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<b>Item No.</b> 8.1	<b>Classification:</b> Open	<b>Date:</b> 6 October 2020	<b>Meeting Name:</b> Planning Committee
<b>Report title:</b>	<b>Development Management planning application:</b> Application 19/AP/2307 for: Full Planning Application  <b>Address:</b> Daisy Business Park, 19-35 Sylvan Grove, London SE15 1PD  <b>Proposal:</b> Redevelopment to provide a mixed use development comprising up to 219 residential dwellings (Use Class C3) and up to 2,986sqm (GIA) commercial workspace (Use Class B1) within two buildings of 5 storeys and 32 storeys with associated car and cycle parking, landscaping, and public realm and highways improvements.		
<b>Ward(s) or groups affected:</b>	Old Kent Road		
<b>From:</b>	Director of Planning		
<b>Application Start Date</b> 31/07/2019		<b>Application Expiry Date</b> 30/10/2020	
<b>Earliest Decision Date</b> 15/02/2020			

## RECOMMENDATIONS

1. That the planning committee grant planning permission, subject to:
  - The recommended planning conditions;
  - The applicant entering into an appropriate legal agreement by no later than 8 February 2021;
  - Referral to the Mayor of London;
2. That, in the event that the Section 106 Legal Agreement is not completed by 8 February 2021, that the director of planning be authorised to refuse planning permission, if appropriate, for the reasons set out in paragraph 311 of this report.

## EXECUTIVE SUMMARY

### Site



### Existing land use (paragraph 4-11)

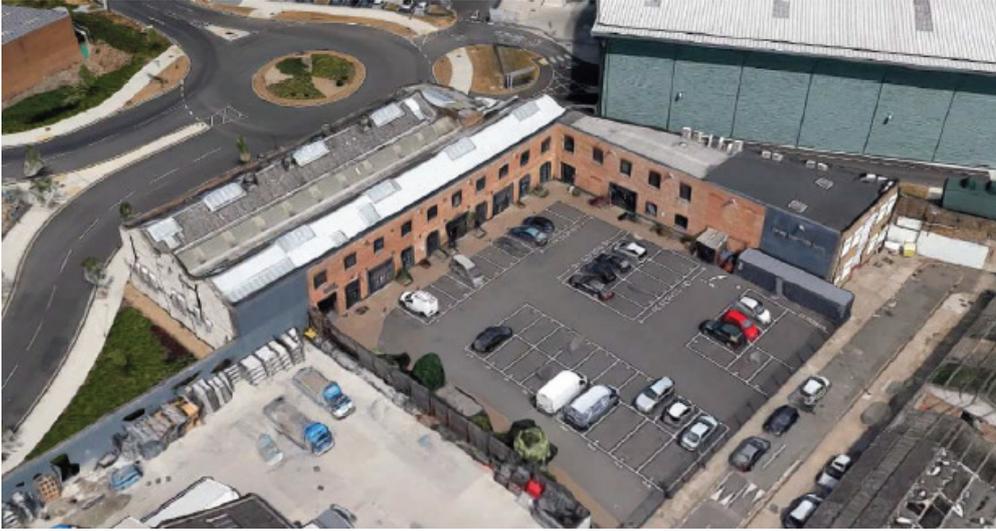
B1 building comprising number of commercial units including offices, studio and light industrial space.

### Proposed Development (paragraph 12-23)



- 219 homes;
- Total of 2,986sqm (GIA) of flexible non-residential floorspace;
- 35.1% affordable (Total 59 homes, Social 25.4%, 9.7% intermediate);
- 10% affordable workspace;
- Play space requirements met on site;
- 700sqm of new public square;
- No car parking other than 6 No. wheelchair parking spaces;
- 380 cycle parking spaces and 36 visitor cycle parking spaces;
- 116 of 219 homes are dual aspect equating to 52% of the overall units;
- 61% of affordable housing units as dual aspect;
- Buildings of up to 5 and 32 storeys in height;
- Estimated Community Infrastructure Levy of circa £5.85m before relief.

Current site

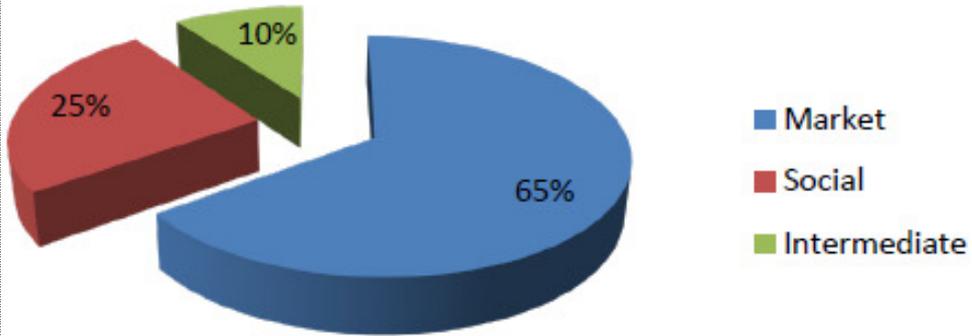


Proposed site

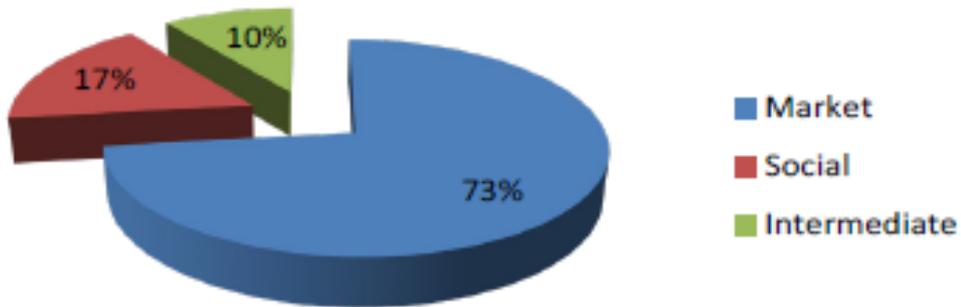


**Affordable housing (Paragraphs 124-134 )**

Habitable rooms by tenure



Tenure by unit numbers



**Residential Design – Dual Aspect (Paragraphs 157-158):**

Dual aspect figures

	Dual aspect affordable homes	Dual aspect private homes	Dual aspect total homes
TOTAL	61%	50%	116 of 219 (52%)

**Open spaces (Paragraphs 159-178)**



**Table: Amenity space proposed against policy requirement**

	<b>Policy requirement</b>	<b>Proposal</b>	<b>Difference</b>
<b>Private</b>	2,190sqm	1,404sqm (not including those that exceed 10sqm)	-786sqm
<b>Communal</b>	50sqm + shortfall 786sqm of private amenity space (total 836 sqm)	363sqm	-473sqm
<b>Dedicated children's play space</b>	740sqm required by the June 2019 GLA calculator	740sqm	0sqm

<p><b>Public open space</b></p>	<p>None is proposed on site in the draft 2017 AAP masterplan with site being shown as an infill development. The scheme would therefore have been expected to make an off site financial contribution to public open space in the vicinity equivalent to 1,095sqm</p>	<p>The approach to the revised AAP masterplan has changed in response to public consultation to require a new public open space to be created on site off Sylvan Grove. This would be co joined with a new public space on the adjacent Devonshire Square development. This scheme would contribute 700sqm to that new public space.</p>	<p>This scheme would still be required to make an off site in lieu financial contribution equivalent to 395sqm</p>
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### **Sustainability (Paragraphs 324-339 )**

#### **Energy**

- Photovoltaic (PV) panels and air source heat pump (ASPH) are proposed on-site.
- The proposed development would be designed so that it can be connected SELCHP District wide heating network that is currently being developed by the GLA and Veolia. This future connection would further reduce CO2 emissions;
- Residential areas would achieve a 70% carbon reduction and non residential areas would achieve a 61% reduction;
- A carbon offset payment of £116,180 has been agreed within the S106 agreement.

#### **Car and cycle parking (Paragraphs 229-250)**

- No car parking other than 6 No. wheelchair parking spaces;
- 380 cycle parking spaces and 36 visitor cycle parking spaces;

## Old Kent Road frontage



## **BACKGROUND INFORMATION**

### **Site location and description**

3. The site comprises an area of 0.29 hectares (ha) and accommodates an L-shaped two storey building abutting the western and northern boundaries. At the eastern end of the northern wing, the former industrial building is now providing a church, but is not part of the application site. The only access to the site at present is via Sylvan Grove through vehicular and pedestrian gates. The courtyard of the site is laid out in a parking court with 47 parking spaces.

It lies within the following adopted Southwark Plan designations;

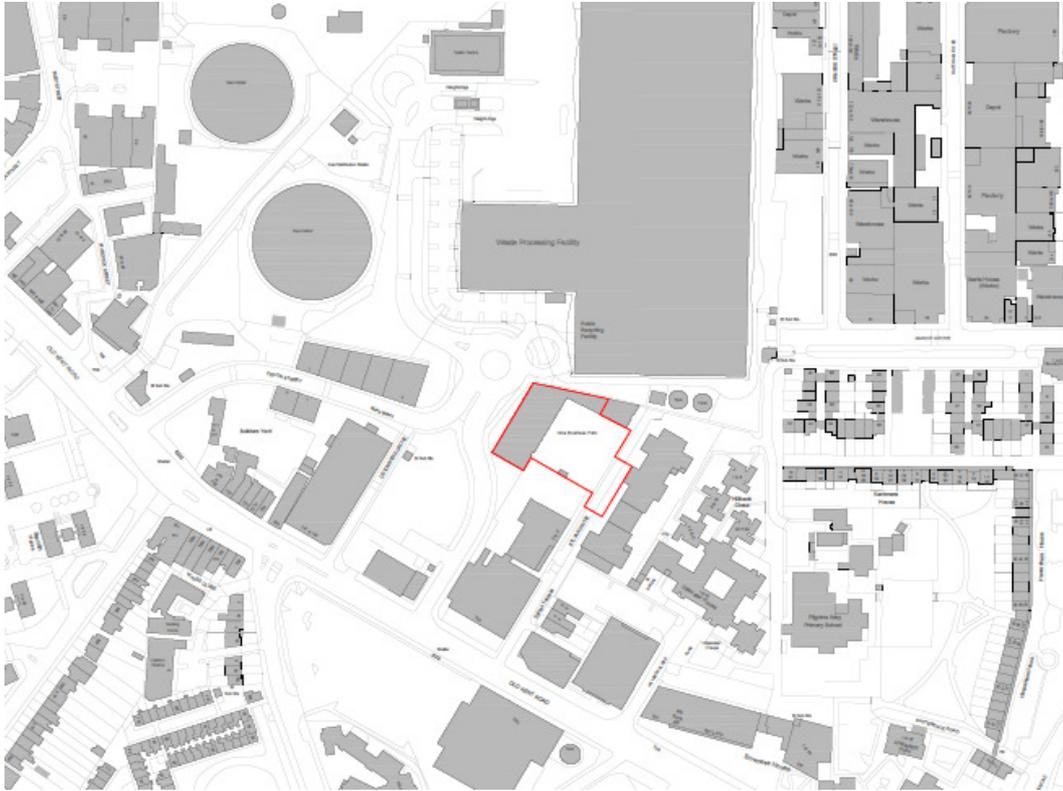
- Old Kent Road Strategic Industrial Location (SIL);
- Old Kent Road Action Area (Core Area);
- Urban Density Zone;
- Bermondsey Lake and Old Kent Road Archaeological Priority Zones;
- Air Quality Management Area

The site also lies within the Old Kent Road Opportunity Area (OKROA) and is discussed further below.

4. It should be noted that in the emerging New Southwark Plan (NSP), the site is no longer protected as SIL. The maps propose the release of the site from the SIL to

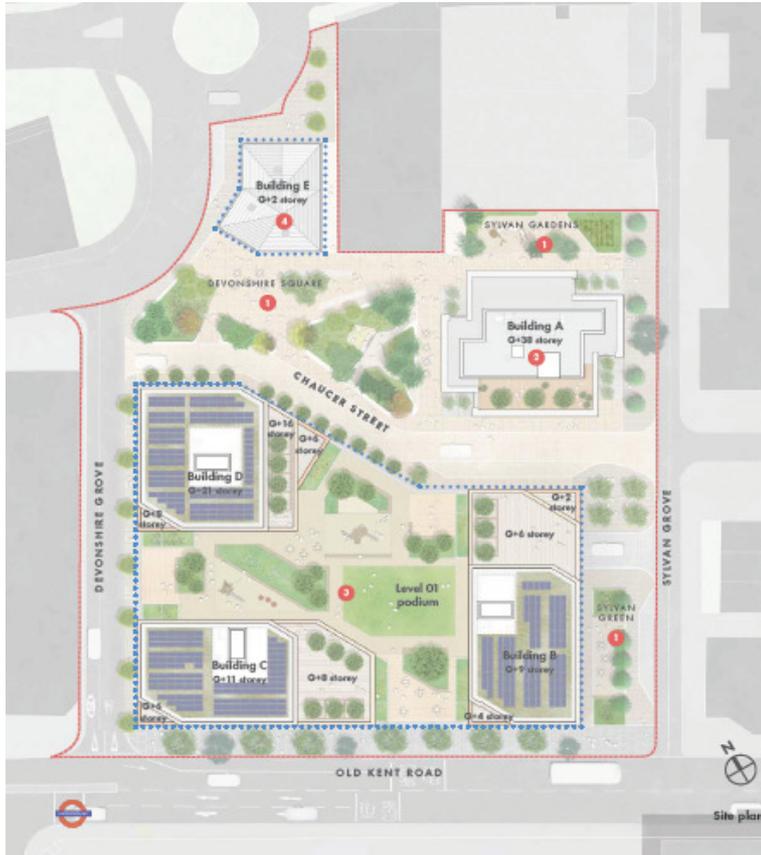
allow for the provision of new homes mixed with commercial uses.

**Images: Application site and site boundary**



5. The site comprises a B1 building of approximately 1,958sqm of gross internal area (GIA). It comprises a number of commercial units including offices, studio and light industrial space.
6. The site falls within a mixed industrial and residential area. Existing residential uses is mainly to the east of the site on Sylvan Grove which comprise a recent block at 8-24 Sylvan Grove for 80 residential flats.
7. It is important to note that the site sits adjacent to a redevelopment site located immediately to the south, which would be called the 'Devonshire Square' scheme here in this report (full address: 747-759 & 765-775 Old Kent Road, and land at Devonshire Grove). The site is subject to a hybrid planning application (ref 19/AP/1239) for up to 565 homes, up to 4,770sqm total floorspace for a range of employment, retail, leisure and community uses. This went to planning committee on 1<sup>st</sup> June 2020 with a resolution to grant. That Devonshire Square development site would adjoin the current application site on the southern and western boundaries. There will be changes to the road network and layout and a new public open space is proposed that would adjoin the current application site.

**Image: Plan of proposed adjoining Devonshire Square development**

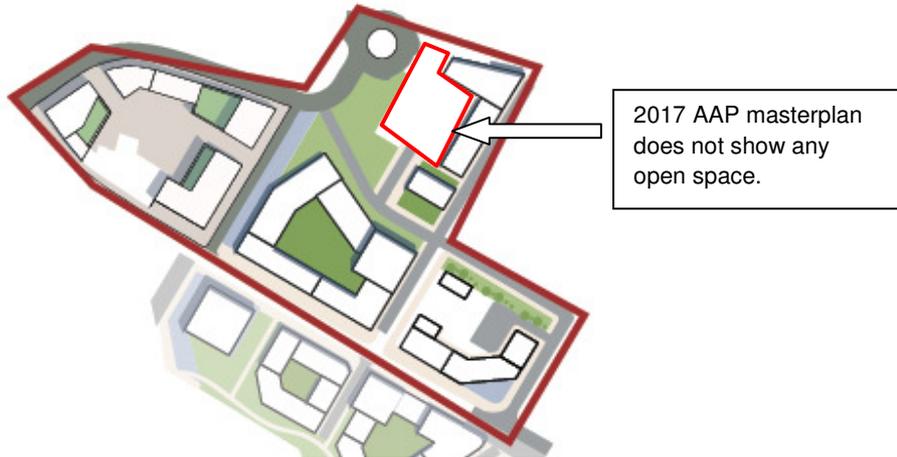


8. As such, with the Devonshire Square development completed the surrounding area will change in character and uses, with more residential development in line with the Old Kent Road Area Action Plan (OKRAAP).
9. The site is also within the Old Kent Road Opportunity Area (OKROA): Sub Area 4 – Hatcham, Ilderton and Old Kent Road (specifically OKR18). The site also falls within a Site Allocation (NSP66) 'Devon Street and Sylvan Grove' outlined in the emerging NSP.

