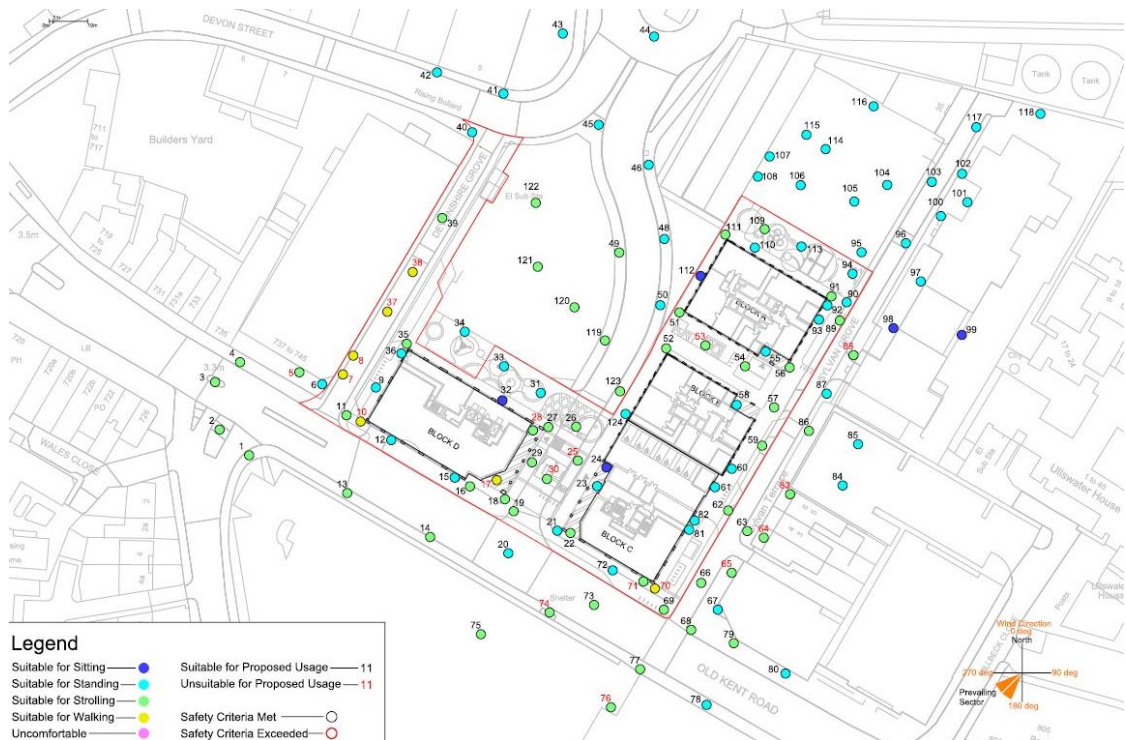
814. The applicant's Wind Microclimate Report submitted in support of the application considers the following scenarios

- Scenario 1 – existing baseline.
- Scenario 2 – proposed development in the 'Existing Surrounds, with Mitigation'
- Scenario 3 – proposed development in the 'Future Surrounds, with Mitigation'

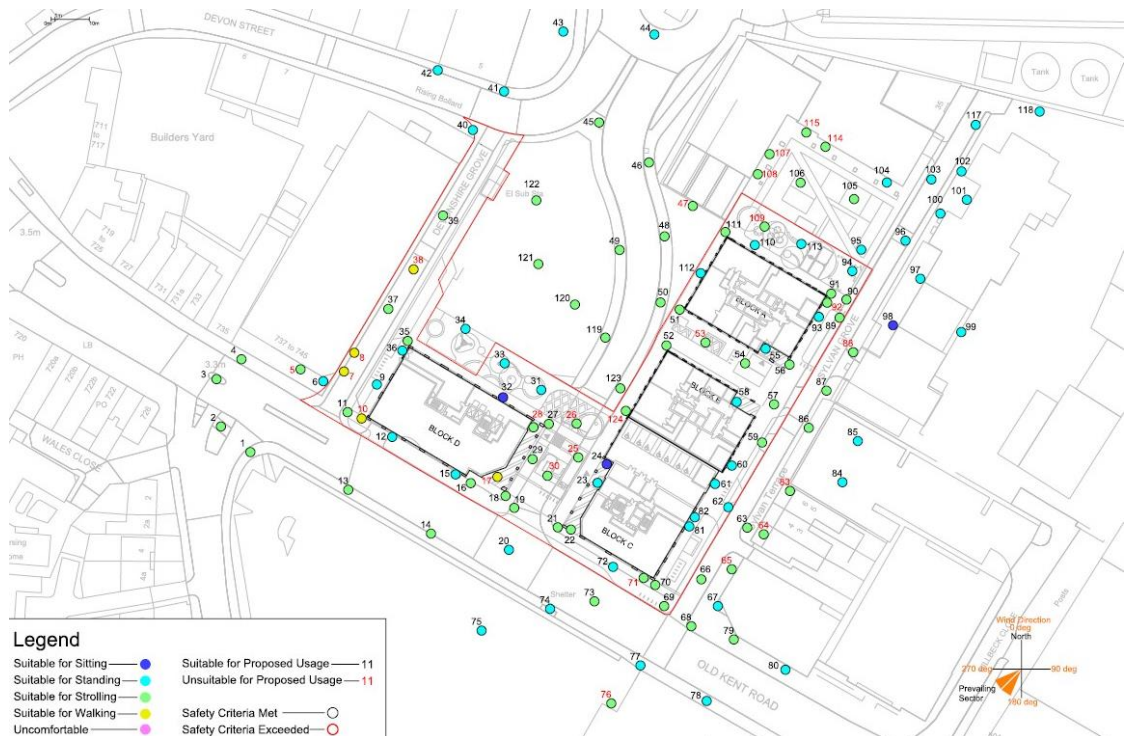
815. Wind conditions have been categorised using the Lawson Comfort Criteria and the predicated wind conditions compared against the intended pedestrian uses.

816. The Wind Microclimate Report finds that, following the introduction of the proposed development with mitigation, wind conditions are predicted to meet the safety criteria within the site and nearby surrounding area, and are predicted to be substantially suitable for existing and planned pedestrian uses. This applies at ground level and on the high-level communal outdoor spaces at Buildings C and D. When the cumulative developments (plus the on-site mitigation) are factored-in, the conclusion remains that wind conditions would meet the safety criteria and be comfortable for the likely pedestrian uses taking place.





**Image 112** (above): Pedestrian wind conditions at ground plane, in the 'proposed development, with mitigation, within existing surrounds' scenario in the worst season (i.e. winter).



**Image 113** (above): Pedestrian wind conditions at ground plane in the 'proposed development, with mitigation, within cumulative surrounds' scenario in the worst season (i.e. winter).

817. All necessary wind and microclimate mitigation measures have been implemented to bring the wind conditions surrounding the proposed

development to levels that are comfortable for the anticipated types of pedestrian activity. Therefore, it is considered that London Plan Policy D9 and Southwark Plan Policies P14, P17 and P56 have been met.

### Air quality

818. An Air Quality Assessment was submitted with the application, which considers the air quality impacts arising from the construction and operational use of the development, taking into account all relevant local and national guidance and regulations
819. In terms of the construction phase, fugitive dust was assessed as having a maximum dust risk of “high”; however, with the mitigation measures proposed, residual effects on receptors are likely to be negligible. These proposed measures, which are set out in the Outline Construction Environmental Management Plan, include locating machinery and dust causing activities away from sensitive receptors, using enclosed chutes and conveyors and covered skips, covering soil or debris mounds to prevent dust becoming airborne. The assessment of impacts from air pollution attributable to heavy goods vehicles during construction was also assessed quantitatively as “insignificant”. Mitigation in this regard includes ensuring all on-road vehicles comply with the London Low Emission Zone requirements. Both the fugitive dust and heavy good pollution would be temporary effects.
820. The proposed building itself would be all-electric (meaning there would be no on-site combustion), which mitigates air quality issues and facilitates significant advances towards zero carbon in future decades as the National Grid continues to decarbonise
821. An Air Quality Positive Statement accompanies the Air Quality Assessment, demonstrating the adopted measures that will benefit air quality and minimise exposure to poor air quality on the site.
822. The Air Quality Assessment concludes that, subject to the proposed mitigation measures, the effects on air quality during construction and operation are considered to be negligible. The Council's Environmental Protection Team has reviewed the Air Quality Assessment and raised no objection.

### Agent of change

823. Where new residential and other sensitive uses are proposed close to existing noise- and other potentially nuisance-generating development, Policy D13 of the London Plan requires the proposal, as the incoming ‘agent of change’, to be designed to mitigate and manage any impacts from existing sources on the future users/occupiers. Developments should be designed to ensure that established noise and other nuisance-generating uses remain viable and can grow without unreasonable restrictions placed on them.

### SIWME

824. The SIWMF is sensitive to 'agent of change' impacts in terms of its day-to-day on-site operations (largely odour, but also, noise emissions) and the usage of the local highways network by its fleet of vehicles.
825. The position of the proposed residential uses, with the PBSA being placed in the northern half of the site and the conventional housing (with its private and communal outdoor amenity spaces) located closer to the Old Kent Road high street, responds to the sensitivity of the SWIMF. Alongside this, appropriate glazing and mechanical ventilation would ensure that any noise or odour nuisance identified would be suitably mitigated, enabling the existing waste management activities to continue.
826. It should also be noted that the applicant has chosen not to develop residential units on the ground floor level. This would help reduce potential noise and odour disturbance to future residents caused by refuse vehicles travelling along Devonshire Grove and Old Kent Road high street.
827. A detailed Odour Assessment and Dispersion Modelling (OADM) Assessment accompanies the planning application, and an earlier part of this report has considered in detail the inter-relationship of SIWMF and the proposal with regard to odour risks. The OADM Assessment has been reviewed by officers, the Council's Environmental Protection Team and the independent reviewer of the ES (Atkins). It should be noted that neither of the latter two consultees has raised a request to secure the same odour-related provisions as those agreed in the extant hybrid permission. Similarly, the GLA's Stage 1 report does not request the replication of any such provisions. On that basis, and on the reading of the relevant assessment conclusions submitted with the application, imposing the previous odour-related Section 106 obligations on 23/AP/1862 would not pass the tests for planning obligations.
828. With regard to vehicular movements to and from the SIWMF, the highway layout envisaged by the OKR AAP masterplan and the design measures proposed by the development itself will ensure that the premises can continue to operate throughout the construction stage with minimal disturbance. Devon Street (South Arm), which is the current means of vehicular egress from the SIWMF, will occur only once Devonshire Grove has been widened to provide a 7-metre wide bidirectional road connecting the Devon Street roundabout to Old Kent Road high street. Once the reconfigured Devonshire Grove has been delivered, some further local road network adjustments will be required (mainly at the roundabout) to enable safe and unimpeded vehicular access from the SWIMF onto the new Devonshire Grove. These additional adjustments are to be secured through a package of Section 278 works. The proposed long-term routing strategy for the SWIMF vehicles (i.e. along Devonshire Grove) would in all likelihood improve, and certainly not hamper, the future operations of the SWIMF.
829. In summary, the proposed development has been designed with suitable regard to the existing SIWMF premises such that it will not prejudice the continued operation of this nearby facility.

### Other nearby potentially sensitive uses

830. In the vicinity of the site, there are a range of existing businesses including late night food and drink venues. The closest are the Empire Lounge and Bar at 777 Old Kent Road (which has a licence to operate until midnight many nights of the week) and further to the south, Esquire Bar and Grill, which stays open on some nights until 3am. These businesses currently coexist with nearby residential uses; as such, and taking into account the design and mitigation features detailed in earlier parts of this report, the proposed development would integrate successfully with these existing commercial uses. No 'agent of change' issues are, therefore, anticipated.

831. Other nearby uses sensitive to 'agent of change' include 'Christ is the Ladder' ministries operating from the third floor of 777-787 Old Kent Road (immediately to the southeast of the application site), the Christ Paradise Church at Daisy Business Park, and the bus routes along Old Kent Road high street. All proposed residential units would be specified to ensure reasonable resistance to sound such that these nearby noise-generating uses would not be at risk of having their operations compromised and/or any future growth unreasonably curtailed. No issues are foreseen in respect of the nearby uses and public transport services being unable to function/coexist with and grow alongside the proposed non-residential uses.

### Summary on 'agent of change'

832. For the reasons given above, the application complies with relevant NPPF, London Plan and Southwark Plan policies in respect of mitigating the impact of existing nuisances as the responsible 'agent of change'.

### Light pollution

833. With respect to light pollution from internal sources, this typically is an issue where light is emitted from artificial sources, such as commercial offices, towards:

- residential accommodation (where this would cause a nuisance to occupants); or
- natural environments where the existing level of external lighting is limited.

834. Given the urban environment, surrounding buildings and street lighting, the proposed development is unlikely to result in a significant change to the existing lighting levels. Furthermore, as the proposed development is composed of mainly residential/student accommodation, the façade detailing will break up the night-time illumination. Accordingly, it can be concluded that no undue effects would result from the occupation of the proposed residential uses, nor the commercial uses given that these are all contained at ground floor level.

835. With respect to light pollution from externally-affixed sources, buildings close to existing residential uses are not typically fitted with external lighting above

ground floor level in the interests of minimising amenity harm to the surroundings. Lighting additions on the facades of the proposed Devonshire Place would be set no higher than ground level or the soffit of first floor level (such as in the external lobbies to the PBSA), and not in close proximity to surrounding residential dwellings. As such, there would be no overspill harmful to residential amenity.

836. Although no detail is contained with the application documents about the nature of lighting within the high-level communal gardens at Buildings C and D, any luminaires in these areas would need to be at low-level and approximately positioned.

837. In summary, the proposal does not raise light pollution concerns. The final external lighting proposals, including any pre-determined dim-down and turn-off times, will be agreed through the Final Lighting Strategy, to be approved by the Council prior to first occupation of the building; this will be secured by condition.

### Fire safety

838. Policy D12 of the London Plan expects all development proposals to achieve the highest standards of fire safety and to this end requires applications to be supported by an independent Fire Strategy, produced by a third party suitably qualified assessor.

839. A Fire Strategy was submitted with the application; this was replaced by an updated version when the proposed development was amended mid-way through the application process to reconfigure the internal layout of Buildings A and B. The updated Fire Strategy includes a Planning Gateway One form, a requirement of the HSE for all referable planning application submissions. Among other things, the Fire Strategy confirms that:

- all four buildings would be served by two stairs for means of escape and fire service operations, and at least one fire-fighting shaft;
- all the buildings would be provided with a smoke clearance system in the common corridors;
- all the buildings would have elements of structure achieving 120 minutes fire resistance;
- for the residential uses in Buildings A and B, the 'means of escape' would be:
  - an 'independent evacuation' strategy for each student apartment or cluster, to evacuate independently (should a fire be detected in the common corridor, then the entire floor would be evacuated);
  - a 'simultaneous evacuation' strategy for the amenity spaces and ancillary areas;
- for the residential uses in Buildings C and D, a 'stay-put' means of escape strategy would apply;
- appropriate active fire protection systems would be installed, including fire detection and alarm, emergency lighting and signage, sprinklers and smoke control systems;

- in the case of an emergency, the evacuation lift would switch from its everyday use to become a tool only for the evacuation of persons with disabilities and is not considered a general escape route; and
- Building Regulations Approved Document B compliance would be achieved.

840. The Fire Strategy was produced by fire risk engineering consultancy Introba. The contents of the document have been checked and approved by a certified fire risk engineer (a Member of the Institution of Fire Engineers (MIFireE)).

841. On account of the above, the relevant fire risk minimisation policies of the London Plan are deemed to have been satisfied, with due regard to the guidance within the Fire Safety London Plan Guidance 2022.

842. A condition is recommended to ensure the construction and in-use operation of the building are carried out in accordance with the Fire Strategy.

## **Energy and sustainability**

843. 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.

844. Southwark Plan Policies P69 and P70 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 require 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**

### **Be Lean**

845. In terms of meeting the ‘be lean’ tier of the hierarchy, a range of passive and active measures are proposed. The passive measures include:



- ensuring optimum daylight and reducing excessive solar gains through building orientation, solar shading and a balanced proportion of solid wall to glazing;
- specifying energy efficient fabric and air tightness of the building to enhance thermal performance; and
- achieving the tightest possible thermal bridging with use of bespoke calculations and LABC details.

846. The active measures include:

- supplying heating and hot water in the conventional (Class C3) housing and PBSA via Air Source Heat Pumps (ASHPs);
- providing waste water heat recovery for the PBSA;
- supplying heating, hot water and cooling for the commercial units via ASHPs;
- installing energy efficient heat recovery ventilation systems;
- Applying insulation to all building services, tanks, pipes and ducts;
- Specifying all light fittings to be low energy to reduce emissions
- Specifying all commercial lighting to be a minimum 110m/cW efficiency; and
- fitting automatic on-off controls to lighting throughout, except in bedrooms.

847. These 'demand reduction' measures will achieve a 15% reduction in carbon emissions for both the residential uses, and an 10% reduction in respect of the non-residential uses. The proposed development therefore falls short of the overall policy target of 15%. However, the Energy Statement demonstrates that a fabric first approach has been adopted.

#### Be Clean

848. The site is located in a heat network priority area (HNPA) and is located close to the proposed future route of the South East London Combined Heat and Power (SELCHP). However, no district heating network with connection opportunities exists at the current time.

849. By designing-in a futureproofed plant room at basement level, as well as providing pipework (capped off) to each of the cores' heating risers, 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.

850. 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

851. With respect to the 'be green' tier of the hierarchy, the applicant has proposed the following technologies:

- Air Source Heat Pumps (on the roof of Building A to serve the student accommodation and on Building D to serve the conventional housing); and
- photovoltaic panels at roof level featuring at least 410 watts per panel generating a total of 73.8kWp across Buildings A and B.

852. These 'be green measures' would reduce carbon emissions by 70% for the residential uses and 19% for the non-residential. On a site-wide basis, this equates to a reduction of 51%. The applicant has demonstrated that opportunities for renewable energy by producing, storing and using renewable energy on-site have been maximised.

### Be Seen

853. 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.

854. The applicant's Energy Statement states that a suitable metering strategy will be implemented to record energy consumption and generation from the point at which the different uses within the development are occupied. 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

855. 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.

856. The proposal would reduce on-site regulated carbon dioxide emissions by 51% 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:

<b>CO2 emissions from each stage of the Energy Hierarchy: Summary table</b>			
	<b>Total Regulated Emissions</b>	<b>CO2 Savings</b>	<b>Percentage saving</b>
<b>Part L 2021 Baseline</b>	281.9 tonnes CO2		
With <b>Be Lean</b> applied	239.2 tonnes CO2	42.7 tonnes CO2	15%
With <b>Be Clean</b> applied	239.2 tonnes CO2	0	0
With <b>Be Green</b> applied	138.9 tonnes CO2	100.3 tonnes CO2	36%

<b>Cumulative saving</b>		<b>143.0 tonnes CO2</b>	<b><u>51%</u></b>
<b>Shortfall on carbon zero</b>	<b>138.9 tonnes CO2</b>		

857. 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 £395,809. The offset contribution will be secured in 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

858. 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.

859. '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.

860. '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.

861. 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.