Image: OKR18 in the draft AAP



**Image: Masterplan**



- 10. The site is not within a conservation area and the existing buildings are not listed. The western part of the existing building is identified in the further preferred draft of the OKR AAP as being of townscape merit. The listed Grade II Gasholder No. 13 (associated with the former South Metropolitan Gas Company) is located to the east of the site.
- 11. The site has an official PTAL rating of 3 (medium accessibility) and is also within Flood Zone 3. The site would be within 200m of the proposed new BLE station on Old Kent Road

**Details of proposal**

- 12. Full planning permission is sought for the demolition of the existing building on the site and construction of a mixed use development comprising residential and commercial uses in two blocks. 219 new dwellings are proposed, 35.1% of which would be affordable (when calculated by habitable rooms). This is provided within a total of 59 affordable dwellings. This affordable housing would be made up of a policy compliant offer of social and intermediate units. Overall, 25.4% of the habitable rooms would be for social rent and 9.7% would be of intermediate tenure. The tables below sets out the proposed housing mix and tenure by split habitable rooms and by unit numbers.

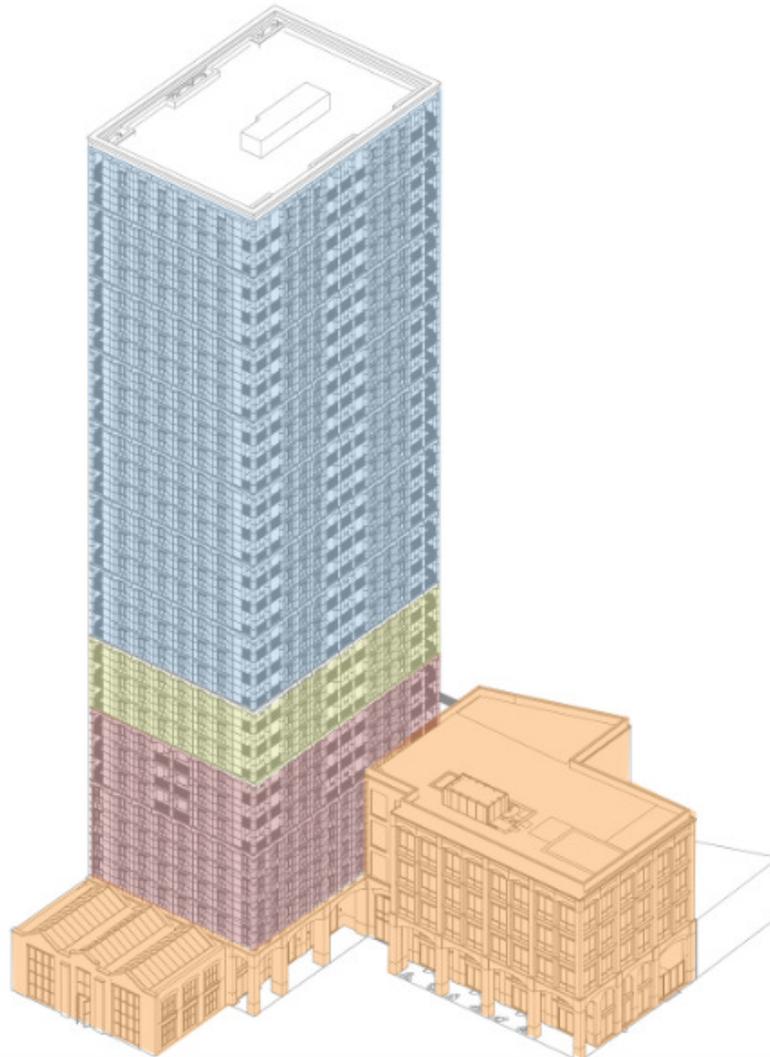
**Table: The mix of dwellings across the site as a whole**

Unit type	Number of units	Percentage (%)
Studio	11	5
1 bedroom unit	89	40.6
2 bedroom unit	89	40.6
3 bedroom unit	30	13.7
<b>Total</b>	<b>219</b>	<b>100</b>

**Table: Proposed housing mix and tenure by habitable rooms**

<b>Unit type</b>	<b>Private/market units</b>	<b>Social Rented units</b>	<b>Intermediate units</b>
Studio	11	0	0
1 bed	60	11	9
2 bed	80	0	9
3 bed	0	27	3
<b>Total</b>	<b>160</b>	<b>38</b>	<b>21</b>

**Image: Tenure split and allocation within the building**



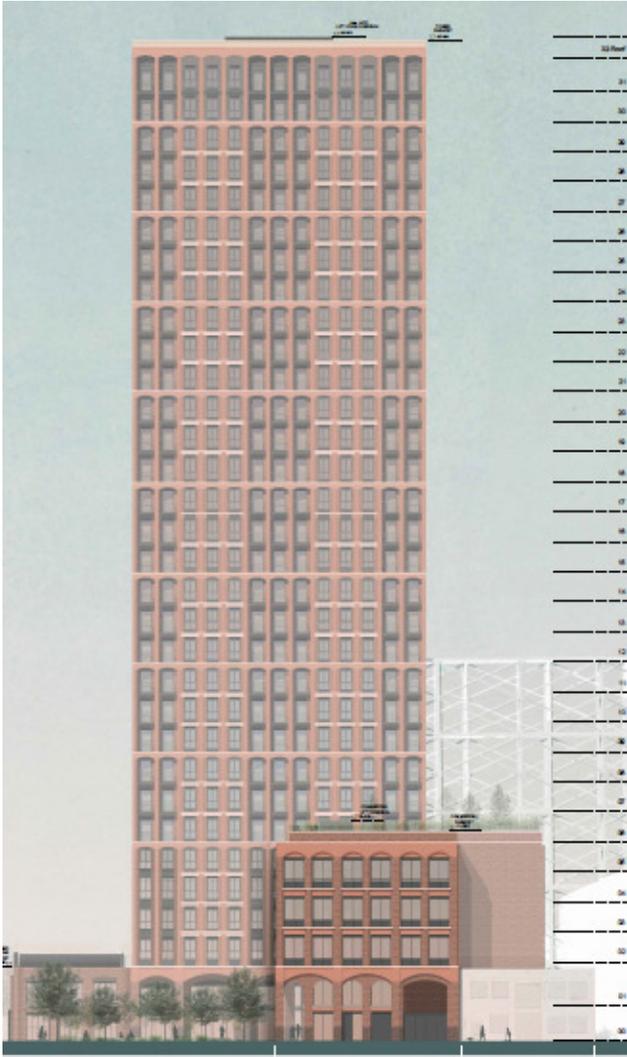
- 
- Private Sale Apartments.
  - Shared Ownership Apartments.
  - Social Rent Apartments.
  - Commercial Accommodation

13. The scheme is tenure blind and amended plans have been received to create a shared entrance and lobby for the private and affordable units. Each of the lifts in the single residential core will be accessible to all residents in the building, with fob access provided to the relevant floor and the communal amenity space on Level 5.

The above image shows the arrangement of the different tenures:

- Social rent units are located on the second to eighth floors;
  - Intermediate units on the 9<sup>th</sup> to 11<sup>th</sup> floors; and
  - Private units on the 12<sup>th</sup> to 31<sup>st</sup> floors.
14. The proposed development would also provide a total of 2,986sqm (GIA) of commercial (B1) floorspace and would be accommodated in the 5 storey block located on the northern boundary and on the lower two floors of the taller block. There would also be a proportion of affordable work space. More detail is provided on this in the assessment section of this report.
15. The ground floor would also comprise the following:
- Residential entrance and lobby access in the central part of the building;
  - Two Commercial entrances;
  - Ground floor communal amenity room;
  - Refuse store and UKPN substation; and
  - 6 No. wheelchair parking spaces accessed from Sylvan Grove in the north part of the building.
16. The proposals comprise a building with three main components. It would be a mix of 2, 5 and 32 storeys arranged on an L-shaped footprint. There would be a reconstructed section of the existing building to form a 2 storey commercial wing to the southwest portion of the site This steps up to the taller block of 32 storeys running along the western boundary. The 5 storey block runs perpendicular to this along the northern boundary. The 32 storey element would be a maximum of up to 107.8m AOD (105.3m above ground level) and the shorter element up to 25.6m AOD (23.1m above ground level).

**Image: Proposed height and massing – Sylvan Grove elevation**



**Image: Proposed height and massing – West elevation**



**Image: 3D image of proposed development in the surrounding context**



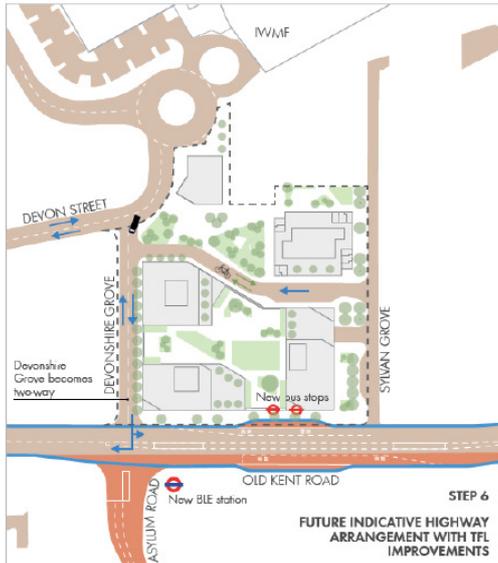
17. Private amenity space is provided in the form of balconies to each flat. Winter garden enclosures have been added to the lower levels (levels 2-5) of the residential building and the elevations have been updated to reflect this amendment. Communal garden space is provided on the roof of the lower block building and is accessible to all tenures. In addition, an internalised communal room is proposed on the ground floor.
18. As explained above, this proposed development would provide public open space in the form of a 'garden square' on the ground floor level and this would 'complete' the rest of the public open space proposed in the adjoining Devonshire Square development. This accessible public space is proposed to the front and the L-shaped building wrapping around this space and totals 700sqm within this site. The Devonshire Square space adjacent comprises 369sqm. The total size of the space would be 1,069sqm. (This has been described as 'Sylvan Gardens' in the Devonshire Square submission documents and the term 'Garden Square' will be similarly used here in this report). The combined space is shown below. The space would be designed to a unified plan secured by condition and legal agreement.

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



19. It is important to note that there would be extensive works to the existing road network in the Devonshire Square development. This includes the stopping up of the existing IWMF egress road and the widening and re-alignment of Devonshire Grove to accommodate two-way traffic to provide access and egress to the IWMF. The application proposed here on Daisy Business Park would be unaffected, but it is important to highlight the future highway context.

**Image: Future highway network**



20. The proposed development would be car free, with the exception of 6 car parking spaces for disabled residents and are located within a secured parking garage to the northern part of the scheme accessed from Sylvan Grove. The development will be serviced from within the on-site servicing yard. The scheme now provides a total of 380 cycle spaces for the residential use and 42 cycle spaces for the commercial use accommodated within the development at first floor level and accessible via a cycle lift. Residential long- stay provision and commercial long-stay provision will be housed in separate rooms. 36 short stay cycle parking will all be provided in the form of Sheffield stands located within the public realm.
21. Pre-application discussions were held in relation to the proposal under consideration now under ref 16/EQ/0218. The main matters discussed were the height of the buildings and its orientation. No formal response was issued.

### **Planning history**

22. There have been a couple of planning permissions granted for an additional building on the site for industrial uses, but this was not implemented. There has not been any previous application made seeking to comprehensively redevelop the site. There has also not been any application seeking consent for residential uses.
23. An application to request for Environmental Impact Assessment (EIA) Screening Opinion was submitted (ref 19/AP/1117) for the redevelopment of the site to provide 186 homes and 4,799sqm commercial space in two buildings of up to 30 storeys. A verbal response was given confirming that the proposed development was not considered to constitute EIA development and is discussed in the relevant section of this report.

## Planning history of adjoining sites

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

Ref 19/AP/1239 Planning permission pending submitted 25.04.2019

(Detailed Proposals)

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

(Outline Proposals)

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

25. A more recent residential development was granted at 8-24 Sylvan Grove, to the east of the site:

Ref 15/AP/1330 Parent permission with subsequent non-material minor amendments approved.

Application Type: FULL

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

Decision: Granted with legal agreement 21.10.2015

26. Ref 08/AP/2209 at 763 Old Kent Road for the Integrated Waste Management Facility (IWMF).

Application Type: FULL

Erection of an Integrated Waste Management Facility (incorporating mechanical

biological treatment plant and waste transfer station, material recycling facility and household waste re-use and recycling centre), 16.2m high to top of ridge (20.33m AOD), with ancillary infrastructure including a municipal depot, contract administration and visitor centre (Resource Centre) with associated landscaping, car parking and internal access road.

Decision: Granted with legal agreement 16.02.2010

27. A number of recent planning applications have been made within the Old Kent Road Action Area boundary close to the site, including the following:

28. Ref 17/AP/4649 Iberia House , 2 Hatcham Road

Application Type: Full

Demolition of existing light industrial building and construction of a building ranging in height from 2 to 9 storeys comprising 915.5sqm of B1 commercial and employment space at ground and first floor levels and 33 residential flats over the second to eight floor levels, with 3 residential parking spaces accessed from Hatcham Road

Decision: Pending decision after resolution to grant by Planning Committee in July 2019

29. Ref 17/AP/4819 Land At 313-349 Ilderton Road

Application Type: Full

Full application for full planning permission for mixed use redevelopment comprising: Demolition of existing buildings and construction of two buildings one of part 11 & 13 storeys and one of part 13 and 15 storeys to provide 1,661sqm (GIA) of commercial floorspace (use class B1) at part basement, ground and first floors, 130 residential dwellings above (44 x 1 bed, 59 x 2 bed and 27 x 3 bed), with associated access and highway works, amenity areas, cycle, disabled & commercial car parking and refuse/recycling stores.

Decision: Pending decision after resolution to grant by Planning Committee in December 2018.

30. Ref 19/AP/1322 Aldi, 840 Old Kent Road

Application Type: Full

Demolition of existing building and redevelopment of the site to provide a new building of up to 13 and 21 storeys in height (maximum height 73.60m above ground level). Redevelopment to comprise 170 residential units (Class C3), a 1,778 sqm (GIA) retail unit (Class A1) and a 52 sqm (GIA) flexible retail unit (Class A1/A3), with associated landscaping, car parking, servicing, refuse and plant areas, and all ancillary or associated works.

Decision: Pending decision after resolution to grant by Planning Committee in February 2020.