862. 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:

- 619 kgCO<sub>2</sub>e/m<sup>2</sup> for Modules A1-A5 (covering the product sourcing and construction stages); and

- 125 KgCO<sub>2</sub>e/m<sup>2</sup> for modules B to C (covering the in-use and end-of-life stages), excluding operational energy and water.
863. For predominantly residential developments, the benchmark set by the GLA for Modules A1-A5 is 850kgCO<sub>2</sub>e/m<sup>2</sup>, with an aspirational benchmark of 500 kgCO<sub>2</sub>e/m<sup>2</sup> GIA. The benchmark for Modules B-C is 350kgCO<sub>2</sub>e/m<sup>2</sup>, with an aspirational benchmark of 300kgCO<sub>2</sub>e/m<sup>2</sup>. Therefore, the proposed development exceeds the aspirational benchmark for Modules B-C (excluding B6 and B7). The main contributing factors in the development achieving this commendable performance are the high Ground Granulated Blast Furnace Slag (GGBS) content used in the concrete at substructure and superstructure level, the specification of products with Environmental Product Declaration and use of R454B Refrigerant.
864. Two conditions to require two further stages of whole life-cycle carbon assessment in the detailed design and completion stages are proposed

### Circular Economy

865. Southwark Plan Policy P62 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, D3 SI7 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.
866. A detailed Circular Economy Statement was submitted with the application, which sets out strategic approaches, specific commitments and the overall implementation approach.
867. 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:
- using materials with high recycled content including concrete for pile capping with a minimum of 40% recycled content and the remainder of the frame with recycled content up to 25%;
  - use of concrete with 30% Ground Granulated Blast-furnace Slag (GGBS) for substructure and superstructure;
  - giving preference, where possible, to materials with Environmental Product Declarations;
  - use of R454B refrigerant;
  - using only FSC/PEFC certified timber products;
  - minimising material use through prefabrication off-site for façade windows;
  - reuse of construction site hoarding, scaffolding and welfare facilities; and
  - monitoring and reduction of onsite energy and water usage.

868. Specific targets committed to by the applicant include:

- diverting at least 95% of the waste from going into landfill;
- making beneficial use of at least 95% of excavation waste;
- ensuring the contractor prepares and implements a Site Waste and Resource Management Plan (SWMP/RMP); and
- meeting an overall target of 20% reused or recycled content based on value of materials.

869. The End of Life Strategy indicates that 9.3% of the total building material will be made up of recycled material. The Circular Economy Statement does not confirm the estimated Building Circularity Score for the proposed development and instead proposes that the score achieved on site be determined at post construction stage.

870. The application has addressed the requirements of London Plan Policy SI7, Southwark Plan Policy P62, 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.

### Overheating and cooling

871. London Plan Policy SI4 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 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.

872. 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).

873. The following paragraphs explain how the applicant has pursued this six-step process.

### Minimise internal heat generation

874. In both the residential and non-residential elements of the development, internal heat generation is to be minimised through measures including low energy lighting (to reduce lighting gains), low heating system water temperatures, and applying insulation to the communal pipework in excess of the Building Regulations and British Standards enhanced specification to avoid distribution losses.

#### Reduce heat entering the building

875. The heat entering the proposed development is to be reduced by a combination of measures. These include solar control glazing incorporating a G value of 0.4, orienting the buildings so that rooms are mainly east- or west-facing, proposing deep reveals to windows and doors, providing solar shading from balcony soffits, and installing biodiverse roofs to reduce heat gains from the exposed roof.

#### Manage the heat within the building

876. Good floor-to-ceiling heights are proposed in both the residential and non-residential parts of the proposed development. The applicant's Overheating Assessment confirms that thermal mass has been factored into calculations and that this will help to offset temperatures when the building becomes cooler. Where possible in the non-residential parts of the development, exposed concrete will assist with thermal mass.

#### Use passive ventilation

877. With regard to the residential uses specifically, a number of passive ventilation measures are proposed. These include optimising the number of dual aspect units in the conventional (Class C3) housing blocks to facilitate good cross-ventilation. Additional passive measures include trickle vents, which would provide background ventilation even when the windows are closed
878. In a scenario where only passive measures (i.e. no mechanical or active measures) are incorporated into the residential parts of the development, in some instances there would be a failure to achieve the recommended level of summer comfort. This is due to limitations with naturally ventilating the occupied spaces due to high ambient external noise levels and security restraints that prohibit fully unrestricted opening of windows. As such, the applicant had to proceed to stage 5 of the cooling hierarchy (as discussed below).
879. Turning to the commercial uses, for which equipment and occupancy gains are two most common sources of overheating risk, the proposed passive measures include designing as many of the commercial units as possible to be dual aspect. The Overheating Assessment has demonstrated that the units would comply with the applicable CIBSE TM52 criteria, and as such would not need to rely on active cooling.

#### Use mechanical ventilation



880. With regard to the residential uses (including common areas), mechanical ventilation is proposed, which is aimed at peak lopping and is only intended to mitigate the internal temperature when CIBSE TM59 is breached. Owing to the communal corridors in all four residential buildings having no external windows, attendant with which is the potential risk of overheating, mechanical ventilation is also proposed in these parts of the residential uses. With these systems in place, in no part of the proposed residential uses is active cooling required to supplement this mechanical cooling.
881. With regard to the commercial uses, as with the residential uses, mechanical ventilation is proposed to provide additional ventilation before the temperature reaches the operating temperature for cooling. This would help reduce the cooling demand.

#### Use active cooling systems (low carbon)

882. Due to the steps taken in accordance with the cooling hierarchy, as set out above, the need for cooling to avoid overheating risk throughout the year would be reduced across all the proposed uses. Notwithstanding that active cooling systems are not necessarily required, the applicant is opting to include them in the PBSA and commercial parts of the proposal. This active cooling would take the form of highly efficient low carbon air source heat pumps.

#### Summary

883. Following the cooling hierarchy, the applicant has demonstrated that the building cooling demand has been kept as low as possible with minimal solar gains, in line with the criteria set out in CIBSE TM 52 and TM 59 guidance. With the proposed measures taken into account, the overall efficiency of the development would be enhanced. This is considered to be in compliance with London Plan Policy SI4 and Southwark Plan Policy P69.

#### BREEAM

884. 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

885. 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;

- each meter (main and sub) having a pulsed output or other open protocol communication output to enable connection to appropriate utility monitoring and management system; and
- installation of a leak detection system will be installed.

## **Communications and aviation**

### **Digital connectivity infrastructure**

886. 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.

887. 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.

888. Although a Utilities Assessment accompanies the planning application, 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; therefore, it is considered acceptable in this instance for the requirements of Policy SI6 post-decision through a Digital Connectivity Strategy planning condition.

### **Television, radio and telecommunications networks**

889. The NPPF requires local planning authorities to consider the potential for new development to interfere with broadcast and electronic communications services, and to mitigate this adequately. Part C of London Plan Policy D9, which is concerned with the functional impacts of tall buildings, echoes this, requiring that "buildings, including their construction, should not interfere with [...] telecommunication".

890. The applicant has submitted a Telecommunications Impact Assessment (contained at Volume 4, Appendix 10 of the EIA). This document finds that, with regard to both the construction stage (involving the use of tower cranes) and the proposal itself once built, all fixed point-to-point microwave links are too far away from the site for or any potential interference effects to occur.

891. Proposed buildings that are tall and/or broad, and in particular this proposal due to its location with respect to an existing mobile phone basestation, have the potential to reduce coverage of mobile phone networks. The applicant's Telecommunications Impact Assessment confirms that the relevant Mobile Network Operators (MNOs), which are o2 and Vodafone, have both been contacted and detailed coverage impact assessments have been requested. Only MNOs can undertake such impact modelling due to the technical data needed in order to model signal propagation and network coverage. Neither of these MNOs have responded to the applicant; as such, it is concluded that no harmful impacts are anticipated.
892. Arqiva was consulted on the planning application and responded raising no concerns.
893. On balance, it is not considered that there would be any adverse harmful impacts.

### Aviation

894. The NPPF recognises the need for new development to maintain the national network of general aviation airfields, and their need to adapt and change over time. Part C of London Plan Policy D9 requires tall buildings not to interfere with aviation or navigation.
895. Although City and Heathrow Airports have both confirmed that the proposal raises no safeguarding issues, no consultation response has been received from the Civil Aviation Authority or NATS in relation to this planning application. Given the height of this proposal relative to nearby consented tall buildings at Daisy Business Park and Tustin Estate, and also bearing in mind that the extant permission at the site has a maximum height slightly taller than that of the 23/AP/1862 scheme, it is reasonable to conclude that the proposed tall buildings would not cause any harmful aviation impacts.

### **Economic impacts**

896. London Plan Policy E11 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, 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)

### Direct on-site employment and training

897. In accordance with the policy framework, there would be a requirement for this development to deliver training and employment during the construction phase only. 27 construction industry apprentices, 108 short courses and 108 sustained jobs for unemployed Southwark Residents would be required. 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.

898. In terms of direct employment, the PBSA element of the proposal has the potential to deliver up to 20 FTE positions. When this is added to the number of jobs likely to be generated from the non-residential uses on site, a gross employment gain of 61 FTE roles is predicted. The table below explains this:

<b>Gross employment yield of the proposed development: Summary table</b>				
<b><u>Class</u></b>	<b><u>Floorspace (GIA (sq.m))</u></b>	<b><u>NIA (sq.m)</u></b>	<b><u>HCA Jobs density</u></b>	<b><u>Number of FTE jobs</u></b>
Retail (Flexible Class E)	478.0	406.0	17.5	23
Restaurants and Cafes (Flexible Class E)	86.0	73.0	17.5	4
Flexible Commercial (Class E)	249.0	212.0	175.0	12
Community hub (Class F2[b])	95.4	81.0	N/A	2
PBSA (Sui Generis)	30,830.0	17,563	N/A	20
Total of all uses:				<b>61</b>

899. The existing buildings on site currently sustain approximately 3 FTE formal positions. On this basis, the proposed development would result in a net gain of 58 FTE jobs. Although the ES that supports this planning application assumes the existing buildings support 23 FTE jobs, this is based on a simple floor area calculation applying the HCA Density Matrix that does not account for the true, much lower, current permanent (i.e. non meanwhile) employment levels. As such, the FTE additionally predicted by the ES of 38 FTE positions is considered to be an underestimate.

### Indirect employment

900. A further consideration is indirect local job creation (for example, because of the 'traction' effect of large-scale redevelopments). Noting that typically development proposals will result in displacement of economic activity from elsewhere in the borough, once this is accounted for (at 25%, as per the Additionality Guide), the Devonshire Place proposal has the potential to create up to 7 indirect net jobs locally. This would bring the total job creation resulting from the development to as many as 65 FTE positions.

### Local catalyst effects

901. The new households and students accommodated on-site will contribute through the generation of increased household expenditure on the purchase of household goods (e.g. food and drink), education, as well as recreation and

culture. The ES that accompanies this planning application estimates that once the development is fully occupied, an estimated £8.7 million of net additional household expenditure (i.e. by residents of both affordable and student housing) will accrue annually to businesses in its immediate surroundings and the borough more widely. This expenditure will support the vitality and viability of businesses and support employment locally (i.e. over and above the additional direct and indirect FTE jobs). Moreover, this expenditure has the potential to catalyse the new high street on Old Kent Road, in the process generating demand for new shops, cafés, restaurants and other local amenities.

902. Claimant data indicates that as of May 2023 around 900 residents in the Old Kent Road area were claiming Universal Credit/employment support. As such, it is possible that the employment created on-site (or supported more widely), will provide opportunities for unemployed residents to join the labour market through training initiatives, and benefit from the proposed development.

### Fiscal impact

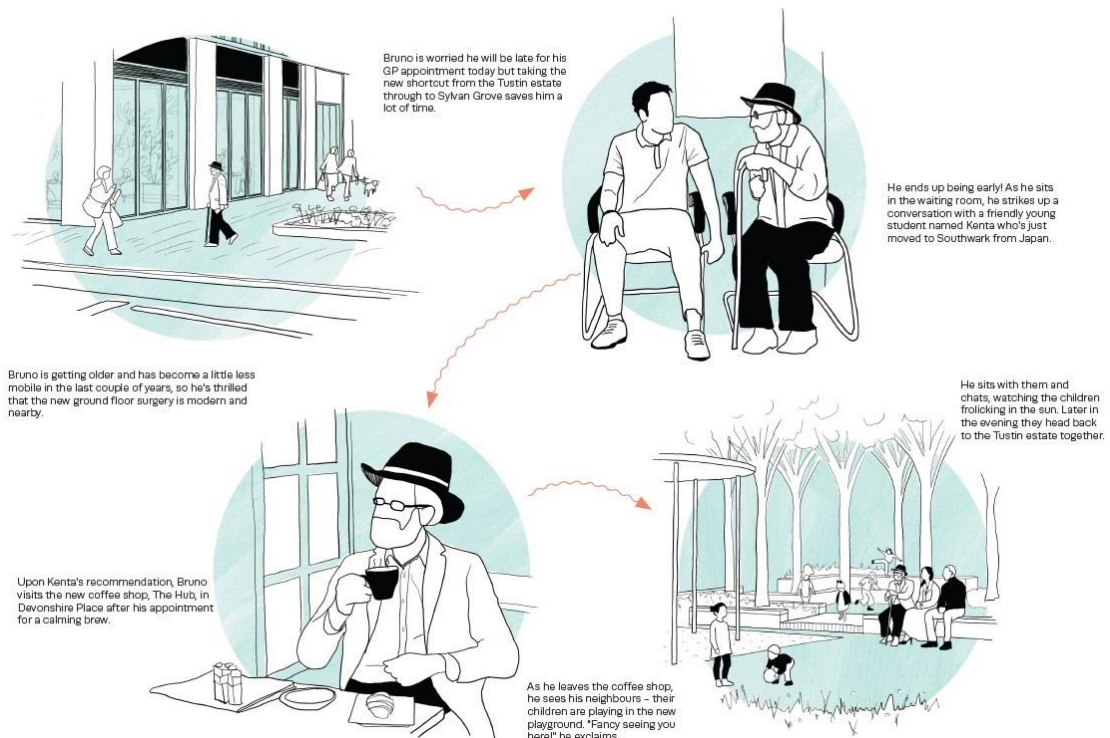
903. Once completed, Devonshire Place will generate business rates and council tax payments. This will provide Southwark Council with additional revenue through the UK Government's business rates retention scheme, helping to fund the running of the Council, in addition to enabling investment in important local infrastructure and/or services.
904. With regard specifically to business rates revenue, drawing on the anticipated uses within the proposed development and rateable values for similar uses within the local area, it is estimated that £257,800 would be generated.
905. With regard to the homes at Devonshire Place, assuming they are classed as either Band B or C for Council Tax purposes, it is estimated that between £263,300 and £301,000 in additional Council Tax revenue could accrue to Southwark Council each year in perpetuity.

### Social and community integration

906. The strategic policies of the Southwark Plan, in particular Policies ST1 and SP2, expect new development proposals to foster mixed and integrated communities, noting that environments should seek to promote inclusivity and interaction to help achieve this.
907. One of the respondents to this planning application raised the objection that delivering a student housing led scheme of this size and density, which would only provide for one generation, is ill fitted to the location.
908. Due to their inherently transient nature, student populations can prove more challenging to integrate into their local community. Cognisant of this, and mindful of the possibility of 688 students being introduced at the adjacent Daisy Business Park, the applicant has supported their application with a social integration study, which forms part of the Design and Access Statement. The

pre-application engagement was also formative in this regard, particularly the two Community Review Panels, which aided in the design decisions to:

- develop a wide range of ground floor uses and suitable management arrangements;
- develop how student and residential elements can work alongside each other and how residents and students can mix, e.g.:
  - Assembly Gardens being a good 'hang out' location for older local teenagers and the PBSA residents;
  - the Bandstand being a place where student recreation could take place alongside wider community events, children playing and/or adult residents of the conventional housing socialising;
- integrate a café within the development to bring different groups together; and
- design a larger community space to cater for as many different uses as possible.



*Image 114 (above): Excerpt from the applicant's social integration study*

909. For these reasons, it is considered that the applicant has made adequate efforts to respond to the strategic objectives of the Southwark Plan and London Plan to integrate the 941 students with the future resident community as well as the wider existing residents. It is not considered on balance that the 941 student residents this scheme would introduce, when coupled with the 688 at Daisy Business Park, would give rise to an imbalanced, unintegrated or mono-cultural community.

## Health impacts



910. Although officers and the applicant agreed that human health could be scoped-out of the ES, the planning application was nevertheless accompanied by a Health Impact Assessment (HIA). The applicant volunteered this to demonstrate that due consideration has been given to equalities considerations, and having regard to the importance given to improved health outcomes by the NPPF, Policies GG3 and GG4 of the London Plan and Policy P45 of the Southwark Plan.
911. The HIA considers a variety of criteria, baseline data and public health evidence to establish the likely effects of the proposed development on local health. Overall, the proposed development is predicted to have a number of minor to moderate beneficial effects on human health for future site residents and visitors, as well as on the existing community. The HIA predicts that the development would have no negative impacts.
912. The HIA makes number of recommendations which may help improve potential health outcomes. Some examples of these recommendation are given below:
- the design of the development should follow good practice such as the Lifetime Homes standard and the Secured by Design and Safer Places frameworks;
  - the proposal could, through its Community Infrastructure Levy liability, assist the Council to support and invest in relevant healthcare, educational and community bodies;
  - some of the proposed commercial space could potentially be used as a GP surgery facility;
  - continuing to consult with the local community and key stakeholders to ensure changing needs and priorities are met;
  - avoiding including any hot food takeaways on-site;
  - optimising potential for training and employment opportunities by working in collaboration with the Council to develop a bespoke employment strategy.
913. As detailed in the earlier applicable parts of his report, the development would secure measures and mitigation to achieve all of the above, in so doing complying with the NPPF and the development plan.
914. It should also be noted that the evidence base to the OKR APP includes a health impact assessment (forming part of a wider Integrated Impact Assessment), the conclusions of which are threaded through and underpin the content and policies of the draft AAP. As such, in according with the expectations of the draft AAP, the application would assist in tackling local health inequalities and delivering health outcomes.
915. With respect specifically to the potential delivery of an on-site healthcare facility providing up to six FTE general practitioners, for this to be treated as a planning benefit, it would need to deliver additionality to local healthcare services. Nexus Health Group, the partnership with whom discussions are well-progressed, has confirmed to the applicant that they are not proposing to close their Commercial Way premises in the event they agree terms for the Building C unit at Devonshire

Place. Nexus confirmed that there were sufficient patient numbers for both Devonshire Place and Commercial Way to function. As the delivery of the healthcare facility is not a guaranteed element of the development, this should be reflected in the weight Members give it when coming to a decision on the application.

## **Planning obligations**

916. London Plan Policy DF1 and Southwark Plan Policy IP3 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

917. In accordance with the Section 106 Planning Obligations and CIL SPD, a suite of contributions have been agreed with the applicant in order to mitigate the impacts of the development. These are listed in detail at Appendix 8 of this report. In summary, the financial contributions (which total £2,006,642) are:

- Affordable Housing Monitoring Contribution (£26,500.00)
- Archaeology Monitoring Contribution (£11,171.00)
- Bus Contribution (£1,387,800.00)
- Carbon Green Fund Contribution 1 (£179,322.00)
- Children's Play Space Contribution (£54,964.00)
- Construction Management Contribution (£20,560.00)
- Cycle Hire Docking Station Contribution (£25,700.00)
- Old Kent Road Public Open Space Contribution (£181,425.00)
- Sylvan Grove Contribution (£120,000.00)

918. A number of contingent/default financial obligations will also apply. These will require a financial contribution in the event of a failure to deliver all or part of the following development benefits/mitigation:

- Carbon Green Fund Contribution 1 (£179,322.00)
- Agreed greenfield run-off rates;
- Agreed delivery and servicing baseline activity;
- Agreed number of construction employment, training and apprenticeships; and
- Agreed number of new trees.