## **SUMMARY OF CONSULTATION RESPONSES**

### Public consultation

31. At the time of writing, a total of:  
3 objections have been received;  
1 neutral representation has been received;  
3 supporting comments have been received.
32. The main issues raised by the public **objecting** to the proposed development are:
- Dense tall towers that contain cramped flats and relating this to the housing estates back in the 1960's;
  - Ask that the development be a maximum of 6 storeys in height;
  - Question whether public electric vehicle charging points (EVCP) would be provided;
  - Existing vacant buildings could be restored for future businesses;
  - Questions the capacity for infrastructure such as drainage and parking given the community is a small area;
  - Lack of direct engagement with Veolia (IWMF) by the applicant;
  - The Design and Access Statement does not consider or commentate on the impact of the scheme on their operation;
  - Tall buildings can impact micro climate (wind) not only at a pedestrian level but also in terms of emission dispersion. There is no assessment work;
  - Noise impacts. The assessment does not take into account the potentially greater impact on those residents at higher level as a result of breakout from the roof, which in practice would be impossible to screen;
  - Traffic on the Old Kent Road itself would likely provide a significant cumulative noise source, especially at peak times;
  - The proposed residential development is directly adjacent of the IWMF with some dwellings and associated balconies facing the IWMF. While the IWMF has its own site environmental controls it is for applicants introducing a new use in the area to establish and provide sufficient evidence there will be no significant issues arising post development;
  - Cumulative impact is also pertinent. There is concern that the cumulative impacts of this development, combined with other development coming forward in the AAP area, have not been adequately considered. This includes issues of enclosure and tunnelling where a greater density of built development with sensitive receptors is proposed at a height where it is possible emissions cannot disperse.
33. Officer response:  
The height and scale of the proposed development is discussed under the design section of this report and considers that the tall building would be acceptable. The request that the development be less than 6 storeys would not achieve the objectives and aspirations of the New Southwark Plan or the OKR AAP to provide more housing and mixed use development in this location. The surrounding area is

likely to change in character and scale. The neighbouring residential block at 8-24 Sylvan Grove is taller than 6 storeys in height. No publically available EVCP is proposed as Sylvan Grove have double yellow lines so there is limited parking for cars. Officers note that existing vacant buildings in the area could be restored for use, and part of the existing building on site is being retained and re-used, but considers that a more comprehensive approach including providing other uses such as housing could meet the housing and employment need of the borough and achieve the aspirations of the AAP. The proposed development has submitted a drainage strategy and no objections have been raised by the council's Flood and Drainage team.

34. The comments received from IWMF relate to the potential impact the proposed development would have on the operation of the existing waste facility. The applicant has submitted the supporting documents to demonstrate the impacts and how these would be mitigated and these are set out under relevant sections of the report.
35. Those writing in **support** consider the scheme to bring about better homes to the area. One of the supporting representations is from the developer of the adjoining site at Devonshire Square. They state that proposals for Daisy Business Park complement the masterplan envisaged in the AAP. These planning benefits include the provision of a new garden space split between the boundaries of the two developments, as well as active frontages to the new Devonshire Square public square.

#### Statutory consultees

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

#### Greater London Authority (GLA)

37. The GLA's Stage 1 response considers that the comprehensive redevelopment of the site is broadly supported, but there are a number of items that need to be addressed and that it does not comply with the London Plan and draft New London Plan. The reasons for this, along with Office responses, are set out below.
38. GLA officers accept that this site is suitable for SIL release. However, as Southwark is considered to be a 'no net loss borough' in line with Policy 4.4 of the London Plan and Policy E7 of the draft London Plan, any release of land from SIL should ensure no net loss of industrial capacity. It is reiterated that industrial floorspace should be re-provided at a rate equivalent to the existing floorspace which exists on site, or which could be accommodated on the existing site at a 65% plot ratio, whichever is greater. It was noted that re-provision of 1,885sqm of industrial floorspace is required (based on the scheme originally submitted). The GLA points whilst the quantum of floorspace available for light industrial (B1c) uses may satisfy the 65% plot ratio test the flexible designation of these land uses (ranging from B1a-c) does not adequately secure use of these areas as replacement industrial land use. It is noted that the council must ensure that not only that a minimum of 1,885sqm of industrial floorspace is designed at a specification suitable for B1c land uses, but this floorspace is secured for occupation by light industrial (B1c) purposes only.

39. Officer response: Since the GLA's Stage 1 report, the Secretary of State had written to the Mayor of London directing that this section of the policy for no net loss be deleted from the new London Plan. Notwithstanding this, the area of the B1c use is policy compliant and the applicant has reiterated their commitment to secure this via a section 106 (s106) agreement. It should also be noted that the existing uses on the site comprise a mixture of B1a to c and are not all light industrial.
40. The GLA points out that as the site is believed to be located within the designated Consultation Distance of a Major Hazard Site (Old Kent Road Gas Holder Station) the Health and Safety Executive (HSE) should be consulted. Further, the applicant must confirm whether the site lies within the designated Consultation Distance of a Major Hazard Site and, if so, what measures have been implemented to ensure public safety.
41. Officer response: The HSE was consulted as part of the consultation exercise and raises no objection to the grant of planning permission. The HSE has subsequently confirmed the site is no longer designated as a Major Hazard following the decommissioning and demolition of the gas holders. This is further discussed below in the relevant section.
42. The proposed affordable housing offer at 35% by habitable room, does not meet the GLA's 50% threshold for the Fast Track Route for applications on industrial land and where there is a net loss of employment floorspace; therefore, a financial viability assessment must be provided. Under the proposed revisions to policy H6 in the draft London Plan, the 50% threshold for fast track consideration may reduce to 35% where the scheme results in no net loss of industrial capacity.
43. As outlined above, a minimum of 1,885sqm of light industrial floorspace secured will mean there is no net loss of industrial capacity and as a result the application will be Fast Track and subject to an early stage review, but not a late stage review. The council requires full viability assessment in line with its adopted Development Viability SPD (2016). This has been submitted and reviewed independently on behalf of the council by BNPP. BNPP has concluded that the scheme is providing the maximum level of affordable housing.
44. The GLA has made a comment on the shortfall in playspace provision and the applicant should revise the scheme to include greater provision of designated playspace within the scheme..
45. Officer response: The new calculated playspace is 740sqm using the GLA playspace calculator. The plans have been revised to indicate a total provision of 740sqm split between the roof top terrace and part of the ground level public square.
46. The density of the scheme can be supported in the surrounding emerging context of the Old Kent Road Opportunity Area, and the high quality design proposed. The form and heights arrangement is supported and consistent with the hierarchy of tall buildings set out in the Area Action Plan. It would also respond positively to the heights the neighbouring Devonshire Square development. However, the GLA also notes that there appears to be a lack of active frontage which addresses the

proposed east/west green link in the Area Action Plan. The applicant must therefore demonstrate how future adaptability is incorporated in the design to allow more positive relationship to this link to develop in future. It also requested an indicative layout should be included to demonstrate how the continued operation and future development potential of the adjoining church site is not prejudiced by the current development proposal.

47. Officer response: This is noted. Some revisions have been made by the applicant and the Devonshire Square applicant, which shows a more active frontage on the north side of the Devonshire Square scheme and within the garden square of the current scheme. The proposed plans also demonstrate that it would not impact on the current operation of the Church but also to ensure that it could come forward as a second phase or a standalone scheme developed by others in the future.
48. The GLA comments that the entrance/access arrangement to the car park from the square appears unresolved and the applicant should explore options to provide a direct internal link between residential core and car park.
49. Officer response: The layout of the ground floor has been amended to allow direct access from the disabled parking to the residential core, whilst remaining inside the building.
50. The Energy Hierarchy has been broadly followed and the proposed energy strategy is broadly supported; however, further revisions and information are required before the proposals can be considered acceptable. The applicant should provide a commitment to ensure that the development is designed to allow future connection to a district heating network.
51. Officer response: This is discussed in more detail in the energy section of the report. In summary, whilst the scheme would not connect to the SELCHP, the alternative strategy would provide greater savings in emissions and energy bills.
52. The GLA highlights the proposal does not meet the water consumption targets of the London Plan or the draft London Plan, and must be amended accordingly. The surface water drainage strategy would also not comply with the policies. The applicant should submit additional details to show compliance with the Old Kent Road AAP and clearly identify proposed SuDS measures giving priority to rainwater harvesting, infiltration, green roofs, swales and permeable paving.
53. Officer response: The applicant has since submitted further drainage information. The proposed drainage strategy incorporates attenuation tanks close to the source to mimic greenfield rainfall events. The proposed green landscaping will further reduce the runoff rates on a seasonal basis. The surface water runoff from the application site will be reduced to a rate of 2.2 l/s or less for all design storm event inclusive of 40% climate change allowance whilst preventing the risk of flooding on site.
54. The GLA has requested the applicant should calculate the proposed development's Urban Greening Factor, as set out in Policy G5 of the draft New London Plan, and aim to achieve the specified target.

55. Officer response: The scheme has an Urban Greening Factor of 0.25 and is a substantial improvement on the existing site which is all hardstanding or building footprint. The new scheme includes greening at ground floor and opportunities for brown, green and blue roofs.
56. The GLA requests that the applicant provide further details so that the development proposals can be considered further alongside the Healthy Streets scheme. The GLA also requests more information to enable a full and proper assessment of transport impacts and necessary mitigation. In addition, separate travel plans for the commercial and residential elements of the development should be appropriately secured.
57. Officer response: The applicant has submitted a Transport Assessment which assesses the development against the Healthy Streets indicators. Southwark Transport Planning Officers no longer require Travel Plans. The proposed Delivery Service Plan (DSP) bond is considered a more robust approach.
58. The GLA has questioned the provision of cycle parking and seeks an increase in the numbers proposed. Given the proposed cycle improvements for the area, and objectives to increase sustainable travel and expand the cycle hire network in Southwark, an appropriate contribution towards the provision of a Cycle Hire Docking Station must be secured through the s106 agreement.
59. Officer response: The applicant has since submitted amended plan that demonstrates additional cycle provision. The scheme now provides a total of 380 cycle spaces for the residential use and 42 cycle spaces for the commercial use. This is discussed in the transport section of the report.
60. The GLA comments that until the BLE is delivered, buses will be the main mode of public transport for users of the proposed development and therefore a contribution of £2,700 per residential unit is sought towards improvements to the bus network over a five-year initial period, commensurate with the impact of the development.
61. Officer response: The applicant has agreed to the contribution and this will be secured through a s106 agreement.
62. The GLA has made comments regarding the disabled parking layout. Whilst electric vehicle charging proposals accord with the minimum in the draft London Plan, given the small number of spaces, active provision for them all is strongly encouraged.
63. Officer response: Following engagement with Officers it was recommended that all 6 blue badge parking spaces were retained and the applicant should seek to accommodate the additional cycle parking spaces where possible within the site. The development will provide 2 of these spaces as 'active' and four as 'passive' electric charging points in accordance with policy.
64. The GLA points out that the new vehicular access at the northern extent of the Sylvan Grove frontage should be subject to a Stage 1 Road Safety Audit and requests further information on servicing arrangements. A full delivery and servicing plan should be secured through condition, along with a full Construction Logistics Plan.

65. Officer response:

A separate loading bay will be proposed on the street with the location to be confirmed and will be secured in the s278 agreement. A final Construction Management Plan, car parking management plan and a delivery and servicing plan will be secured by the s106 Legal Agreement.

Health and Safety Executive (HSE)

66. HSE was notified by the council, the hazardous substances authority, that the hazardous substances consent for the Old Kent Road Gas Holder Station has been formally revoked in accordance with The Planning (Hazardous Substances) Act 1990. As a result of the revocation of the hazardous substances consent, HSE has removed the consultation distance around the Old Kent Road Gas Golder Station site and there is no longer a requirement for HSE to be consulted on proposed developments in that area.

67. Officer response: This is noted and no condition will be imposed.

Environment Agency

68. The EA noted that there is no flood risk assessment, but raises no objections. The development will be at low risk of flooding. Conditions are recommended. The EA notes the adjacent Southwark Integrated Waste Management Facility - and could result in impacts including the nearby community being exposed to odour, noise and pests. Mitigation can be provided through the design of the new development to minimise exposure to the neighbouring facility and/or through financial contributions to the operator of the facility to support measures that minimise impacts.

69. Officer response: The applicant has submitted technical reports detailing the environmental impacts. The council's Environmental Protection Officer has not made any objections subject to conditions.

Metropolitan Police

70. No objections and should this application proceed, it should be able to achieve the security requirements of Secured by Design. Recommends the applicant look at certified products. The cycle parking layout should be re-visited. Conditions have been recommended.

71. Officer response: Conditions will be imposed. The proposed cycle parking store is segregated between residential and commercial uses and it is not considered that this would raise any security issues.

TfL London Underground Infrastructure Protection

72. No comments to make.

Natural England

73. No comments to make.

Internal consultation

74. The advice received from other Southwark Officers has been summarised in the table below. Further detail is provided throughout this report.

Table: Internal consultee comments

<b>Consultee</b>	<b>Summary of Comments</b>	<b>Officer response</b>
Environmental Protection Team (EPT)	<p>The two odour assessments have indicated a low risk for odour impact from the waste centre and its emissions, and the winter gardens should address the fugitive emissions from passing refuse trucks.</p> <p>Given the noise assessment that was carried out together with the mitigation from the changed layout of residential levels 2-5 balconies to winter gardens, the issue of noise impacts from the IWMF has been addressed. The winter gardens will also address potential odours at low level arising from passing HGVs.</p>	Recommended conditions included.
Archaeology Officer	<p>The site is currently within the Bermondsey Lake Archaeological Priority Zone (APZ) Previous excavations which have taken place to the immediate west, north and south of the application site have been largely negative. The applicant has submitted a desk based assessment and is a very thorough piece of archaeological research and is approved. The DBA identifies the</p>	Recommended conditions included. A s106 financial contribution is requested for monitoring.

	<p>potential for archaeological remains to survive on this site and therefore conditions should be applied to any consent.</p>	
Urban Forester	<p>There are no existing trees or landscape. It is recommended that a specific tree planting condition to capture the two street trees outside their ownership on Sylvan Grove.</p> <p>A payment in lieu can be agreed to provide them elsewhere at suitable locations in the vicinity.</p>	Recommended conditions included.
Ecology Officer	<p>The ecology survey is fine no further surveys are required.</p> <p>The site can offer net gain for biodiversity. Conditions requiring green roofs, 6 house sparrow terraces and 6 bat tubes are advised.</p>	Recommended conditions included.
Local Economy Team	<p>The intention on providing existing tenants with the opportunity to locate to the new commercial floorspace once operational is welcomed.</p> <p>There will be construction phase jobs / skills and employment requirements and End use of the development jobs / requirements in the s106.</p> <p>This development would be expected to deliver 49 sustained jobs to</p>	Recommended obligations to be included in the s106.

	<p>unemployed Southwark residents, 49 short courses, and take on 12 construction industry apprentices during the construction phase, or meet the Employment and Training Contribution.</p> <p>A development of this size and with the proposed employment densities would be expected to deliver 20 sustained jobs for unemployed Southwark Residents at the end phase, or meet any shortfall through the Employment in the End Use Shortfall Contribution.</p> <p>No later than six months prior to first occupation of the development, the developer to provide a skills and employment plan to the council.</p>	
Transport Planning team	No objections subject to conditions and s106 obligations.	Recommended conditions and obligations to be included in the s106.
Highways development management team	A number of s278 works have been requested. Developer to reconstruct the Sylvan Grove carriageway and repaving the footway. It has also been advised that the vehicle crossovers be constructed to SSDM standards. A comment was made that as Sylvan Grove is a cul-de-sac, it is mandatory to provide a	Recommended obligations to be included in the s106.