919. Appendix 8 should be referred to for the full detailed set of the obligations sought to mitigate the development's impacts. Many of the obligations, although not a financial contribution per se, are extensive in nature. The appendix also include the applicant's current position in relation to each of these requested obligations.

920. In the event that a satisfactory legal agreement has not been entered into by 12<sup>th</sup> June 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 2023; 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”.*

### **Mayoral and Borough Community Infrastructure Levies**

921. Section 143 of the Localism Act states that any financial contribution received as community infrastructure levy (CIL) is a material "local financial consideration" in planning decisions. The requirement for payment of the Mayoral or Borough CIL is therefore a material consideration. However, the weight attached is determined by the decision maker. The Mayoral CIL is required to contribute towards strategic transport investments in London as a whole, while the Borough CIL will provide for infrastructure that supports growth in Southwark.

#### Phasing for CIL purposes

922. Given the multiple-building nature of the proposal, and the protracted timeframe for delivery, the applicant seeks phased planning permission. This will not only enable the applicant to defer any CIL payment until such time that substantive construction works commences, but it will also allow the total CIL liability to be spread across the development
923. CIL phasing monitoring is based on when any material operation starts under each phase (as opposed, for example, when works are “delivered or works are “completed”). The Council’s CIL Team has reviewed an indicative CIL phasing plan proposed the applicant, which they consider to be clear and workable. The phasing plan will be refined post-Committee and prior to determination of the planning application. Accordingly, the applicant’s phasing plan will be listed on the decision notice as an approved plan.

#### Estimated CIL liability

#### CIL indexation caveat

924. As this planning application is an expressly phased development, the indexation of each detailed phase will be pegged to the approval date of associated pre-commencement condition. For the purpose of providing a CIL estimate at this stage, the 2024 indexation is used because it is the latest one available.

#### In-use criteria (demolition credit) caveat

925. At the date of this report, it is understood that the existing buildings on the site are currently in use. Before a full conclusive “in-use building” assessment can be undertaken upon the grant of permission, the CIL estimate below can only rely on the information provided by the applicants on the latest CIL Form1. It should be noted that, where the applicant chooses to divide the demolition of existing buildings, and to include some demolition in later phases, then the “in-use building” criteria can only be assessed later when the “first permit” date of a later phase has been reached.

#### PBSA Borough CIL rates criteria

926. The site is located within Southwark CIL Zone 2 and MCIL2 Band 2 zone. Based on the floor areas provided by the agent’s CIL Form 1 (dated 30 June 2023), the gross amount of CIL is approximately £13 million. Potentially £6.66 million of CIL Social Housing Relief can be claimed once the details of affordable housing has been secured by planning obligations; therefore, CIL is anticipated to be £6.36 million (net of relief), comprising £2.07 million of Mayoral CIL and £4.29 million of Southwark CIL.

927. It should be noted that as all 941 PBSA bedspaces are direct-let, the higher borough student CIL rate of £109 per square metre (plus 2024 indexation) has been applied for this CIL estimate.

928. It should be noted that this is an estimate, and the floor areas on approved drawings will be checked and the “in-use building” criteria will be further investigated, after planning approval has been obtained. CIL phasing details must be agreed with CIL team prior issue of planning decision notice

### **Development description and condition phasing**

#### Development description

929. The proposed development was originally:

*“Phased mixed-use redevelopment of the site, comprising:*

- Demolition of all existing buildings/structures, site clearance and excavation;*
- Construction of buildings to provide residential dwellings (Class C3) and flexible commercial, business and service space (Class E);*
- Construction of buildings to provide purpose built student accommodation including associated amenity and ancillary space, flexible commercial, business, service and community spaces within Classes E/F2(b) (Sui Generis); and*
- Provision of associated car and cycle parking, open space and landscaping, means of access and highway alterations, installation of plant and utilities and all other associated ancillary works incidental to the development.*

*For information:*

- *Building A would be 33 storeys (maximum height of +116.05 metres AOD), plus basement, and comprise 641 purpose-built student accommodation units together with associated amenity and ancillary facilities (Sui Generis), and a 95.4 square metre GIA community hub (Class F2(b)) located at ground floor level;*
- *Building B would be 19 storeys (maximum height of +71.88 metres AOD) and comprise 300 purpose-built student accommodation units together with associated amenity and ancillary facilities (Sui Generis), and a 86 square metre GIA cafe unit (Class E) located at ground floor level;*
- *Building C would be 15 storeys (maximum height of +57.62 metres AOD) and comprise 75 shared ownership affordable homes (Class C3) together with associated amenity and ancillary facilities, and a 249 square metre GIA commercial unit (flexible Class E) located at ground floor level; and*
- *Building D would be 20 storeys (maximum height of +73.62 metres AOD), plus basement, and comprise 125 social rent affordable homes (Class C3) together with associated amenity and ancillary facilities, and a 478 square metre GIA commercial unit (flexible Class E) located at ground floor level”.*

930. A development description of the same format, but with key details amended as appropriate, was used to publicise the planning application as part of the re-consultation undertaken in July 2023.
931. Post re-consultation, the Local Planning Authority and applicant agreed to simplify the development description (refer to the title block of this report for the exact wording). Separately, Condition 1 (Time Limit, Scope of Works and Phasing) of the draft decision notice describes the key elements of the proposal in more detail, including with use class references.
932. This arrangement of an accurate but simplified development description supported by a more specific Scope of Works condition responds to the Court of Appeal’s reversal of the High Court’s decision in *Finney v Welsh Ministers* [2019] EWCA Civ 1868. It will enable the applicant to seek amendments to the extant consented proposal by varying Condition 1 (under Section 73 of the Town and Country Planning Act) without any risk of the sought variation conflicting with the development description. Had the development description remained in its original very detailed format, any changes the applicant later wished to make falling outside the wording of the operative part of the grant would have necessitated the submission of a fresh full planning application.

### Phasing for planning condition discharge purposes

933. As this planning application is a major, multiple building development proposal, the applicant wishes to divide the site into distinct parcels of land to enable condition discharge applications to be made in relation to each parcel, individually, as it comes to be developed.

934. A condition phasing plan can be valuable in helping to bring forward development in a timely manner, in that it allows construction of certain buildings within a consented development to progress unimpeded by condition details relating to other parts of the development having not yet been discharged.

935. Importantly, phasing for planning condition purposes stand entirely apart from, and is in no way related to, phasing for CIL purposes.

936. In terms of spatial arrangement, the four proposed phases for condition discharge purposes are depicted below:



- Phase 1: Devonshire Grove Works**
- Carry out road widening and Devonshire Grove works.
  - Devon Street remains open until completion of Devonshire Grove road works.

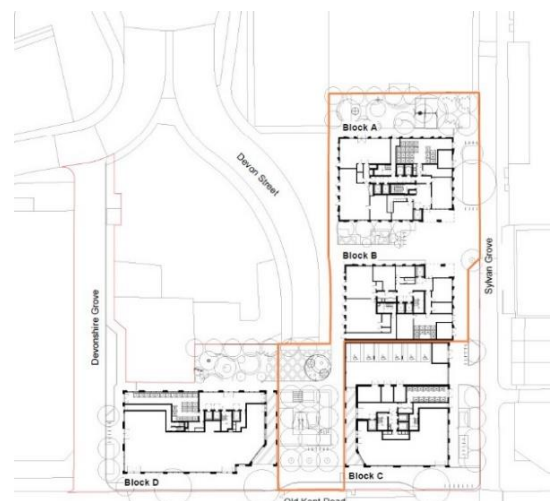


- Phase 2: Devon Street Stopping Up and Demolition**
- Devon Street stopping up complete.
  - Existing buildings demolished.

**Images 115 and 116 (above, left to right): Phases 1 and 2 of the programme.**



- Phase 3: Affordable Housing Delivered**
- Buildings C & D Delivered
  - OKR Highway works and Sylvan Grove Highway works (including layby) associated with Block C & D.



- Phase 4: Student Housing Delivered**
- Student Buildings delivered.
  - Remaining landscaping, playspace & highway works on Sylvan Grove and OKR delivered.

**Images 117 and 118 (above, left to right): Phases 3 and 4 of the programme.**



937. These are distinct geographical parcels of land that, due to their contiguous but not overlapping boundaries, provide a clear and workable disaggregation of the site against which to discharge condition details. Accordingly, to enable phase-based discharge of conditions:

- the applicant's condition phasing plan will be listed on the decision notice as an approved plan, and;
- some of the planning conditions will be worded where appropriate to expressly refer to specific phases (in so doing, those phases not referred to will implicitly be carved out, exempting the submission of any condition discharge details).

## Community involvement and engagement

938. This application was accompanied by a Statement of Community Involvement, confirming the public consultation that was undertaken by the applicant during the pre-application phase. The table below summarises this consultation:

<b><u>Consultation undertaken by applicant: Summary table</u></b>	
<b><u>Date</u></b>	<b><u>Form of consultation</u></b>
<b>Meetings (Pre-application phase)</b>	
October 2022	Meetings held with: <ul style="list-style-type: none"> <li>• the Tustin Estate TRA Chair; and</li> <li>• the Ledbury Estate TRA Chair.</li> </ul>
December 2022	Meetings held with: <ul style="list-style-type: none"> <li>• the Tustin Estate TRA Chair;</li> <li>• the Ledbury Estate TRA;</li> <li>• all three Old Kent Road ward councillors.</li> </ul>
<b>Public Consultation Events (pre-application phase)</b>	
March 2023	<ul style="list-style-type: none"> <li>• Design Review Panel;</li> <li>• Community Review Panel (round 1);</li> <li>• Leaflet drop;</li> <li>• Website launch;</li> <li>• Door knocking campaign;</li> <li>• Consultation event on Tustin Estate; and</li> <li>• Consultation event at Christ Church Peckham.</li> </ul>
April 2023	<ul style="list-style-type: none"> <li>• Meeting held with Chair of Sylvan Grove TRA.</li> </ul>
May 2023	<ul style="list-style-type: none"> <li>• Meeting held with Vital OKR;</li> <li>• Community Review Panel (Round 2)</li> </ul>

June 2023	<ul style="list-style-type: none"> <li>• Meeting held with Nexus Health Group;</li> <li>• Meeting held with Veolia; and</li> <li>• Meeting held with two of the three Old Kent Road ward councillors.</li> </ul>
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939. Included within the Statement of Community Involvement are the consultation materials that were circulated as part of the pre-application engagement exercise. A summary of each topic raised by the community feedback is also provided, along with details of how the applicant responded.
940. The pre-application consultation undertaken by the applicant was an adequate effort to engage with those affected by the proposals.
941. Although no direct community engagement was undertaken by the application at the planning application stage, following closure of the Council's public consultation process, the applicant prepared a 'response' letter together with additional documentation addressing the matters raised. The extent and format of application stage community engagement is considered adequate.
942. The Council, as part of its statutory requirements, sent letters to surrounding residents, issued a press notice publicising the planning application and displayed notices in the vicinity of the site. Details of the consultation undertaken by the Council are set out in the appendices. The responses received are summarised earlier in this report.

## Consultation responses from external consultees

### Arqiva

943.
  - No objection/comments.
  - **Officer response:** Noted.

### City Airport

944.
  - Did not wish to comment.

### Civil Aviation Authority

945.
  - Did not wish to comment.

### Environment Agency

946.
  - No objections/comments.
  - **Officer response:** Noted.

### Greater London Authority

947. The detailed Stage 1 response from the Greater London Authority is published on, and can be read in full at, the Council's Public Access for Planning Register. Generally, the response was supportive of the development. Below is a summary of the matters raised with an officer response to each:

#### Land use

- The Community Hub will be managed by a management company and details of public access will be secured in the Section 106 agreement.
  - **Officer response:** *The PBSA management will take responsibility for the hub, and a Management Plan has been secured to safeguard this.*
- Considering that the Phase 1 cap of 9,500 has been reached, prior to the Stage II referral to the Mayor the Council must confirm in writing that the phasing of residential delivery on the Council-owned parcel will accord with the principles of the Old Kent Phase 1 residential cap.
  - **Officer response:** *The matter of the Phase 1 cap is dealt with in the 'Principle of development in land use terms' part of this report. 23/AP/1862 would not cause a breach of the cap.*
- Employment and training opportunities for local people are to be secured in the Section 106 agreement and this will be confirmed at Stage II. This should include the offer for veterans.
  - **Officer response:** *The Section 106 Agreement will secure the appropriate obligations. Regal London's 'Building Heroes' programme is proposed in addition to LB Southwark's typical requirements, outside of the Section 106 Agreement.*
- The scheme meets the Mayor's blended threshold to qualify for the Fast-Track Route, subject to an early-stage financial viability review.
  - **Officer response:** *The applicant acknowledges the confirmation of the blended threshold and eligibility for FTR subject to an early-stage financial viability review which is agreed in principle. This position has also been agreed with LB Southwark and their independent viability advisor, BPS.*

#### Design and landscape

- The visual harm to the setting of listed buildings and conservation areas (particularly in Views 7 and 9) is aggravated by the proposed design, namely the detailed design and materials of Buildings A and B. The design approach to these two buildings, with its busy design and choice of colours, increases the visual impact of the proposed development in long views from the settings of heritage assets. This should be reconsidered to mitigate the harm caused, as these choices do not relate to public benefits and cause unjustified harm.
  - **Officer response:** *Council officers disagree with the GLA's position in this regard, as expanded on in the 'Design' section of this report. The detailed design and materials of the proposed development is a product of extensive engagement with Council officers during pre-*

*application, the Southwark Design Review Panel, and the Old Kent Road Community Review Panel. The design and choice of materials are considered high quality. Conclusions on heritage harm have been set out in the applicant's Supplementary Heritage Impact Assessment. Should GLA officers consider heritage harm to arise, this should be weighed in the planning balance with the significant public benefits of the proposed development, for instance the 200 new affordable homes (equating to 40.8%).*

- Having analysed the assessments contained in the HTVIA and having regard to the statutory duties the relevant paragraphs in the NPPF in relation to heritage assets, GLA officers consider that any harm caused by the proposal would be "less than substantial".
  - **Officer response:** *The applicant and the Council acknowledges this comment. The matter is dealt with in the 'Design' section of this report. Notwithstanding, the proposed development provides substantial public benefits which are considered to offset any harm on heritage assets that the GLA may conclude.*
- The Council is encouraged to seek design-led evidence from the applicant that the proposed student towers can be adapted and transformed into preferably conventional housing in the future, as requested during pre-application discussions with GLA officers.
  - **Officer response:** *An adaptation study, was submitted by the applicant following receipt of the Stage 1 response. It shows how Buildings A and B could theoretically be transformed into conventional housing in the future. Buildings A and B could lend themselves to future adaptation to conventional residential accommodation, for instance in terms of floor to ceiling heights, the arrangement of units around a central core, two escape staircases, cycle parking provision, and amenity space etc.*
- As the number of units per hectare exceeds 350, in line with Policy D4, details should be provided on longer-term maintenance implications and the long-term affordability of running costs and service charges (by different types of occupiers) as detailed in paragraph 3.2.9. This should be secured by condition, or within other conditions, as part of any permission.
  - **Officer response:** *The long term stewardship of Devonshire Place will be overseen via a management company setup prior to first occupation - they will be responsible for the day-to-day running of the development and administer overarching running costs and service charges, for example to maintain the public realm areas of landscape and playspace. It is expected that the student accommodation in Buildings A and B will be operated by a specialist PBSA operator and service charges will be incorporated into the rental values (direct-let at market value). The service charges associated with the affordable homes in Buildings C and D will be the responsibility of the chosen Registered Provider. An Estate Management Strategy has been offered as part of the S106 Heads of Terms.*

- The Council should secure further detail through street sections to make a final assessment of the proposal against the wider context.
  - **Officer response:** *Appropriate section drawings have been provided with the submission such that offers can make a well-informed decision about the sale of the proposed buildings and their relationship to the context.*
- The location of blank frontages at the entrances of Grove Place and Sylvan Gardens needs further detailing, as well as at the ground level of Buildings A and D.
  - **Officer response:** *The detailed design of the proposed development is a product of extensive engagement with Council officers during pre-application, the Southwark Design Review Panel, and the Old Kent Road Community Review Panel. The subject of activating frontages was given significant attention during pre-application discussions. Potential opportunities for murals to activate the ground floor façade of Building C (car park undercroft), or the rear of Building D (refuse store), or double-height entrances to Buildings A and B on Sylvan Grove are shown in the application documents and drawings. The applicant has maximised the opportunity for active frontages, ensuring these are present at key locations and on key routes, such as the new 'high street' onto Old Kent Road, the central areas of open space, and child play space. A public art strategy is to be secured by planning condition.*
- A public realm management and meanwhile plan should also be secured by the Council; this plan should address potential noise, littering and other nuisances arising from intended and unintended use of the public realm, in particular of the bandstand as well as appropriate measures to mitigate impacts from construction of later phases of the scheme and surrounding development.
  - **Officer response:** *An Estate Management Strategy, which will contain details to mitigate noise, litter and nuisance, is to be secured in the Section 106 Agreement.*
- The provision of accessible free drinking water fountains in the square should be secured by planning condition.
  - **Officer response:** *This will be secured by planning condition.*
- A phasing strategy should be agreed that ensures appropriate levels of shared outdoor amenity space are delivered as part of each construction phase.
  - **Officer response:** *An earlier part of this report discusses the indicative phasing plan the applicant has supplied. This plan will be further refined, including details of outdoor amenity space to be delivered as part of each construction phase, and be secured via Section 106. It should be noted that, realistically, not all of the playspace for Buildings C and D will be delivered until Building A (the last of the four buildings) reaches substantial completion. A back-stop*

*will be secured in the Section 106 Agreement setting a deadline by which all playspace must be delivered following occupation of Buildings C and D, so that residents are not denied these facilities for an unreasonably long period of time.*

- an indicative phasing plan to LBS. This plan will be further refined, including details of outdoor amenity space to be delivered as part of each construction phase, and be secured via Section 106.
  - **Officer response:** *Defensible space has already been proposed as part of the landscape areas adjacent to bedroom windows and terraces. Further details of screening arrangements will be secured through the landscape planning condition.*
- Detailed bay studies should be secured by the LPA to ensure a distinct design approach is deployed to clearly distinguish residential and commercial entrances.
  - **Officer response:** *A planning condition to this effect is recommended.*

#### Fire Safety

- In response to the requirements of Policy D12(B), the strategy seeks to address the six criteria outlined and although most of the areas have been satisfactorily dealt with, further information on monitoring and maintenance [D12B(4)] and D12B(6) is required.
  - **Officer response:** *The applicant supplied an updated Fire Strategy in response to the GLA's Stage 1 response, dealing with these matters. The HSE has endorsed the Fire Strategy.*