	<p>vehicle turning facility hence the need to locate the proposed sliding gate further back into the car park. Comments on substation access, accessibility, drainage, landscaping and design details to be adoptable standard have been raised.</p>	
Flood and Drainage team	<p>Generally accept the proposals, which propose to limit surface water discharge rates to greenfield rates (2.2 l/s) for the 1% AEP storm + cc allowance using a range of Suds features.</p>	<p>Recommended conditions included.</p>
Public Health	<p>Request that a Rapid health impact assessment be submitted. Also notes that the entrances to the affordable and private units should be shared. Encourage the communal amenity rooftop space to be open up to the public. Require that the applicant reconsider and include more green and open space into their scheme. Require the submission of the engagement summary.</p>	<p>The HIA is not in the current validation checklist. Plans have been submitted to ensure the entrances are shared. The provision of the new public square would be more effective for members of the public than on the communal rooftop, which provides a secure communal space for new residents. . An engagement summary has been submitted. The development of the site is in line with the revised AAP masterplan for the area.</p>
Parks and Leisure	<p>Limited provision of public open space in this area that is short of open space and therefore would have impact on existing parks.</p> <p>Request that 30% of new planting be of native species.</p> <p>Seek financial</p>	<p>The scheme provides for new public open space which would complement the proposed open spaces in the Devonshire Square development in line with the revised AAP masterplan. The site is currently a car park which is not open to the public and the proposal would therefore provide a</p>

	contributions towards parks.	new public open space. Further discussion on open space is discussed in that section of this report, which includes contribution towards local parks.
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## KEY ISSUES FOR CONSIDERATION

### Summary of main issues

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

- Principle of the proposed land use, including emerging policy for the Old Kent Road;
- Environmental Impact Assessment;
- Design;
- Townscape and impact upon the setting of nearby heritage assets;
- Density;
- Affordable housing;
- Housing mix;
- Quality of accommodation;
- Wheelchair accessible housing;
- Impact of proposed development on amenity of adjoining occupiers and surrounding area;
- Transport;
- Noise and vibration;
- Trees and landscaping;
- Planning obligations (S.106 undertaking or agreement);
- Southwark and Mayoral Community Infrastructure levy;
- Sustainable development implications;
- Ecology;
- Contaminated land;
- Air quality and odour;
- Water resources and flood risk;
- Archaeology;
- Wind;
- Equalities and human rights; and
- Statement of community involvement

### Legal context

76. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. In this instance the development plan comprises the London Plan 2016, the Core Strategy 2011, and the Saved Southwark Plan 2007.

77. 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**

#### National Planning Policy Framework (NPPF)

78. The revised National Planning Policy Framework ('NPPF') was published in February 2019 which sets out the national planning policy and how this needs to be applied. The NPPF focuses on sustainable development with three key objectives: economic, social and environmental.
79. Paragraph 215 states that the policies in the Framework are material considerations which should be taken into account in dealing with applications.
80. Chapter 2 Achieving sustainable development  
Chapter 5 Delivering a sufficient supply of homes  
Chapter 6 Building a strong, competitive economy  
Chapter 8 Promoting healthy and safe communities  
Chapter 9 Promoting sustainable transport  
Chapter 11 Making effective use of land  
Chapter 12 Achieving well-designed places  
Chapter 14 Meeting the challenge of climate change, flooding and coastal change  
Chapter 15 Conserving and enhancing the natural environment  
Chapter 16 Conserving and enhancing the historic environment

#### London Plan 2016

81. The London Plan is the regional planning framework and was adopted in 2016. The relevant policies of the London Plan 2016 are:

Policy 2.17 Strategic Industrial locations  
Policy 3.3 Increasing housing supply  
Policy 3.5 Quality and design of housing developments  
Policy 3.6 Children and young people's play and informal recreation facilities  
Policy 3.8 Housing choice  
Policy 3.9 Mixed and balanced communities  
Policy 3.10 Definition of affordable housing  
Policy 3.11 Affordable housing targets  
Policy 3.12 Negotiating affordable housing on individual private residential and mixed use schemes  
Policy 3.13 Affordable housing thresholds  
Policy 4.3 Mixed use development and offices  
Policy 4.4 Managing industrial land and premises  
Policy 5.7 Renewable energy  
Policy 5.8 Innovative energy technologies  
Policy 5.11 Green roofs and development site environs  
Policy 5.12 Flood risk management  
Policy 5.13 Sustainable drainage  
Policy 5.21 Contaminated land  
Policy 6.9 Cycling

Policy 6.10 Walking  
Policy 6.13 Parking  
Policy 7.2 An inclusive environment  
Policy 7.3 Designing out crime  
Policy 7.4 Local character  
Policy 7.6 Architecture  
Policy 7.8 Heritage assets and archaeology  
Policy 7.21 Trees and woodlands  
Policy 8.2 Planning obligations  
Policy 8.3 Community infrastructure levy

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

#### Core Strategy 2011

84. The Core Strategy was adopted in 2011 providing the spatial planning strategy for the borough. The strategic policies in the Core Strategy are relevant alongside the saved Southwark Plan (2007) policies. The relevant policies of the Core Strategy 2011 are:

Strategic policy 1 - Sustainable development  
Strategic policy 2 - Sustainable transport  
Strategic policy 3 - Shopping, leisure and entertainment  
Strategic policy 5 - Providing new homes  
Strategic policy 6 - Homes for people on different incomes  
Strategic policy 7 - Family homes  
Strategic policy 10 - Jobs and businesses  
Strategic policy 11 - Open spaces and wildlife  
Strategic policy 12 - Design and conservation  
Strategic policy 13 - High environmental standards  
Strategic policy 14 - Implementation and delivery

#### Southwark Plan 2007 (saved policies)

85. In 2013, the council resolved to 'save' all of the policies in the Southwark Plan 2007 unless they had been updated by the Core Strategy with the exception of Policy 1.8

(location of retail outside town centres). Paragraph 213 of the NPPF states that existing policies should not be considered out of date simply because they were adopted or made prior to publication of the Framework. Due weight should be given to them, according to their degree of consistency with the Framework. The relevant policies of the Southwark Plan 2007 are:

- 1.1 - Access to employment opportunities
- 1.2 - Strategic and local preferred industrial locations
- 2.5 - Planning obligations
- 3.2 - Protection of amenity
- 3.3 - Sustainability assessment
- 3.4 - Energy efficiency
- 3.6 - Air quality
- 3.7 - Waste reduction
- 3.9 - Water
- 3.11 - Efficient use of land
- 3.12 - Quality in design
- 3.13 - Urban design
- 3.14 - Designing out crime
- 3.15 - Conservation of the Historic Environment
- 3.18 – Setting of Listed Buildings, Conservation Areas and World Heritage Sites
- 3.19 – Archaeology
- 3.20 – Tall Buildings
- 3.22 – Important Local Views
- 3.28 - Biodiversity
- 4.2 - Quality of residential accommodation
- 4.3 - Mix of dwellings
- 4.4 - Affordable housing
- 4.5 - Wheelchair affordable housing
- 5.2 - Transport impacts
- 5.3 - Walking and cycling
- 5.6 - Car parking
- 5.7 - Parking standards for disabled people and the mobility impaired

#### Council's Supplementary Planning Document (SPD)

- 86. Sustainable design and construction SPD (2009)
- Sustainability assessments SPD (2009)
- Sustainable Transport SPD (2010)
- Affordable housing SPD (2008 - Adopted and 2011 - Draft)
- Residential Design Standards SPD (2015)
- Section 106 Planning Obligations and Community Infrastructure Levy (2015)
- Development Viability SPD (2016)

#### Greater London Authority Supplementary Guidance

- 87. Housing SPG (2016)
- Providing for Children and Young People's Play and Informal Recreation (2008)
- London View Management Framework (2012)
- London's World Heritage Sites SPG (2012)
- Use of planning obligations in the funding of Crossrail (2010)

Affordable Housing and Viability SPG (2017)

### **Emerging planning policy**

#### Draft New London Plan

88. The draft New London Plan was published on 30 November 2017 and the first and only stage of consultation closed on 2nd March 2018. Following an Examination in Public, the Mayor then issued the Intend to Publish London Plan. The Secretary of State responded to the Mayor in March 2020 where he expressed concerns about the Plan and has used his powers to direct changes to the London Plan. The London Plan cannot be adopted until these changes have been made. Until the London Plan reaches formal adoption it can only be attributed limited weight. Nevertheless paragraph 48 of the NPPF states that decision makers may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan, the extent to which there are unresolved objections to the policy and the degree of consistency with the Framework.
89. The draft New London Plan identifies the Old Kent Road as having a minimum capacity for 12,000 homes and a jobs target of 5,000, which increases the capacity of the adopted London Plan of 2,500 homes and 1,000 jobs.

#### Old Kent Road Area Action Plan (OKR AAP)

90. The council is preparing an Area Action Plan/Opportunity Area Planning Framework for Old Kent Road (AAP/OAPF) which proposes significant transformation of the Old Kent Road area over the next 20 years, including the extension of the Bakerloo Line with new stations along the Old Kent Road towards New Cross and Lewisham. Consultation has been underway for 3 years, with a first draft published in 2016. A further preferred option of the Old Kent Road AAP (Regulation 18) was published in December 2017 and concluded consultation on 21st March 2018. As the document is still in draft form, it can only be attributed very limited weight.
91. Whilst acknowledging this very limited weight, members are advised that the draft OKR AAP places the application site within the proposed Action Area Core, and within proposal site OKR 18 which covers the Devon Street and Sylvan Grove area. Requirements for this allocation site include provision of office space, studio and managed workspaces. It is expected that there be new public square and new access road into the waste facility.

#### New Southwark Plan

92. For the last 5 years the council has been preparing the New Southwark Plan (NSP) which will replace the saved policies of the 2007 Southwark Plan and the 2011 Core Strategy. The council concluded consultation on the Proposed Submission version (Regulation 19) on 27 February 2018. The New Southwark Plan Proposed Submission Version: Amended Policies January 2019 consultation closed in May 2019. These two documents comprise the Proposed Submission Version of the New Southwark Plan.
93. These documents and the New Southwark Plan Submission Version (Proposed

Modifications for Examination) were submitted to the Secretary of State in January 2020 for Local Plan Examination. The New Southwark Plan Submission Version (Proposed Modifications for Examination) is the council's current expression of the New Southwark Plan and responds to consultation on the NSP Proposed Submission Version. This version will be considered at the Examination in Public (EiP).

94. It is anticipated that the plan will be adopted in late 2020 following an EiP. As the NSP is not yet adopted policy, it can only be attributed limited weight. Nevertheless paragraph 48 of the NPPF states that decision makers may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan, the extent to which there are unresolved objections to the policy and the degree of consistency with the Framework.
95. The site is within the part of the Site Allocation (NSP66) 'Devon Street and Sylvan Grove' in the emerging NSP. The vision for this area is for:
  - new homes (Class C3);
  - community uses (D use class);
  - retail (A1, A2, A3, A4) on the Old Kent Road frontage;
  - Provide at least the amount of employment floorspace currently on the site (B use class);
  - Provide a new access road into the IWMF; and
  - Provide public open space.

**Principle in terms of land use, including consideration of emerging policy for the Old Kent Road Opportunity Area**

96. The site is located in the Core Strategy's Preferred Industrial Location-Strategic (SPIL) and also within the London Plan's Strategic Industrial Location (SIL) which is an industrial location of strategic importance as identified in the Core Strategy and the London Plan (2016). Introducing housing here would therefore represent a departure from the adopted Southwark and London Plan. Strategic Policy 10 of the Core Strategy states that SPIL will be protected for industrial and warehousing uses. Saved Southwark Plan policy 1.2 states that the only developments that will be permitted in SPIL are B class uses and other sui generis uses which are inappropriate in residential areas. The proposed development would represent a departure from these policies by introducing residential uses into the SPIL.
97. Recognising that the site is located in the OKROA where the draft OKR AAP sets an aspiration to deliver 20,000 new homes alongside industrial and other uses, Officers have worked closely with the GLA to agree on the release of significant areas of the SIL to allow for mixed use redevelopments to come forward and have agreed a geography of the strategic industrial land release and consolidation. The agreed maps propose the release of the site from the SIL to allow for the provision of new homes. The agreed maps have been included in the emerging NSP.
98. Members should however note that even with this agreement in place the draft OKR AAP and NSP would still need to be subject to an Examination in Public (EiP) and the Secretary of State's approval before they become the adopted development plan position. It should also be noted that there have been a number

of objections to the proposed release of industrial land from third parties which would need to be considered at the EIP.

The Old Kent Road Area Action Plan (OKR AAP)

99. As stated above, the OKR AAP places the site within the proposed Action Area Core, and within proposal site OKR 18 which covers the Devon Street and Sylvan Grove area. It stipulates that development must:

- Replace existing employment space, including retail floorspace (A use class); and
- Provide residential or other town centre uses above employment space; and
- Provide new a new public square off Devonshire Grove; and
- Provide a new access road into the IWMF; and
- Provide on-site servicing.

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

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

The proposal would achieve all of these aspirations as follows:

- From an existing 1,958sqm to 2,986sqm GIA of new Class B floorspace would be provided;
- A workspace coordinator would manage the workspace;
- 10% affordable workspace would be provided; and
- Approximately 265 jobs would be created, a significant uplift when compared to the previous 144 jobs.

101. It should be noted that the GLA had based their comments on the scheme originally submitted which had proposed a greater quantum of B1 class floorspace. Since then the scheme has been amended to provide a ground floor internal communal amenity space which has resulted in a total of 2,986sqm of B class floorspace. The GLA had noted in their Stage 1 report that Southwark is considered to be a 'no net loss borough' and any release of land should ensure that there is no net loss of industrial capacity. . Where the 65% plot ratio is applied to the existing industrial land on site, it is noted that re-provision of 1,885sqm of industrial floorspace is required.

102. Nevertheless, on 13<sup>th</sup> March 2020 the Secretary of State directed that this policy be deleted from the draft new London Plan, although he did note that local authorities would need to provide for workspace within their plans. Having directed this change the council will also need to consider its commitments within the NSP in order to ensure general conformity with the New London Plan. The application proposes a

flexible B1 use (a-c), but the applicant has confirmed that at least 1,885sqm will be allocated for B1(c) and would be secured through condition and a clause in the s106 agreement.

103. Notwithstanding the above, in determining whether the principle of the proposed development would be acceptable in land use terms, specifically the introduction of housing in the SIL, Members need to consider whether the wider regeneration benefits of the scheme would outweigh any harm caused, and whether those benefits would therefore justify a departure from the adopted planning policy.

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

#### Employment floorspace

105. As explained above, there would be an uplift of employment use (B1 class). As the new floorspace would provide a mix of B1a-c uses, this significantly increases the intensity and number of employment opportunities available. There would therefore potentially be a net gain of approximately 120 jobs and is a positive aspect of the proposal.

106. The LET have also set out further requirements in order to ensure that this development delivers employment and training for local people. All will be secured through the s106 and is set out in the s106 section of this report.

#### Business relocation and retention

107. The current building is a 'workspace' style building with a series of small office suites which are occupied on relatively short leases and which there is a regular turnover. There are some tenants who have been there for a few years with some that would be renewing leases. The applicant shall be re-providing small suites to continue to provide SME units and intend on providing existing tenants with the opportunity to locate to the new commercial floorspace once operational. The applicant has agreed an obligation in the S106 that will have such a strategy in place.

#### Affordable workspace

108. The applicant has agreed to provide an element of affordable workspace within the scheme comprising 10% of the commercial floorspace. The cost per sq ft and duration of offering would be £12 per sqft over a 15 year period, and would be secured through the s106 agreement. The intention is to secure the service charge and insurance inclusive of the rent to ensure the space is genuinely affordable.

109. The employment space has been designed to be flexible so that it could accommodate a range of different unit sizes and shared workspaces. The applicant will continue to manage the commercial building and would therefore not need an affordable workspace provider.

### Provision of housing, including affordable housing

110. The scheme would provide 219 new residential units, including policy compliant affordable housing comprising social rented and intermediate units in terms of habitable rooms. There is a pressing need for housing in the borough. The adopted London Plan (2016) requires the provision of a range of housing and sets the borough a target of 27,362 new homes between 2015 and 2025. This is reinforced through Strategic Policy 5 of the Core Strategy which requires development to meet the housing needs of people who want to live in Southwark and London by providing high quality new homes in attractive areas, particularly growth areas. It would also be in accordance with emerging policy for the OKROA and the expectation of significant new housing provision.