#### Transport

- A Section 278 agreement to deliver improvements to the pedestrian, cycling and public transport environment should be secured by the Council. This is in line with other developments within the Opportunity Area and the extant permission for this site. The applicant should also demonstrate that the proposed increased widths of footpaths on Devonshire Grove and Sylvan Grove would suitably accommodate anticipated pedestrian flows, cyclists and other users. Once this has been demonstrated, the Council should secure the proposed widening.
  - **Officer response:** *This has all been achieved, and the detailed Section 278 works will be referred to in the Section 106 Agreement.*
- Noting the nature of the proposed development and its intended occupiers, and in light of an increased awareness of Women's Safety, a night-time ATZ of key routes should be undertaken. This should inform further discussions with the appropriate highway authority, Southwark Council or TfL, about necessary mitigation.
  - **Officer response:** *The applicant provided the night-time ATA, as discussed in more detail in the applicable part of this report.*



- It is noted that there is planting proposed in the east-west route, which could impact on the usable width. Whilst planting is welcomed, at least 3 metres minimum of usable width for this shared use route should be provided.
  - **Officer response:** *The clear width of cycle/pedestrian route would be 4.2 metres.*
- Regarding the interim (prior to development of the Devonshire Yard land) and final pedestrian and cyclist movement through the site, further information is required on how the walking and cycling arrangement is in line with the Healthy Streets approach, particularly noting that there will be areas within the site with inactive frontage until Devonshire Yard is developed. It also needs to be demonstrated how cycles would access the site via the existing network.
  - **Officer response:** *The Transport Assessment includes a review of the interim period as part of the Healthy Streets approach and Active Travel Audit, with recommendations also made regarding potential measures against the Healthy Streets indicators. The landscape proposal submitted with the application shows the detail of the walking and cycling environment through and around the site, with each building benefitting from a landscaped boundary. Potentially, the 'triangle' of land adjacent to the site but within the red line boundary of Devonshire Yard will be landscaped for an interim period to improve visual amenity. The development will enable cycle access along Old Kent Road by facilitating TfL's Healthy Streets proposal, whilst also providing an east-west route for pedestrians between Devonshire Grove and Sylvan Grove, with an additional cycle route partially enabled by the development, which fulfils the aspirations of the AAP within what this development can be reasonably expected to provide for.*
- A contribution towards extending the Santander cycle hire scheme should be secured. The opportunity to safeguard serviced land for a cycle hire docking station at this site would also be welcomed.
  - **Officer response:** *A sum equivalent to £50 per dwelling will be secured in the Section 106 Agreement. This is £25,700. There is no space within the red line boundary where a docking station could feasibly be accommodated.*
- This scheme and all other proposals that come forward in advance of the BLE are required to make financial contributions to improving bus capacity in the area, which will be secured via the Section 106.
  - **Officer response:** *As per the financial contributions routinely sought by TfL to improve bus capacity, this site will be required to make a contribution. The applicant has accepted this, and a sum equivalent to £2,700 per dwelling will be secured in the Section 106 Agreement.*
- The quantum of cycle parking spaces being provided for the commercial uses. Furthermore, based on the plans provided there are some areas of non-compliance with London Cycle Design St

- **Officer response:** *The applicant has since addressed this. Refer to the relevant part of this report for the assessment of the commercial-specific cycle storage.*
- Further thought on the quantum of disabled persons' parking for the student element is required.
  - **Officer response:** *The applicant has since addressed this. Refer to the relevant part of this report for the assessment of the PBSA-specific cycle storage.*
- The car-free nature, apart from disabled persons' parking, is welcomed subject to the Council securing a permit-free agreement and appropriate contribution towards reviewing (and where necessary, implementing or amending) local parking controls being secured.
  - **Officer response:** *These mechanisms will be secured by condition/obligation.*
- At least 20% of car parking spaces should have active electric vehicle charging provision (EVCP) from the outset, with passive provision for the remainder. However, given the numbers involved and the intended users the applicant is encouraged to provide active EVCP for all the spaces from the outset. The car club bay proposed on Devonshire Grove should also have active EVCP as required by London Plan policy.
  - **Officer response:** *A provision of at least 20% will be secured by condition/obligation*
- Delivery and servicing are proposed from on-street loading bays on Sylvan Grove and Devon Street. In line with London Plan Policy T7, sufficient space should instead be provided on-site to accommodate the delivery and servicing demands for the proposed development. Notwithstanding this, a robust assessment of the delivery and servicing demand of the development should be undertaken to demonstrate that the proposed facilities are sufficient to accommodate anticipated demand. Noting the on-street location of the loading bays, this should consider their use by those outside of this development and the growth in online ordering with home deliveries.
  - **Officer response:** *On balance, and having regard to the benefits of the proposal, the on-street servicing strategy is considered acceptable. A detailed review of servicing demands per use and per building is detailed within the Transport Assessment, which demonstrates there is sufficient servicing capacity available to accommodate the development, as well as the potential for residential deliveries associated with the Council's land to be developed in future to the northwest of the site.*
- The applicant's outline delivery and servicing plan should detail the measures that are to be implemented to reduce the impact of this activity on the surrounding transport network should be detailed, as well as how this site would support sustainable and active freight. Appropriate management of the expected demand should also be demonstrated. In

line with Policy T7, a full delivery and servicing plan should be secured via planning condition.

- **Officer response:** *A final and detailed Delivery and Servicing Plan, including measures as to how sustainable and active freight will be supported, will be secured.*
- The application is accompanied by a student management plan, which contains some detail on the student move-in/move-out process. However, assurances are needed that this activity would not adversely impact on the safe and efficient operation of the Old Kent Road, including the bus services. It must also be demonstrated how Sylvan Grove and Devonshire Grove would be kept open for normal use. A detailed student management plan should be secured through the appropriate mechanism.
  - **Officer response:** *A reasonable level of detail is provided within the application documents on this matter. A final Student Management Plan, prepared prior to occupation, will consider any cumulative effects associated with student move-in / move-out activity and measures to ensure that Devonshire Grove, Sylvan Grove and Old Kent Road do not become congested and remain open for normal use.*
- An outline construction logistics plan has been submitted with the application. In line with Policy T7, a full construction logistics plan detailing the construction methodology (in line with the Mayor's Healthy Streets and Vision Zero approach) and identifying measures that would be implemented to ensure the construction impact of this development on the surrounding transport network is minimised should be secured by planning condition. This plan would also need to demonstrate how development on the application site would co-ordinate with the nearby sites to reduce the cumulative impact of construction on the surrounding transport network.
  - **Officer response:** *A final CLP will be secured by condition.*

#### Energy and Sustainability

- The energy statement does not yet comply with London Plan Policies SI2, SI3 and SI4. The applicant is required to further refine the energy strategy and submit further information to fully comply with London Plan requirements.
  - **Officer response:** Further iterations of the Energy Statement have been submitted since the Stage 1 response, and the GLA's Energy Team has had sight of these. Conditions and obligations are required to ensure the application-stage strategy (or an improved iteration resulting from detailed design) is delivered.
- Conditions should be secured in relation to Circular Economy, Whole Life Cycle and Digital Infrastructure:
  - **Officer response:** These will all be secured.

- The Drainage Strategy should consider rainwater harvesting.
  - **Officer response:** The strategy has been updated to incorporate this request.
- A Flood Warning and Evacuation Plan condition and an Ecological Management Plan condition should be secured by planning condition.
  - **Officer response:** These will all be secured.

#### Heathrow Airport

948.     • Did not wish to comment.

#### Historic England

949.     • No objection/comments.
  - **Officer response:** Noted.

#### London Borough of Lewisham

950.     • Did not wish to comment.

#### London Fire and Emergency Planning Authority

951.     • Did not wish to comment.

#### Metropolitan Police

952.     • No objection subject to a two part 'Secured by Design' condition being applied.
  - **Officer response:** The suggested condition has been included on the draft decision notice.

#### National Air Traffic Services (NATS) Safeguarding

953.     • No objection/comments.
  - **Officer response:** Noted.

#### National Grid UK Transmission

954.     • Did not wish to comment.

#### National Planning Casework Unit

955.     • Did not wish to comment.

#### Natural England

956.     • No objection/comments.  
          - **Officer response:** Noted.

### NHS Healthy Urban Development Unit (HUDU)

957. NHS HUDU are not typically included by the Local Planning Authority when carrying out consultation on planning applications, and accordingly NHS HUDU were not consulted as part of the 23/AP/1862 consultation. However, they submitted a representation about the application of their own accord. In summary, the matters raised were:

- Request for a contribution for £1,577,000, and for payment to be timed to enable the NHS to provide additional capacity in line with the new population arriving.
  - **Officer response:** *The Council has a published CIL charging schedule. Therefore, and in accordance with Regulation 122, HUDU's requested sum will not be secured. The appropriate avenue is for the NHS to make structured bids for funding from the Community Infrastructure Levy fund.*
- The application makes no reference to fitting out, or a discounted rent in respect of the proposed healthcare facility in Building C.
  - **Officer response:** *There is still some further negotiation required in this regard (e.g. the terms of the detailed fit-out specification and discounted rent levels) between the applicant and the Council, but the finalised terms will secure the space in a format and at a level that would make it attractive for occupation by an NHS GP Partnership healthcare provider.*
- The South East London Integrated Care Board believe that the proposed on site provision would not mitigate the impact of their development on local health infrastructure or fit in with the Board's strategy in this area.
  - **Officer response:** *As above, planning obligations are not the appropriate mechanism through which to secure financial investment in local public healthcare facilities.*
- Tall buildings should be designed to prevent suicide. Public Health England and the City of London have provided guidance which the Council may find useful. We ask that the Council requires submission of appropriate design details/uses planning conditions to reduce the risk of suicide. This is in line with the Mayor's ambitions for London to be a zero suicide city.
  - **Officer response:** *The design of the buildings meets the policy requirements for tall buildings as set out in the London and Southwark Plans, including consideration of public and personal safety.*
- Other design guidance could be applied in the consideration and specification of the wheelchair housing, such as South East London Housing Partnerships Wheelchair Homes Design Guide.