### Provision of a new public open space

111. The proposed development would deliver high quality public realm of 700sqm. This is essentially an extension to the public open space proposed in the Devonshire Square site. The 2017 AAP master plan had no requirement for public open space on this particular site. However following public consultation on the plan and engagement with the applicant and the neighbouring developers this has been amended and the master plan shows the provision of public open space, as a direct benefit to the residents of Sylvan Grove. This application would be providing that space in line with the revised masterplan. This public garden square would be a significant improvement over the existing site conditions. The proposal would increase park and open space provision in line with the strategic objectives of the council's Open Space Strategy (2013).

### Prematurity

112. Legal Advice received in relation to this issue highlights the following from the National Planning Policy Guidance "arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:

(a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or neighbourhood planning; and

(b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

113. Refusal of planning permission on grounds of prematurity would seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process."

114. The most up to date development plan pertinent to the Old Kent Road area is the 2016 London Plan. This identifies the Old Kent Road Opportunity Area as having significant potential for housing led growth. The draft OKR AAP has been developed in response to this adopted plan and has also sought to address the emerging policy position of the draft New London Plan including the increased housing target for the opportunity area and the need to ensure that the New London Plan aspirations for industrial land and employment are addressed. This scheme is not considered to undermine either the strategic or local plan making process, and reflects the adopted statutory development plan position of the 2016 London plan and the direction of travel of the draft New Southwark Plan and the 2016 and 2017 draft OKR AAPs and the 2018 draft New London Plan. It is not therefore considered to be premature.

### **Conclusion on land use**

115. To conclude in relation to land uses, the proposed development would be contrary to strategic policy 10 of the Core Strategy and saved policy 1.2 of the Southwark Plan owing to the introduction of residential into the SIL would represent a departure from the adopted development plan.

116. This must therefore be weighed against the benefits of the scheme which include:

- the provision of housing, of which 35.1% would be affordable;
- the provision of good quality, flexible commercial space including affordable workspace;
- job creation;
- repair and improved physical environment;
- active frontage and improved pedestrian access through the site; and
- provision of new open space,

117. Some limited weight can be attached to the NSP and OKR AAP at present, given that they have been subject of extensive consultation and the emerging policies would support the proposal. Given the changing character of the area and in particular the adjoining Devonshire Square and its future uses, it is not felt that the introduction of housing would prejudice the operation of existing businesses in the area. For these reasons, officers consider that the principle of the proposed development in land use terms should be supported in this instance.

### **Environmental impact assessment**

118. Prior to the submission of this application, the applicant had submitted a request for an EIA Screening opinion (ref 19/AP/1117) under Regulation 6(1) of the EIA Regulations. This was to ascertain whether the Local Planning Authority considered there would be significant environmental effects are likely to arise from the proposed development. No formal written response was given and this section will make an assessment.

119. Officers consider that the proposed development does not fall within the definition of Schedule 1 development. In Column 1 of the table in Schedule 2, Category 10

(b) relates to 'Urban Development Projects'. The proposed development would be an 'Urban Development Project' and consequently it would constitute Schedule 2 development within the meaning of the EIA Regulations. It would also include more than 150 dwelling houses and therefore it would be necessary to assess the potential impact of the proposal against Schedule 3 of regulations.

120. Based on the assessment against the checklist, no significant likely effects have been identified and accordingly the conclusion reached is that the proposed development would not be likely to have significant effects upon the environment virtue of factors such as its nature, size or location. The matters to be considered can be adequately assessed through the submission of technical reports submitted with the planning application. The proposed development is therefore not considered to constitute EIA development.

### **Provision of housing and affordable housing**

121. Strategic Policy 6 of the Core Strategy 'Homes for People on Different Incomes' requires at least 35% of the residential units to be affordable. For developments of 15 or more units affordable housing is calculated as a percentage of the habitable rooms. All of the affordable units should be provided on site and a mix of housing types and sizes is required. In accordance with Saved Policy 4.5 of the Southwark Plan, for every affordable housing unit which complies with the wheelchair design standards one less affordable habitable room will be required.
122. The Southwark Plan saved policy 4.4 requires at least 35% of all new housing as affordable housing. Of that 35%, there is a requirement for 50% social housing and 50% intermediate housing in the Old Kent Road Action Area. The adopted London Plan 2016 sets a strategic requirement of 60% social housing and 40% intermediate housing. The emerging NSP Policy P1 sets a requirement for a minimum of 25% of all the housing to be provided as social rented and a minimum of 10% intermediate housing to be provided when calculated by habitable rooms, this equates to 71.5% social housing and 28.5% intermediate housing. .
123. In total, 617 habitable rooms would be provided in the development. The development would provide a total of 217 affordable habitable rooms which would equate to an overall provision of 35.1%. The level of provision is therefore acceptable and policy compliant.
124. Southwark's Development Viability SPD requires a financial viability appraisal to be submitted for all planning applications which trigger a requirement to provide affordable housing. The financial viability appraisal should identify the maximum level of affordable housing that can be sustained and justify any proposed departures from planning policy requirements. This application is therefore accompanied by a viability report, which was reviewed by independent consultants on behalf of the council.
125. Discussions on the initial variables and benchmark land value (BLV) were had following updated inputs from the applicant. It has been agreed that the BLV is £5.09m. The council's consultant BNPP made a number of adjustments to the applicants appraisal as follows:

- the Benchmark Land Value of £5.09m has been inputted;
  - Adjustment of BLV Yield to 6%;
  - the following profit targets were inputted on Gross Development Value (GDV): 17.5% for private residential, 15% for commercial and 6% for affordable residential;
  - private residential values were adjusted to an average of £800 per sqft and affordable unit values were adjusted to an average of £113.5 per sqft;
  - BNPP adopted a yield of 5% for the proposed schemes commercial units.
126. Following the above referenced adjustments, the updated appraisal of the proposed scheme generates a residual land value of c. £2.21m and when benchmarked against a site value of c. £5.09m the proposed scheme generates a deficit of c. £2.88m. The council's consultant therefore concludes that the current viability position does not support an increased provision of affordable housing. It should be recognised that the site is located within the OKROA which sees the ongoing regeneration of the Old Kent Road area including the Bakerloo Line Extension and therefore it is likely that both residential and commercial values would grow over time, which would improve the viability of the scheme.
127. A standard policy compliant 35% habitable rooms offer would equate to 216 affordable habitable rooms, with 25% social rent at 154 habitable rooms, and 10% Intermediate at 61.7 habitable rooms.
128. The proposed 35.1% habitable rooms offered would have a split of 157 social rent habitable rooms (25.4%) and 60 Intermediate habitable rooms (9.7%). The intermediate is only marginally below the required split but the social rent is greater than the minimum and meets the emerging NSP policy requirement.
129. Overall, the proposal would provide a total of 59 affordable units in a mix of unit sizes. A s106 agreement is recommended to secure the delivery of these units, including a clause preventing the occupation of more than 50% of the private apartments until 50% of the affordable units are completed, and a clause to prevent more than 90% of the private sale apartments being occupied across the development until 100% of the affordable housing is complete. In line with the Mayor's Affordable Housing and Viability SPG, an early review mechanism would be secured by the s106 agreement, which would come into effect if the development does not substantially commence within 24 months. The review would determine whether the viability of the development has improved during that time, and accordingly whether it could deliver any more affordable housing.
130. A contribution of £7,808 (a charge of £132.35 per affordable unit) has been agreed towards affordable housing monitoring and maintained provision of these units, and would be secured by the s106 Agreement.
131. The scheme has been amended so that both the affordable and private units would access the building via a single shared entrance and lobby.

### **Housing Mix**

132. Core Strategy Strategic Policy 7, 'Family Homes', requires a housing mix of at least

60% dwellings with two or more bedrooms, with 20% having at least three bedrooms. No more than 5% of the units should be studios, and these can only be for private housing.

133. For ease, the proposed housing mix for the whole scheme is summarised again in the table.

**Table: Proposed Housing Mix**

Unit type	Number of units	Percentage (%)
Studio	11	5
1 bedroom unit	89	40.6
2 bedroom unit	89	40.6
3 bedroom unit	30	13.7
<b>Total</b>	<b>219</b>	<b>100</b>

**Table: Proposed Housing Mix Across Affordable Tenures (by unit)**

Unit type	Social Rented units	Intermediate units	Total units	Percentage (%)
Studio	0	0	0	0
1 bed	11	9	20	34
2 bed	0	9	9	15.2
3 bed	27	3	30	50.8
<b>Total</b>	<b>38</b>	<b>21</b>	<b>59</b>	<b>100</b>

134. At 5% the proposed proportion of studio units would meet the policy maximum of 5% and are all allocated to the private tenure.
135. The proposal would also fall short of the other housing policy requirements with 54.3% of the dwellings having two or more bedrooms and 13.7% having three bedrooms. For the affordable housing however, the mix is much improved to the policy position, with 66% having two or more bedrooms and 50.8% having three bedrooms. In all, twenty seven 3 bedroom social rent flats would be provided and three 3 bedroom intermediate affordable units. The 3 bedroom flats in the social rent tenure are a mix of 4, 5 and 6 person flats and are therefore offering a range of size and type of family dwellings. This affordable mix is welcomed despite the shortfall for the scheme overall.

#### Wheelchair accommodation

136. The London Plan Policy 3.8 requires 10% of new housing to be designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users (Building Regulations requirement M4 (3) 'wheelchair user dwellings'). Saved Policy 4.3 of the Southwark Plan support this, requiring 10% of new dwellings to be suitable for wheelchair users, except where this is not possible due to the physical constraints of the site. London Plan Policy 3.8 also requires 90% of new housing meets Building Regulations requirement M4 (2) 'accessible and adaptable'. This is reiterated in emerging policy in the draft OKR AAP and the NSP.
137. The applicant has confirmed that a total of 22 units would be wheelchair accessible, which equates to 10% meeting the policy requirement. This would be split into the

following tenures:

- 9 x Social rented
- 11 x Private

138. The wheelchair housing would be secured through the s106 agreement. Level and safe access would also be provided throughout the proposed public realm and new square. The social rented units would be required to be fully fitted for first occupation, with private units being adaptable.

#### Density

139. Policy 3.4 Optimising Housing Potential of the London Plan 2016 states that development should optimise housing output for different types of location within the relevant density range. It also requires local context, the design principles and public transport capacity to be taken into account. Strategic Policy 5 - Providing New Homes of the Core Strategy sets out the density ranges that residential and mixed use developments would be expected to meet and is in line with the London Plan.

140. As the site is located within the Urban Zone, a density range of 200 to 700 habitable rooms per hectare (HR/Ha) would be sought. The development would need to meet the criteria for exceptional design as set out in section 2.2 of the Residential Design Standards SPD 2015.

141. The development as a whole would have a density of approximately 2,502HR/Ha including the commercial floorspace. It should be noted that whilst this represents a higher density development above the typical ranges set out in policy, the draft New London Plan intends to delete reference to any density matrix and to replace it with reliance on improved design approaches focusing on design quality and urban greening. The location of the site with the future improved transport links and in the context of the future development surrounding the site means the proposed higher density is appropriate and would be consistent with the surrounding urban grain. Officers however, have also assessed the scheme against the design criteria since the maximum upper limit of 700HR/Ha would be significantly exceeded. The development would need to demonstrate that it would be excellent in relation to housing and design quality. If it can be demonstrated that an excellent standard of accommodation would be provided, makes an exceptional contribution to the regeneration of the area, and the response to context and impact on amenity to existing occupiers is acceptable, then it is considered that the high density in this Opportunity Area location would not raise any issues to warrant withholding permission. There is a pressing need to optimise the use of land in London, particularly in Opportunity Areas. The proposal would result in a good standard of accommodation, with many of the 'exemplary' requirements of the Southwark Residential Design Standards SPD 2015 met. This is summarised in the table below with full assessment and commentary provided in other sections of the report.

Exemplary residential design criteria from Residential Design Standards SPD	Commentary
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Provide for bulk storage	Each of the proposed units would provide for built in storage that would meet or exceed the standards set in the Residential Design SPD. In addition to this, bulk storage is proposed on the mezzanine level.
Exceed minimum privacy distances	Minimum privacy distances would be exceeded between habitable rooms.
Good sunlight and daylight standards	The majority of the units would have good sunlight and daylight standards achieved. This is further explained in this report.
Exceed minimum ceiling heights of 2.3m	All rooms within the proposed dwelling would exceed the minimum 2.3 metre floor-to- ceiling height.
Exceed amenity space standards (both private and communal)	The amenity space proposed is set out in the subsequent section on Outdoor amenity space, Children's Play Space and Public Open Space section of this report. Where the recommended 10 sqm private amenity space has not been met, the shortfall has been partly provided as communal amenity space, although there would still be a need for an in lieu payment in line with the Residential Design Standards SPD.
Secure by Design certification	No objections raised. Key principles of Secured By Design are to be incorporated into this large scale development. This scheme would achieve Secured by Design Accreditation. Conditions to require this are recommended
No more than 5% studio flats	There will be no more than 5% studio flats.
Maximise the potential of the site	The potential of this site would be maximised, delivering improved commercial floor space, new dwellings, outdoor space and play space and a new open space without compromising local visual or residential amenity.
Include a minimum 10% of units that are suitable for wheelchair users	At least 10% of the proposed units would be suitable for wheelchair users.

Excellent accessibility within buildings	The accessibility within the buildings would be excellent.
Exceptional environmental performance	The development is capable of achieving BREEAM "excellent". The development would need to make a carbon off set payment contribution as the residential element is not capable of delivering zero carbon homes. The applicant has agreed to make the payment which makes this aspect of the scheme fully policy compliant. The development would exceed the minimum policy requirement for the non-domestic part of the scheme.
Minimised of noise nuisance between flats through vertical stacking of similar room types	The plans submitted demonstrate that a good level of stacking for each of the tenures. The noise impact assessment demonstrates that the internal noise levels could be achieved and as such is considered to be acceptable. This is explained in further detail in this report.
Make a positive contribution to local context, character and communities	The proposed development would make a positive contribution to local context, character and communities in terms of its quality of design and regeneration benefits including affordable housing, workspace and investment in local transport and public space.
Include a predominance of dual aspects units	53% of the total units (116 units) proposed would be dual aspect. 61% of the affordable units would be dual aspect with the private units offering 50%.
Have natural light and ventilation in all kitchens and bathrooms	All kitchens would benefit from natural light and ventilation due to their open plan configuration. Bathrooms on the other hand would not achieve this as all bathrooms would be internalised but will benefit from mechanical ventilation.
At least 60% of units contain two or more bedrooms	The proposal would provide 54.3% of the dwellings having two or more bedrooms and 13.7% having three bedrooms. For the affordable housing, the mix is much improved to the policy position, with 66%

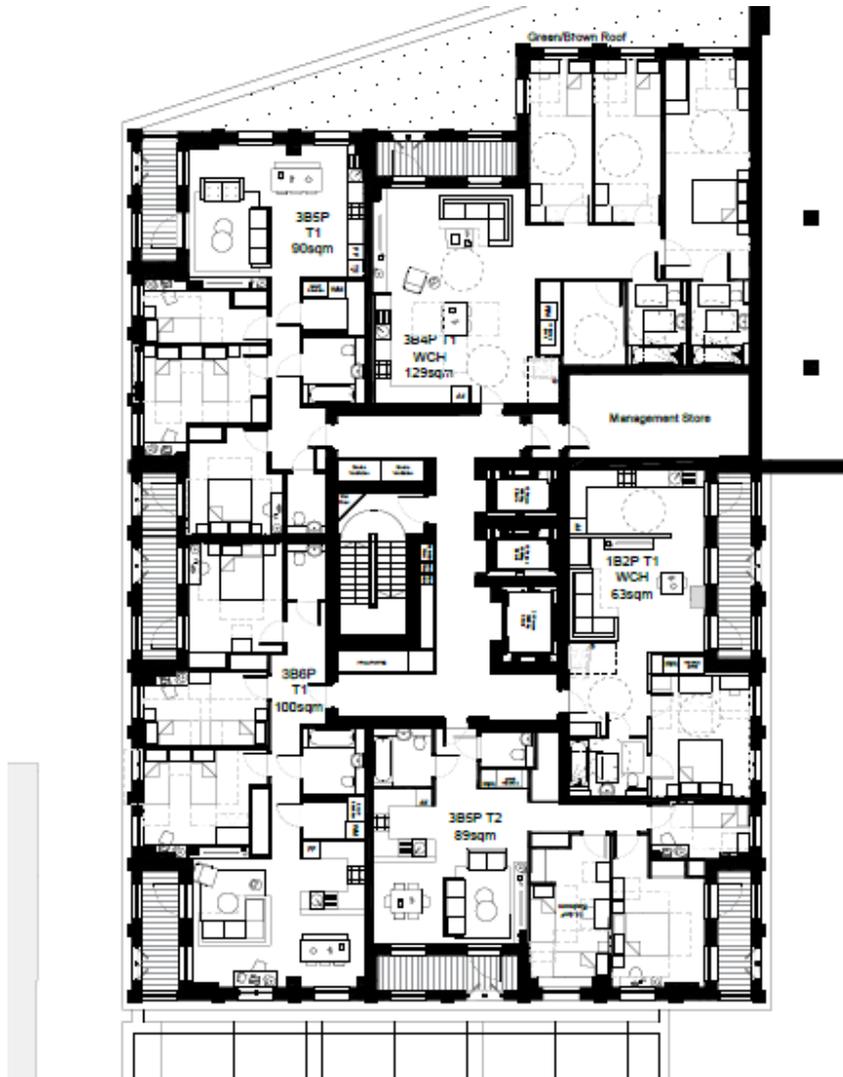
	having two or more bedrooms and 50.8% having three bedrooms.
Significantly exceed the minimum floor space standards	All units would meet or exceed the minimum space standards.
Minimise corridor lengths by having additional cores	No more than 8 flats per core per floor is proposed, complying with the Mayor's Housing Design SPG which advises no more than 8 flats per core.