- **Officer response:** *The design of the buildings meets the policy requirements for wheelchair housing as set out in the London and Southwark Plans. In any case, the floorspace minimums and detailed design standards required by the applicable Southwark Plan policy (Policy P8) were informed by the SELHCPWH Design Guide.*

### Network Rail

958.     • Comments, but no objections or recommended conditions/informatives.
- **Officer response:** Noted.

### Sport England

959.     • Did not wish to comment.

### Thames Water

960.     • Did not wish to comment.

### Transport for London (TfL) – Active Travel England

961.     • No objection/comments.
- **Officer response:** Noted.

### Transport for London (TfL) – Bakerloo Line Extension Safeguarding Unit

962.     • No objection/comments, as the site lies just outside the Safeguarding Zone.
- **Officer response:** Noted.

### Transport for London (TfL) – London Underground / Docklands Light Railway Infrastructure Protection

963.     • No objection/comments.
- **Officer response:** Noted.

### Transport for London (TfL) – Spatial Planning

964. 'TfL – Spatial Planning' provided comments as part of the GLA Stage 1 referral process. These comments been provided under an earlier paragraph entitled "Greater London Authority", and an officer response has been given to each matter raised.

### Tower Hamlets Council

965.     • Did not wish to comment.



## UK Power Networks

966.     • Did not wish to comment.

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

967. 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.
968. The protected characteristics are: race, age, gender reassignment, pregnancy and maternity, disability, sexual orientation, religion or belief, sex, marriage and civil partnership.
969. The Council must not act in a way which is incompatible with rights contained within the European Convention of Human Rights
970. A comprehensive Equalities Impact Assessment accompanies the application It concludes that, overall, the proposed development will have a positive impact on EDI-related challenges and trends for future residents and users of the proposal itself, as well as on the wider community.
971. 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:

- Accommodation - accessibility: 10% of the PBCL and 10% of the conventional homes would be wheelchair accessible, as would all of the ancillary and common spaces within the host buildings.
- Accommodation – responsiveness to community profile: The provision of multi-bedroom housing responds to the protected characteristics of race in that larger housing is particularly well oriented to multi-generational families (who are more commonly from non-white backgrounds), as well as the characteristics of pregnancy and maternity.
- Employment and training opportunities: Local unemployed people would benefit from jobs and training opportunities connected with the construction stage.
- Existing business support: Of the two existing business on the site, one that is an SME has benefited from sub market rental rates during its period of meanwhile occupancy, and moved to the site in full knowledge of its forthcoming redevelopment. If the event of the proposed healthcare facility not be deliverable, 81.3 square metres (or equivalent) of affordable workspace would be provided, which would meet the needs of local eligible existing businesses.
- Healthcare opportunities: The potential provision of an on-site GP surgery, and the health-related services it would offer in a location well-served by public transport, would respond to the health needs of all members of society across all protected characteristics. The location of this potential healthcare facility at ground floor level and with a proposed bus stop immediately to the front on the Old Kent Road high street, would lessen the accessibility barriers faced by the less physically able and older people.
- Improved and more accessible public realm: The proposed public realm, 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.
- Landscape: Outdoor furniture and outdoor lighting has been designed to create comfortable and safe environments in which people of all ages will want to dwell in the day- and night-time, while planting and play environments would create sensory and tactile spaces particularly supportive of those with certain disabilities. A key design driver behind the bandstand and Assembly Gardens is to provide outdoor facilities and public realm in which girls in particular will feel comfortable spending leisure time.
- 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, women, LGBTQIA+ people and transgender people. Cycle stores and entrances would be secure-accessed, well naturally surveilled and lobbied to prevent tail-gaiting, complemented by CCTV surveillance.
- Religious groups: There is a church at the northern end of Sylvan Grove that is used primarily by the Latin American community (Christ Paradise Church). It is not considered that this development would prejudice the operation of the church in any way.

- Transport: Wheelchair parking spaces and cargo bike spaces (the latter being capable of transporting disabled users) would also be provided.
972. 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

973. This planning application engages certain human rights under the Human Rights Act 2008 (the HRA). The HRA prohibits unlawful interference by public bodies with conventions rights. The term 'engage' simply means that human rights may be affected or relevant.
974. This application has the legitimate aim of redeveloping the site to provide four buildings comprising large scale purpose built student accommodation units, conventional residential dwellings, flexible commercial and community floorspace, children's playspace, public realm improvements, landscaping 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.

<b>Positive and proactive engagement: Summary table</b>	
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

975. This application would bring into productive and optimised re-use this underutilised site, providing a complementary mixture of PBSA, conventional housing, flexible commercial/business floorspace and a community hub. These uses would be supported by high quality hard- and soft-landscaped new public realm. The proposal would also enable major new transport infrastructure upgrades, enhancing links with the surrounding areas by providing safe and accessible walking, cycling and public transport routes. This would support the role and aspirations of the Old Kent Road Opportunity Area and is in line with the vision for the site, as set out in the adopted site allocation (NSP69) and the draft site allocation (OKR18).

976. Prior to the submission of the planning application, the applicant engaged in pre-application discussions with the Council, the Greater London Authority, Transport for London, the Health and Safety Executive, the Old Kent Road Community Review Panel, and the Southwark Design Review Panel amongst other stakeholders. Extensive public consultation with local residents, including the relevant TRAs, has also been undertaken.
977. The design evolution of the proposed development is a reflection of the extensive pre-application process. The careful façade modelling and confident crown designs are reflective of the buildings' significance, being located at one of the 'Station and Crossing' sites within the Opportunity Area where tall buildings are anticipated. The buildings would contribute positively to the local townscape. Through optimised active frontages and celebrated entrances, the development would provide an engaging and animated interface at street level.
978. This planning application proposes 40.8% affordable housing by habitable room, in a policy compliant split between social rent and intermediate tenures. The accommodation would be of a high quality with a range of home sizes offered, including a number of larger family homes, all supported by high quality external amenity space and play space. The 200 proposed homes are a significant benefit of the planning application.
979. There is support in the London Plan and Southwark Plan for student housing, which contributes to a mixed and inclusive community helps to release local family housing and is counted towards the borough's housing delivery. In a well-connected location with some HEIs a short bus ride away, the site is considered to be appropriate for student accommodation, meeting a demonstrable need and achieving compliance with the requirements of Southwark Plan Policy P5. Mindful of the importance of integrating the student population successfully with the existing and future local communities, the applicant developed the proposals working closely with the probable operator of the PBSA, who have considerable experience of managing student housing being the UK's largest independent provider.
980. The impacts on neighbours' amenity have been assessed and, while it is recognised that for some properties the daylight and sunlight losses would exceed the BRE guidelines, they are similar in their extent and magnitude to the impacts caused by the extant hybrid permission.
981. Transport and highways matters have been satisfactorily addressed by the application documents, with detailed arrangements and mitigation to be secured through planning conditions and obligations. Although the conventional housing and non-residential uses would provide long- and short-stay cycle parking in compliance with the London Plan and Southwark Plan requirements, the PBSA would not deliver the policy minimum of 941 stands. However, it is considered that the proposed on-site provision of free-of-charge cycle lockers, along with Travel Plan commitments, makes for acceptable mitigation in this instance.
982. In terms of energy and sustainability, the proposals exceed the policy minimum, achieving cumulative carbon savings of 51% against the Part L 2021 baseline,

and meeting the Mayor's aspirational Whole Life Cycle benchmarks. Alongside securing 70.37% biodiversity net gain, the proposal would achieve a commendable UGF score of 0.43 – the latter achieved through features such as green and intensive roofs, connected tree pits and rain gardens. Subject to compliance with the detailed energy and sustainability strategies submitted with the planning application and payment of the Carbon Green Fund, the development satisfactorily addresses climate change policies.

983. In line with the requirements of the NPPF, the Council has applied the presumption in favour of sustainable development. The proposal would accord with sustainable principles and would make efficient use of a prominent brownfield site to deliver a high quality development that is in accordance with the Council's aspirations for the area. Equality implications have been carefully considered throughout the planning process. It is therefore recommended that planning permission is granted, subject to:

- conditions as set out in the attached draft decision notice;
- referral to the GLA;
- the timely completion of a Section 106 Agreement;
- notification to the Secretary of State; and
- publication of this report (and any addenda and delegated reports) as necessary under the EIA regulations.

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: 2168-761 Application file: 23/AP/1862  Southwark Local Development Framework and Development Plan Documents	Environment, Neighbourhoods and Growth Department 160 Tooley Street, London, SE1 2QH	<ul style="list-style-type: none"> <li>• Planning enquiries telephone: 020 7525 5403</li> <li>• Planning enquiries email: planning.enquiries@southwark.gov.uk</li> <li>• Case officer email: patrick.cronin@southwark.gov.uk</li> <li>• Council website: www.southwark.gov.uk</li> </ul>

## APPENDICES

No.	Title
<b>Appendix 1</b>	Recommendation (draft decision notice)
<b>Appendix 2</b>	Relevant planning policy
<b>Appendix 3</b>	Planning history of the site and nearby sites
<b>Appendix 4</b>	Consultation undertaken
<b>Appendix 5</b>	Consultation responses received
<b>Appendix 6</b>	Community Review Panel
<b>Appendix 7</b>	Design Review Panel
<b>Appendix 8</b>	Section 106 heads of terms

## AUDIT TRAIL

Lead Officer	Stephen Platts, Director of Planning and Growth		
Report Author	Patrick Cronin, Team Leader		
Version	Final		
Dated	28 November 2023		
Key Decision	No		
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER			
Officer Title		Comments Sought	Comments included
Strategic Director of Finance & Governance		No	No
Strategic Director of Environment and Leisure		No	No
Strategic Director of Housing and Modernisation		No	No
Director of Regeneration		No	No
Date final report sent to Constitutional Team			30 November 2023