142. For the reasons detailed in the paragraphs below and table above, the higher density proposed would not significantly compromise the quality of accommodation and the impacts of the development would be acceptable.

Quality of accommodation

143. Saved Policy 4.2 of the Southwark Plan advises that planning permission will be granted provided the proposal achieves good quality living conditions. The standards in relation to internal layout are set out in the adopted Residential Design Standards SPD 2015 (the "SPD" in this report) and include guidance on overlooking standards as well as requiring the minimum size. The following paragraphs discuss in detail the internal daylight and dual aspect within the proposed residential units, overlooking issues, amenity space, child play space and noise implications.

**Plan: Typical layout on upper floors (social rent tenure)**



Unit sizes

144. All proposed homes would meet or exceed the standards as set out in the SPD. The following table sets out the minimum flat size requirements as set out in the SPD, and also the flat sizes that would be achieved:

**Table: Unit types and proposed size of units**

Unit Type	SPD Requirement (sqm)	Size range proposed (sqm) including wheelchair units
1 Bed 1 Person (studio)	39	41
1 Bed 2 Person (flat)	50	50 – 63
2 Bed 3 Person (flat)	61	66 – 72
2 Bed 4 Person (flat)	70	70 – 73
3 Bed 4 Person (flat)	74	107 – 129
3 Bed 5 Person (flat)	86	89 – 90
3 Bed 6 Person (Flat)	95	100

Internal daylight within the proposed residential units

145. A daylight and sunlight report based on the Building Research Establishment (BRE) Guidance has been submitted which considers daylight to the proposed dwellings using the Average Daylight Factor (ADF). ADF is a measure of the overall amount of diffuse daylight within a room. It is the average of the daylight factors across the working plane within a room. ADF determines the natural internal light or daylight appearance of a room and the BRE guidance recommends an ADF of 1% for bedrooms, 1.5% for living rooms and 2% for kitchens. This also adopts an ADF of 2% for shared open plan living room/kitchens/dining.
146. The submitted daylight report provides an analysis on the units up to level 11 as those units above that floor have adequate daylight levels. The baseline targets for the assessment are based on the future cumulative scenario with the Devonshire Square development in place as this would be the worse case scenario. A second report was also submitted to show the impacts without the Devonshire Square development and confirmed that the resultant daylight levels to the surrounding properties would improve.
147. As the Living kitchen dining rooms (LKDs) within the development now include winter gardens, it is assumed that the default scenario will be for the outer doors to be closed and the inner doors to remain open in order to maintain the maximum available internal space. The applicant's reassessment in the revised condition indicates only 4 room (all of which are LKDs) are not compliant. These represent only minor derogations from the BRE Guidance and provide a 99% compliance level. It is considered that this development would achieve a high degree of BRE compliance and the units would have good levels of daylight.

Overlooking

148. The Residential Design Standards SPD recommends a minimum of 21m between the backs of properties to prevent any overlooking, and 12m where properties would face each other across a highway or other public realm.
149. The development is not within close proximity to any residential habitable windows surrounding the site. The proposed development is located at an angle that would not allow any direct overlooking into the future neighbouring Devonshire Square

development. The L-shaped footprint means that there would not be any direct overlooking between the commercial uses and the proposed residential dwellings. The proposed commercial Building E in the Devonshire Square development located to the west of the residential units in this scheme has been carefully designed to limit any overlooking.

150. Where the residential unit overlook the communal roof terrace, this would be provided with a defensible space in the form of private terrace to ensure privacy. It is considered that the proposed occupiers of the residential development would have good levels of privacy.

#### Aspect and outlook

151. The scheme would have 52% of the total units (116 units) be of dual aspect. Looking at this by tenures, 61% of the affordable units would be dual aspect with the private units offering 50%. Whilst there is a relatively high proportion of single aspect units, the outlook of these units are very good. The units have good views out onto the new square and there are no physical obstructions immediately in front of the single aspect units and none that are north facing only.
152. Mitigation is also proposed in the form of full height glazing, large opening windows and well laid out dwellings and exceeding minimum flat sizes.

#### Amenity space and playspace

153. All new residential development must provide an adequate amount of useable outdoor amenity space. Policy 3.6 of the adopted London Plan requires new developments to make provision for play areas based on the expected child population of the development. Children's play areas should be provided at a rate of 10sqm per child bed space (covering a range of age groups). The emerging OKR AAP requires 5sqm of public open space per dwelling as per policy AAP 10.
154. Four categories of open space are required in major planning applications in the Old Kent Road Opportunity Area:
- Private amenity space;
  - Communal amenity space (usually courtyards, podium gardens or roof terraces);
  - Children's play space; and
  - Public open space.

#### Private amenity space

155. The following amount of amenity space would need to be provided as clarified further in the council's SPD:
- For units containing 3 or more bedrooms, 10sqm of private amenity space as required by the SPD;
  - For units containing 2 bedrooms or less, ideally 10sqm of private amenity

space, with the balance added to the communal space where it isn't feasible to provide this ;

- 50sqm communal amenity space per block as required by the SPD;
- 10sqm of children's play space for every child space in the development as required by the London Plan;
- 5sqm of public open space per dwelling as required by the OKR AAP. If it is not feasible to deliver the open space on site, a financial contribution will be required.

156. In the proposed development, private amenity would be provided for all of the units in the form of balconies or winter gardens on the lower levels. Communal amenity spaces for residents would be provided in the form of the roof terrace on the lower block as well as a communal room on the ground floor measuring 68sqm.
157. In this case, a total of 2,190sqm of private amenity space would need to be provided between the 219 units in accordance with the SPD. In this instance there is a shortfall of 785.7sqm (rounded to 786sqm) of private amenity space. Whilst there is a shortfall, it should be noted that some of the living room sizes are larger than the minimum requirement.

#### Communal amenity space

158. Where the full recommended provision of 10sqm per residential unit has not been provided, the shortfall has been added to the communal requirement. In this instance, there is a shortfall of 786sqm of private amenity space. A provision of 786sqm of communal amenity space, plus the minimum of 50sqm would have been required (a total of 836sqm).
159. There is a roof garden on the lower commercial block and is accessed from the main residential building on the 6<sup>th</sup> floor level. There is also a communal amenity room on the ground floor with direct access from the garden square. The roof top communal amenity space equates to 573sqm and the ground floor communal amenity room is 68sqm. The total communal amenity space provision (excluding the internal space) at 573sqm will fall short of the above requirement. Discounting the children's playspace on this roof terrace, there would be a total of 363 sqm of communal amenity space and the shortfall would be 473sqm. The council's S106 SPD stipulates that where amenity space cannot be provided fully on site the shortfall can be mitigated by way of financial contribution in exceptional circumstances. This is calculated at £205 per sqm, equating to a total of £96,965 and could go towards the provision of new park space, elsewhere in the plan area including at Livesey Park. This proposed roof garden is accessible to all tenures. The roof comprise of play areas (discussed further below), raised central decking feature, seating opportunities rooftop tree planting. Amended plans were received which removed part of the ground floor commercial floor space to provide an internal communal amenity room that would also be accessible to residents of all tenures. This space could be used for various activities and would benefit from having tall floor-to-ceiling height and overlooking the proposed garden square. In addition, the space could be made available for the tenants in the adjoining development at 8-24 Sylvan Grove for community events such as TRA meetings. It is recommended that provision be secured in a s106 agreement.

**Image: Communal amenity space on roof**



### Children's play space

160. In line with the Mayor's Providing for Children and Young People's Play and Informal Recreation SPG (using the June 2019 calculator) the development would be required to provide 740sqm of children's play space.
161. The Mayor's SPG sets out the intended strategic approach to delivering new and enhanced playspace both on and off-site in new developments. It explains that 'doorstep' play (Under 5s) should usually be provided on-site, unless there is existing provision within 100 metres. For 5-11 year olds and children over 12 years old, it recommends that off-site provision is acceptable, if there is existing provision within 100-400 metres and 400-800 metres respectively. This is summarised in Table 4.5 of the SPG, reproduced below.

**Table 4.5 Provision of play space to meet the needs of new development**

		<b>Under 5s</b>	<b>5-11</b>	<b>12+</b>
<b>Existing provision</b>	within 100 m	On site or off-site contribution	Off-site contribution	Off-site contribution
	within 100-400m	On-site	On site or off-site contribution	On site or off-site contribution
	within 400-800m	On-site	On-site	On-site or off-site contribution
<b>No existing provision</b>	within 100 m	On-site	Off-site provision	Off-site provision
	within 100-400m	On-site	On-site	On site or off-site provision
	within 400-800m	On-site	On-site	On-site

162. 210sqm of play space is provided in the communal roof terrace and 530sqm within the public park, giving a total of 740sqm of children’s play space which meets the above policy requirement.
163. The submission material sets out the type of play provision, including formal play structures, incidental play features and informal play/playable landscape features is identified. The proposed approach to dedicated play space provision has been to maximise ‘doorstep’ play for under 5’s on-site, in line with the Mayor’s SPG. However, it is possible that some areas could provide for older children on-site such as table tennis.
164. The play area on this level has not yet been designed in detail and a condition requiring detailed design is recommended.

Image: Play space strategy and distribution across the site



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

### Public Open Space

165. In addition to the existing amenity space requirements set out above, emerging Policy AAP10 of the draft OKR AAP requires the provision of 5sqm of public open space per dwelling or a financial contribution in lieu. This would equate to 1,095sqm of public open space for the scheme.
166. The proposal would provide a total of 700sqm of public open space. This large space with play area incorporated would complement the proposed green space within the Devonshire Square site, thus enhancing the green oasis highlighted in the revised AAP. The proposed garden square extends across Sylvan Grove providing public realm improvements to the existing street and maximising the development's provision of public open space. Officers have worked with the adjoining site at Devonshire Square to agree a joint approach to 'Sylvan Gardens',

as both landowners would contribute to delivery of this new public open space. The proposed 700sqm is therefore not the total size of this space, but the share provided by this application. The total size of this public open space would be bigger when both schemes are complete, totalling 1,069sqm.

167. The applicant has also carried out an overshadowing assessment on the amenity space. These results depict both the direct sunlight without the Devonshire Square development in place and with the development in place. Regardless of the scenario assessed, both amenity spaces achieve 2 hours or more of direct sunlight to at least 50% of the area, indeed each of the amenity spaces achieve over 90% demonstrating full compliance with the BRE Guidance. This demonstrates that the communal amenity space and the public square would be well lit.
168. As there will be a shortfall of 395sqm, the applicant has agreed to make the contribution of £80,975 based on the 219 dwellings proposed (at a cost of £205 per sqm as set out in the AAP) and can be secured by the legal agreement.
169. New improved paving and links into and out of the site provide other kinds of public realm benefits including spill out space for the commercial uses and activity.

**Image: View of public space from Sylvan Grove**



**Image: Masterplan of buildings and open spaces of adjoining Devonshire Square.**



**Table: Playspace and amenity space proposed against policy requirement:**

	<b>Policy requirement</b>	<b>Proposal</b>	<b>Difference</b>
<b>Private</b>	2,190sqm	1,404sqm (not including those that exceed 10sqm)	-786sqm

<b>Communal</b>	50sqm + shortfall 786sqm of private amenity space (total 836 sqm)	363sqm	-473sqm
<b>Dedicated children's play space</b>	740sqm required by the June 2019 GLA calculator	740sqm	0sqm
<b>Public open space</b>	None is proposed on site in the draft 2017 AAP masterplan with site being shown as an infill development. The scheme would therefore have been expected to make an off site financial contribution to public open space in the vicinity equivalent to 1,095sqm	The approach to the revised AAP masterplan has changed in response to public consultation to require a new public open space to be created on site off Sylvan Grove. This would be co joined with a new public space on the adjacent Devonshire Square development. This scheme would contribute 700sqm to that new public space.	This scheme would still be required to make an off site in lieu financial contribution equivalent to 395sqm

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

170. Whilst there is a shortfall in communal amenity space, all play space is provided on site, and the scheme has responded to revisions to the AAP masterplan by

providing a new public open space, and associated indoor communal space which would be co-joined with the neighbouring public open space on the Devonshire Square development. This would directly benefit both new residents and the residents opposite at 8- 24 Sylvan Grove. The scheme would provide an attractive square that is publically accessible, creating improved permeability and connections for existing and future residents and workers.

171. Due to the shared core and the sharing of the communal amenity space, the applicant has agreed that service charge costs to social rent tenants would be capped within social rent cap levels and this would be secured by a s106 agreement.

#### Secure By Design

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

#### Noise

173. The site is located within the SIL with existing B class uses and the IWMF to the rear of the site. The proposed residential units when complete would adjoin the existing IWMF and the future residential development at Devonshire Square to the south. To the east of the application site is Nos. 8-24 Sylvan Grove which is a block of residential flats.
174. The dominant noise sources affecting the site of the proposed development are road traffic and noise associated with the IWMF. The council's Environmental Protection Team (EPT) has reviewed the proposals and having made some observations regarding the type of British Standards assessment, no objections are raised. The submitted noise impact assessment considers the impact associated with the current operation of the IWMF and within the scope of the scheme has employed good practice in the design such as the inclusion of winter gardens at the lower levels to provide mitigation to external balcony spaces. The applicant has also provided an outline façade noise mitigation strategy to meet BS8233:2014 and therefore council recommendations.
175. The noise break-in can be controlled by designing a suitable façade and ventilation strategy. This should attenuate the external noise level sufficiently to meet the internal ambient noise level requirements for residential dwellings Noise insulation recommendations have also been provided based on the predicted façade noise levels.
176. Paragraph 182 of the NPPF defines the Agent of Change principle as follows: "Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of

development permitted after they were established.”

177. It is considered that the proposed development would integrate well with existing businesses surrounding the site. It is noted that there is an existing church operating on the adjoining land, but church services operate once a week. EPT’s database shows no complaints about the church from the residents of 8-24 Sylvan Grove, some of whom are very close. Also, the church would be beside the commercial part of the proposed development, which would not be occupied by residents. The distance to the residential part of the development is more substantial and the lower 5 floors of residential will have winter gardens and so is better sound insulated, plus the glazing to deal with the IWMF should be sufficient to deal with the small church if it is still there when the building is finished. The proposed development would be of similar mix of uses and would be compatible with the future uses of the surrounding site.
178. An objection has been received from the adjoining IWMF operators Veolia. Their concern was that inadequate modelling of the impacts have been provided and that the introduction of the residential use would impact on their future operations.
179. The submitted noise impact assessment report has been reviewed by EPT and a condition to secure appropriate internal noise levels is recommended, which should minimise the likelihood of noise complaints against the existing industrial occupiers (notwithstanding that the surrounding context would change in the near future).

#### Odour

180. In response to the submission and following further consultation with Veolia, the operator of the Southwark IWMF, immediately to the north of the application site, an additional assessment on odour has been undertaken to consider the likely odour impacts which could arise at the proposed development from the operation of the IWMF. The model has demonstrated that the proposed receptor locations are unlikely to experience odour impacts greater than those that are predicted to arise at existing ground level locations. The IWMF has existing operating conditions that require odour emissions to not give rise to significant impacts at existing receptors. EPT has also reviewed this and based on the modelling, it is considered that the introduction of new residential receptors as part of the proposed development would not put new receptors at an unacceptable risk of odour effects. The introduction of the winter gardens on lower floors would also provide mitigation against passing waste vehicles.

#### Conclusion on quality of accommodation

181. In summary, the proposed development would provide good quality of residential accommodation and would justify the high density of the scheme. The units are predominantly dual aspect and the scheme has:
  - A number of larger unit sizes,
  - floor-to-ceiling height that exceed the minimum,
  - good outlook and views;
  - having good levels of daylight in this urban location; and

- having no more than 8 units per core per floor.

The units would have access to private amenity and communal amenity space and where this is not achieved on site a financial contribution for off-site improvements to local parks are to be secured. Mitigation measures are proposed to ensure noise impacts from surrounding uses are limited.

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

182. London Plan (2016) Policy 7.6 states that buildings and structures should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and micro-climate. London Plan (2016) Policy 7.7 notes that large buildings should not adversely affect their surroundings in terms of overshadowing and solar reflected glare. Strategic Policy 13 of the Core Strategy 'High Environmental Standards' seeks to ensure that development sets high standards for reducing air, land, noise and light pollution and avoiding amenity and environmental problems that affect how we enjoy the environment in which we live and work. Saved Policy 3.2 of the Southwark Plan states that permission will not be granted for developments where a loss of amenity, including disturbance from noise, would be caused. The adopted Residential Design Standards SPD expands on policy and sets out guidance for protecting amenity in relation to privacy, daylight and sunlight.

#### Impact of the proposed uses

183. The IWMF is to the north of the site, but the proposed mitigation measures to minimise noise and odour would ensure that the proposed development would not hinder their operations. It should be noted that the Devonshire Square development once complete would change the context of the surrounding site with a mix of retail, commercial and residential uses. The proposed residential uses in this application would also be more fitting with the recently built residential blocks on the opposite side of Sylvan Grove.
184. As part of the Devonshire Square development, a three storey office/light industrial building is proposed that would sit west of the main tower. This building (named 'Building E' is in outline as part of that application. Overlooking distances to the habitable rooms within the emerging scheme at Daisy Business Park would be sufficiently distanced to prevent harmful overlooking. The Design Code for the western elevation of Building E has been amended to mitigate potential overlooking from this Building E's two upper floors to the proposed lower residential floors in the proposed Daisy Business Park scheme, as a result of their proximity. The applicant has also omitted the glazing to the ground floor of this proposed commercial unit and replaced with knock-out brick features. This is in response to the submitted development proposals at Building E. It is the intention that these panels could be removed at a future date to return these areas to glazing, subject to how the outline development on the neighbouring plot is brought forward.

### Privacy and Overlooking

185. Nos. 8-24 Sylvan Grove is a block of flats and is the closest existing residential property located to the east of the site. This is at least 21m across the highway from the proposed development and would comply with the SPD.
186. In terms of privacy distances and impacts to the consented Devonshire Square scheme, this was discussed earlier. It was demonstrated that there would be acceptable distance between the proposed development and the consented residential blocks.

### Daylight and sunlight impact to existing residential units

187. A daylight and sunlight impact assessment was submitted with the planning application to assess the impact on nearby existing and future residential properties. The assessment utilised the following methodologies.

#### 25 degree line

188. To determine whether a neighbouring existing building may be adversely affected, the initial test provided by the BRE is to establish if any part of the proposal subtends an angle of more than 25° from the lowest window serving the existing building. If this is the case then there may be an adverse effect and a more detailed assessment involving the Vertical Sky Component of the affected window would need to be carried out.

#### Vertical Sky Component (VSC)

189. VSC is a measure of the direct skylight reaching a point from an overcast sky. It is the ratio of the illuminance at a point on a given vertical plane to the illuminance at a point on a horizontal plane due to an unobstructed sky. For existing buildings, the BRE guideline is based on the loss of VSC at a point at the centre of a window, on the outer plane of the wall. The BRE guidelines state that if the VSC at the centre of a window is less than 27%, and it is less than 0.8 times its former value (i.e. the proportional reduction is greater than 20%), then the reduction in skylight will be noticeable, and the existing building may be adversely affected.

#### No Sky Line (NSL)

190. 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 20% in the area of sky visibility, daylight may be affected.

#### Annual Probable Sunlight Hours (APSH)

191. In relation to sunlight, the BRE recommends that the APSH received at a given window in the proposed case should be at least 25% of the total available, including at least 5% in winter. Where the proposed values fall short of these, and the absolute loss is greater than 4%, then the proposed values should not be less than

0.8 times their previous value in each period (i.e. the proportional reductions should not be greater than 20%). The BRE guidelines state that ‘...all main living rooms of dwellings, and conservatories, should be checked if they have a window facing within 90 degrees of due south. Kitchens and bedrooms are less important, although care should be taken not to block out too much sun’. The APSH figures are calculated for each window, and where a room is served by more than one window the contribution of each is accounted for in the overall figures for the room. The acceptability criteria are applied to overall room based figures.

#### Overshadowing, sunlight to amenity spaces

192. Open spaces should retain a reasonable amount of sunlight throughout the year. The BRE states that for an amenity space to “appear adequately sunlit throughout the year, at least half of the area should receive at least 2 hours of sunlight on 21 March”. Where this is not achieved, the difference between the area achieving 2 hours of sun on 21 March should be no less than 0.8 times its former value.
193. In relation to daylight, sunlight and overshadowing, Members should note that the BRE Guidelines are based on a suburban environment, and as such a degree of flexibility needs to be applied when considering an urban environment such as the application site. It is also important to note that the existing scale of development on the application site is exceptionally low for an urban location. As a result, the baseline conditions tend to exceed normal expectations for an urban area, and reductions would be expected to result from any development here. Paragraph 123 of the NPPF (2019) also states that:

“Local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).”
194. The BRE Guidelines also state that residential properties warrant detailed consideration in terms of daylight and sunlight effects, but that properties of a commercial nature have a lower requirement. As such, the submitted daylight and sunlight assessments relate to existing residential properties only.
195. The neighbouring residential units that have the potential to be impacted in terms of daylight and sunlight are located at:
  1. 8- 24 Sylvan Grove
  2. 5 Sylvan Grove
  3. 1-8 Hillbeck Close
  4. 9-16 Hillbeck Close
  5. 17-24 Hillbeck Close
  6. 97, 95, 93, 91, 81, 79 & 77 Manor Grove

Plan showing residential properties that have been assessed (numbered in blue)



196. It is acknowledged that the local context is developing rapidly with the development of the Devonshire Square scheme to the south and therefore there needs to be an assessment of cumulative impacts to neighbouring residential properties. The applicant has therefore carried out an assessment based on the existing context (without Devonshire Square in place) and an assessment including Devonshire Square to form the cumulative baseline against which any potential changes in light are considered. The BRE guidelines state that different targets may be used based on the special requirements of the proposed development or its location.



## Assessment

197. When comparing the two contexts (existing baseline and cumulative) it has been demonstrated that the cumulative impacts would be the worse case scenario. As such, Officers have focused on this in this report.
198. Summary of VSC impacts  
Twelve properties containing 311 windows and 195 habitable rooms have been assessed, 11 properties remain fully BRE compliant and only one property (8-24 Sylvan Grove) experiencing derogations from BRE Guidance. The VSC results show that 8- 24 Sylvan Grove located immediately east of the site would see some losses that deviate from the BRE guidelines. 231 windows serving 134 rooms facing the site have been tested. For the purposes of the analysis, and in accordance with BRE Guidance, the balconies were removed from the analysis to understand what effect the balconies have upon the amount of direct skylight being received.
199. 93 windows serve the 38 living kitchen diners (LKDs), of these 21 windows associated with 18 LKDs experience reductions in VSC of greater than 20% (which the BRE considers will be noticeable) and retained VSCs of less than 14%. Of these, 12 windows serving 11 LKDs have additional windows and retain reasonable VSC values for this urban location. The other LKDs would have only one window serving the room, but it has been demonstrated that it is due to the presence of side returns and/or their positioning recessed into the building, severely limiting any access to daylight. In accordance with the BRE, large relative reductions in these circumstances are unavoidable. Likewise in the kitchen dining rooms, 15 windows were tested and 9 will experience noticeable losses with low retained VSC values. Some of these are self-inflicted as with the above LKDs.
200. In terms of VSC levels for the bedrooms, BRE Guidance states that "...bedrooms should also be analysed although they are less important." There will be 42 windows experiencing reductions of greater than 20% and low retained VSC levels. However, it is noted that some of the windows are served by additional windows thus the rooms will maintain sufficient daylight levels for an urban setting.
201. Officers acknowledge that whilst some of the reductions are significant, the BRE guidance also recognise that reductions will be experienced more in urban areas of development, and the urban environment should be considered when interpreting the BRE guidance. That said, 70%of the windows within 8-24 Sylvan Grove assessed remain compliant. The large massing being proposed is at the western end of the site furthest away from this property and as the site is under-utilised any significant increase in site density has a disproportionate impact and means the BRE Guidelines must be applied in a pragmatic way with an inherent level of flexibility
202. Furthermore, the most significant derogations occur to windows which are recessed or are in close proximity to side returns, thus many of the low daylight levels are self-inflicted due to the design of this property.

203. Officers also note that the above results are of the cumulative scenario with Devonshire Square development in place. It is therefore observed that the addition of the Devonshire Square proposal to the context places a burden on the proposed development, increasing the number of non-compliant windows and intensifying the reductions of windows which experience noticeable reductions.
204. Officers requested an assessment on the levels of daylight that would be available on the Devonshire Square façade. Subsequently the applicant has undertaken a VSC façade study on the proposed Devonshire Square development. The facade study plots the proposed VSC level across the whole façade. It is observed that the facades predominantly enjoy VSC levels well over 17%. There are some exceptions, but this is as a result of the inset area and is primarily due to Devonshire Square's own design. Thus in conclusion the proposed development does not unduly restrict reasonable development potential of the Devonshire Square site.

#### Summary of NSL impacts against existing baseline

205. In the NSL cumulative test results, 4 rooms within 9-16 Hillbeck Close experience minor derogations from BRE Guidance. Due to the fully compliant reductions in VSC and minor nature of the NSL derogations it can be concluded that daylight levels will remain adequate for these rooms. 44 rooms in the 8-24 Sylvan Grove property would see more than 20% loss of daylight distribution.
206. Although the amount of skylight reaching the windows would be reduced, given the urban context of the site and the low level of existing development on the application site, these results are indicative of a relatively good retained level of daylight.

#### Conclusion on daylight impacts

207. The results of the daylight assessment do reveal that there would be a number of rooms at 8-24 Sylvan Grove that would not meet the relevant daylighting standards of the BRE. In these instances it is recognised that there would be a degree of harm to the daylight amenity of residents. It has been demonstrated that because of the design of 8-24 Sylvan Grove with its side returns this is part of the reason why the VSC levels would be low. The draft AAP sets out an expectation of some form of high rise development on the application site. On balance, Officers are satisfied that whilst there would be reductions in daylight and sunlight to neighbouring properties, which in a number of cases would be of a major adverse impact, this is to a degree a consequence of the design of the existing building as illustrated below.

#### Sunlight

208. The BRE guide states that if a window can receive 25% of summer sunlight, including at least 5% of winter sunlight between the hours of 21 September and 21 March, then the room would be adequately sunlit.
209. Of the 33 rooms for assessment, only 4 rooms experience a derogation from the BRE guidance and these are located in the 8-24 Sylvan Grove development. Three of these are westerly facing bedrooms, which the BRE considers to be of less

importance. That said, each room will receive between 9-18% APSH which in the circumstances is considered acceptable.

210. Overall, it is considered that the sunlight effects to the neighbouring residential properties would be moderate by virtue of the retained annual APSH values.

#### Overshadowing

211. The BRE guidelines state that for an amenity area to appear adequately sunlit throughout the year, at least 50% of the area should receive at least two hours of sunlight on 21st March.
212. All site facing amenity spaces associated with 8-24 Sylvan Grove have been assessed based on the cumulative scenario (Devonshire Square development in place) and equate to 50 terrace and balcony areas in total. Based on that scenario and without this development in place, 39 of the 50 amenity spaces currently do not achieve the BRE recommended target of at least half of the amenity space receiving at least 2 hours of direct sunlight on 21 March; 30 of these spaces currently achieve 0% direct sunlight.
213. Many of the low existing values are attributable to the design of the property at 8-24 Sylvan Grove with numerous balconies being set into the building or behind significant architectural detailing and side returns, or are overshadowed by the balconies above them. The results from the proposed scenario with the development in place indicate that none of the of the amenity spaces experience additional reductions of direct sunlight as a result of the development, which therefore remains fully compliant for overshadowing assessment.

**Image: Example of balconies at 8-24 Sylvan Grove**



### Conclusion on daylight, sunlight and overshadowing

214. Overall, the main impact of the scheme is to the daylight levels at 8-24 Sylvan Grove. The results of the daylight assessment do reveal that there would be a number of rooms at 8-24 Sylvan Grove that would not meet the relevant daylighting standards of the BRE. In these instances it is recognised that there would be a degree of harm to the daylight amenity of residents. It has been demonstrated that because of the design of 8-24 Sylvan Grove with its side returns and balcony design/layout is part of the reason why the VSC levels would be low. As a consequence and on balance, Officers are satisfied that whilst there would be reductions in daylight and sunlight to neighbouring properties, these are acceptable.

### **Transport issues**

215. Core Strategy Strategic Policy 2 encourages walking, cycling and the use of public transport rather than travel by car. Saved policy 5.2 of the Southwark Plan seeks to ensure that developments do not result in adverse highway conditions; 5.3 require that the needs of pedestrians and cyclists to be considered and 5.6 establish maximum parking standards.
216. Southwark have recently adopted the Movement Plan, a people, place and experience approach to transport planning. This application has been assessed on how we will contribute to the delivery of the Movement Plan.
217. The Mayors Transport Strategy (MTS) includes three strategic challenges that are of significant importance to assessing this application.
- Vision Zero
  - Healthy Streets
  - Air Quality
218. The submitted Transport Assessment (TA) is considered to provide an adequate appraisal of the relevant transport and highway related matters including an assessment of the potential for journeys to be made by sustainable modes of transport as well as detailed estimates of vehicular trips resulting from the development.
219. Existing condition  
To the south of the site is currently occupied by a hardstanding car park accommodating approximately 47 car parking spaces and is accessed off Sylvan Grove. Sylvan Grove is a two-way carriageway cul-de-sac which has access to Old Kent Road and terminates at the Daisy Business Park. The site is not within a Controlled Parking Zone (CPZ). It is subject to a 20mph speed limit with traffic calming in the form of speed bumps. Single red line restrictions at the southern end of the road extend from Old Kent Road and double yellow line markings are present on the remainder of the carriageway. An on-street loading bay is also located opposite the site and Car Club bay is also located 50 away.

### Accessibility and trip generation

220. The site has an official PTAL (public transport accessibility level) of 3, which is moderate access to public transport. The nearest bus stop is approximately 200m from the site on Old Kent Road. The PTAL rating is likely to increase however with the Bakerloo Line extension that is envisaged to be located on the Toys R Us site to the south.
221. The existing trip generation records a daily average of 36 and 50 trips in the AM and PM hours respectively. The modal split for those trips indicates that the majority of proposed trips to and from the site would be undertaken by bus and the remaining trips are anticipated to be made primarily by underground, rail and active modes of travel. The proposal estimates daily vehicular trips of mostly related to servicing and delivery of 32. Therefore, the proposed development will not lead to a significant adverse impact on the local highway network.

### Car parking

222. The proposed development would essentially be car free, bar the 6 disabled parking bays for the residential element of the scheme. It is noted that the GLA made comments regarding the level of disabled parking bays being proposed and sought for an additional space for the residential element and another for the commercial element. All proposals for off-street arrangements have been tracked and will enter and exit safely from the building. The provision of 6 disabled bays which would provide 2.73% of the number of wheelchair dwellings is considered to be reasonable. If these bays are not required for disabled residents the bays could be prioritised for servicing and/or extending cycle parking provision and not for other residents for private car parking.
223. There is an existing car club bay along Sylvan Grove and it is expected that future residents of this proposed development would be offered 3 years membership.
224. It is considered reasonable and appropriate to require a s106 obligation to ensure that no future residents or occupiers of the proposed development could obtain resident parking permits for any future CPZ. The council's programme for CPZ's identifies this area to be consulted within the next year so should be in place before occupation. It is also recommended that a condition to ensure all marketing of the development promotes car-free living, to ensure the occupants are well aware they will not be entitled to permits.

### Servicing

225. Servicing and deliveries for the proposed development will be undertaken on-site at ground floor level from within the undercroft parking and servicing area. The servicing area has been configured to include a turning head, and sufficient loading space to accommodate 2-3 delivery vehicles at a time. Building management will ensure refuse containers are transported from the waste stores to the servicing yard for collection from Sylvan Grove.
226. On-site servicing is provided for vehicles up to an including 7.5T Box Vans (8m length). In the infrequent event that servicing is required by larger vehicles, servicing could also be undertaken on-street on Sylvan Grove. The council is

considering the provision of on -street loading bays bearing in mind the three developments on Sylvan Grove. The exact location of new bays and the re-location of existing will be subject to the S278 agreements.

227. Sufficient information has been provided to reasonably conclude that the servicing yard, with capacity for 2-3 vehicles at a time, will be able to accommodate a demand of up to 30-32 deliveries per day
228. In order to ensure that any on-street servicing and deliveries do not negatively impact on the highway network, the council is recommending that applicants in the OKR OA enter into Delivery Service Plan Bonds (DSP) against their baseline figures for all daily servicing and delivery trips. These bonds would be calculated at £100 per residential unit and £100 per 500 sqm of non-residential floor-space. In accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010, this is not intended as a financial penalty, but as a means of mitigating any harmful impacts from the proposed development and ensuring a better quality of life for current and future residents. As such, it is considered to meet the CIL Regulations 122 test, in that it would be:
- (i) necessary to make the development acceptable in planning terms;
  - (ii) directly related to the development; and
  - (iii) fairly and reasonably related in scale and kind to the development.
229. The proposal is for the management of the new development to monitor the daily vehicular activity of the site both commercial and residential, quarterly for a period of 2 years from 75% occupancy. If the site meets or betters its own baseline target the bond will be returned within 6 months of the end of the monitoring period. If the site fails to meet its own baseline the bonded sum will be made available for the council to utilise for sustainable transport projects in the ward of the development. The council will retain £1,600.00 for assessing the quarterly monitoring. The bond in this instance would be £22,500 based on the 219 residential units and 2,986sqm of non-residential floorspace. The applicant has agreed to the contribution which can be collected via the legal agreement.

**Table: Delivery Service Bond**

<b>Type</b>	<b>Quantum</b>	<b>Bond Amount</b>
Residential	219	£21,900
Non Residential	2,986 sqm	£600
Daily Trips	Approximately 32	£22,500

230. There is a sub-station proposed on the south-west corner of the site with doors opening outwards onto a private footway area that is not fenced off to prevent public access. It is considered further details could be secured via a condition for this part of the design.

Public Transport

231. The site has convenient access to the numerous bus routes that can be accessed on the Old Kent Road. As a borough the council agree with TfL that bus services

will need to be increased in the area ahead of the Bakerloo Line extension (BLE) to accommodate the demand generated by additional homes and jobs generally in the Old Kent Road area in advance of the opening of the planned BLE which, subject to the granting of powers and availability of funding, would be 2029/2030 at the earliest. The requirement for TfL to provide evidence to prove both previous contributions has been spent appropriately and the evidence for the further draw is the fairest way this could be managed. The proposal is that there is a maximum cap for TfL to call on which is £2,700 per unit. This will be able to be requested in stages between 3 - 5 years.

232. The site is within 1km of Queens Road Peckham and South Bermondsey station and trains connect to London Bridge, Waterloo, Elephant and Castle and New Cross via bus. Within the next ten years the area is likely to benefit from the BLE, this site will be in walking distance of both proposed new stations. Highways and transport infrastructure requirements are covered under CIL and the public highway improvements in the OKR Action Area would be delivered from a combination of land gain, s278 and CIL.

#### Walking and public realm

233. The cumulative applications within the Old Kent Road AAP area has resulted in a number of Pedestrian Environment Review System (PERS) audits as well as Activity Zone audits being carried out in the area from December 2017 to just before the COVID 19 lockdown. Officers are satisfied that this application reflects these.
234. The Healthy Streets approach seeks to inform design, management and use of public spaces in order to place people and people's health at the forefront of development decisions. The submitted TA provides an assessment against the Healthy Streets indicator. The development will provide a car-free development with extensive areas of landscaping both on site and through improvements to Sylvan Grove and provides a compliant provision of cycle spaces.
235. The site will be in close walking distance of the proposed Livesey Park via the proposed new access road and Devonshire Square. The site is also within a short walk of Brimington Park and of the proposed new linear park. The public realm area will extend across Sylvan Grove, which will be treated with the same paving so the adjacent residential buildings are able to take advantage of this new space.
236. The improvements to the pedestrian environment as part of the development are anticipated to encourage active travel and the close proximity of a variety of new open space and public realm, supported by the application will offer good quality walking options in the area.

#### Cycle parking

237. The site is located close to Quietway 1 and will be in close to the proposed new linear park. TFL have proposals for healthy streets for the Old Kent Road and the borough is progressing the Rotherhithe to Peckham cycle route which runs through Ilderton Road into Brimington Park all in close proximity to this site. (All projects subject to delays related to TfL funding priorities affected by Covid 19).

238. London Plan standards require the following residential cycle parking provision:

Long stay:

- 1 No. space for studio or one bedroom residential units
- 2 No. spaces for all other residential unit

Short stay:

- 1 No. space per 40 dwellings

239. London Plan standards require the following commercial cycle parking provision (worst case scenario being B1a class use):

Long stay:

- 1 No. space for 75sqm

Short stay:

- 1 No. space per 500sqm

240. The applicant has revised plans to show an increase in the level of cycle parking. The scheme now provides a total of 380 cycle spaces for the residential use and 42 cycle spaces for the commercial use on the first floor level. This satisfies with the GLA's request and in accordance with adopted London Plan standards.

241. Some Sheffield stands will also be provided such that at least 9% of all spaces are accessible. The short stay cycle parking will all be provided in the form of 18 Sheffield stands located within the public realm adjacent to the building and would be convenient and easily accessible. There will be a condition for detailed design of cycle parking and its relationship with the public highway.

242. The s106 Agreement will include a contribution towards the delivery of the first phase of extension of the Santander Cycle Hire Docking station of £50 per residential unit and is considered a benefit.

#### Construction management

243. An outline Construction Logistics Plan has been submitted and has been developed to provide the management framework required for the planning and implementation of construction activities and management of traffic. Both highways and environment officers have reviewed this and do not raise any objections. However, it is considered reasonable and necessary to require a final version of the CEMP through the s106.

244. Due to the cumulative impact of construction in the Old Kent Road AAP area a Contribution of £40 per residential unit will be required to enable the highway authority and EPT to manage this. This equates to £8,760 for this application and will be secured through the s106.

### Conclusion on Transport and Highways

245. The development is supported because it provides good quality pedestrian and cycle permeability and will contribute to delivering some of the Movement Plans 9 missions, Vision Zero and Healthy Streets. It would have appropriate management to reduce the impact of servicing and delivery, subject to the s106 obligations and conditions.
246. The development of this site would provide the necessary pedestrian connections through the site and to the remaining of the Devonshire Square site delivering the aspirations of the AAP. It would open up routes to connect to Ilderton Road, Old Kent Road and east towards Sylvan Grove and west towards the gasworks.

### **Design issues**

247. The proposed development involves the redevelopment of the site to provide a new building ranging from 5 to 32 storeys in height. The lowest section is formed by retaining an element of the existing building on site, which provides a two storey extension of the building massing to the southwest. The new building base is formed by a four storey podium that is essentially an 'L' shaped block, which extends the existing building, wrapping around the public open space. Above this rises an additional twenty eight storeys as a rectangular extrusion forming the residential tower.
248. The emerging policy in the draft OKR AAP sets out a vision for the Old Kent Road that would see substantial change in the area over the next twenty years, whilst seeking design that responds well to its existing character and sense of place. The draft OKR AAP does however identify buildings of townscape merit and architectural or historic interest around the site and this is discussed further in the report below. The draft AAP identifies the site as an appropriate location for a tier 3 tall building of up to 16 storeys with a building reducing in height towards the south of the site. The draft AAP didn't show a public open space on this site.

**Image: Stations and Crossings Strategy from draft OKR AAP**



249. Although the proposed building exceeds the tier 3 building and at 32 storeys will become a tier 1 building, this is considered in the context of changes to the AAP masterplan which includes the creation of new public open space on Sylvan Grove.. The tallest building proposed on the Devonshire Square site and immediately adjoining this application site would be up to 39 storeys in height. The proposal here would be seen in the context of the adjoining development. The height of the buildings in the Devonshire Square scheme was considered acceptable and given the proximity of that site to a new tube station and park (150m to each) and given the townscape analysis which shows the scheme would form a good compositional arrangement with neighbouring sites and deliver the Stations and the Crossings strategy of the draft AAP, it is not considered that this proposal would result in any harm to designated London wide or local protected views, including the Protected Vista of 2A.1 of the London View Management Framework, which protects views from Parliament Hill Summit to St. Paul's Cathedral.
250. The emerging design policy in the NSP includes P13, Design Quality and P16 Tall Buildings. P13 states that development must provide, amongst other things, high

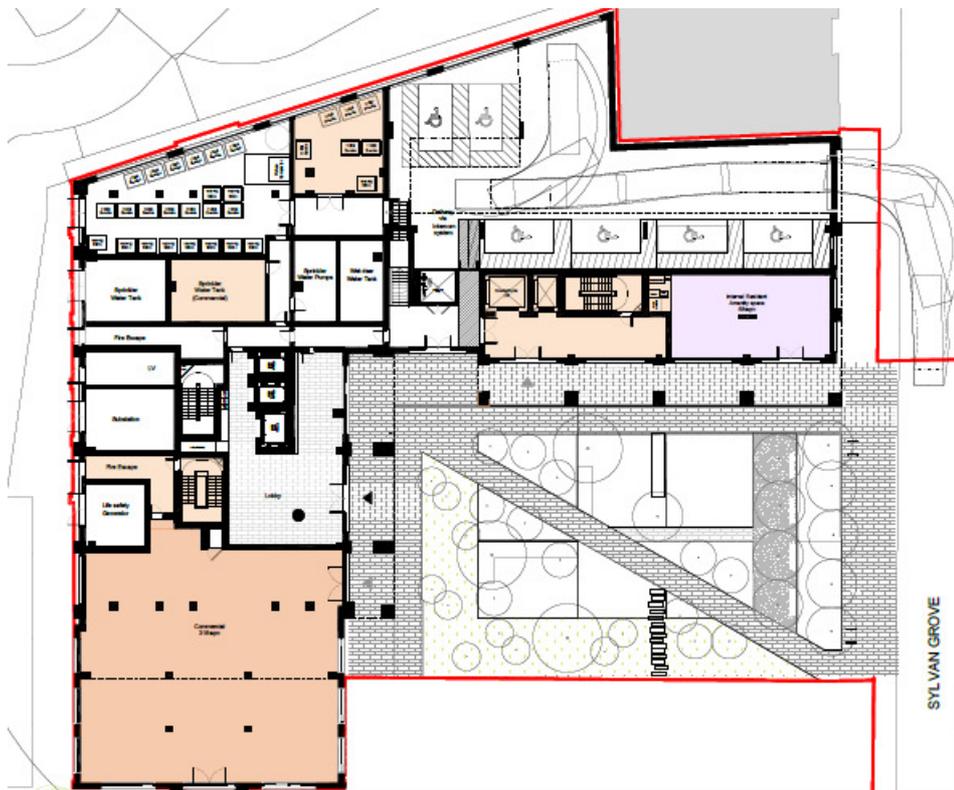
standards of design with appropriate fabric, function and composition. P16 sets out a series of tests for tall buildings (defined as significantly taller than surrounding buildings or their context). It also states that the highest tall buildings will be located in areas where there is the greatest opportunity for regeneration, including Opportunity Areas, such as the Old Kent Road.

251. The emerging policy in the AAP sets out a vision for the Old Kent Road that would see substantial change in the area over the next twenty years, whilst seeking design that responds well to its existing character and sense of place.

#### Site layout

252. The proposed site layout is not that dissimilar to what exists on the site which comprises a low-rise L-shaped building wrapping part of the existing car park. The new building would wrap around the new public square, ensuring active frontages overlooking this space. This ensures that routes and connections can be open up from east to west from Sylvan Grove to the gasworks. The position of the new public square would be visible and easily accessible from Sylvan Grove and it has been designed to ensure that the public realm is maximised with the Devonshire Square in place.

**Image: Ground floor site layout**



253. The development allows for part of the existing structure to be retained on site and this will be reworked into the new ground floor. The arched colonnade extends to form the elevation to the north and west of the building. Active frontage is delivered onto Sylvan Grove, onto the new Square and onto the westerly elevation.
254. The commercial and residential entrances are well overlooked and are easily distinguished. The vehicular access to the car park and servicing area located on Sylvan Grove would be located away from the entrances, minimising any conflict with pedestrians.
255. The western elevation would adjoin the stand alone 3 storey building E from the Devonshire Square scheme, but the building would allow for a pedestrian route through.

#### Height, scale and massing and consideration of tall buildings

256. The total height at 32 storeys does exceed that outlined in the draft AAP height strategy for the site. However, as explained above, this is in response to the changing AAP masterplan . The townscape analysis shows the scheme would form a good compositional arrangement with neighbouring sites and in particular the Devonshire Square scheme which has a 39 storey building facing the application site. It is important to look at this scheme not only in isolation, but how this fits in with the wider Devonshire Square development and the emerging context of other cumulative developments. It is acknowledged that the height of the buildings proposed marks a step change in the scale of development in the area. The height and massing strategy of the Devonshire Square development was supported in terms of creating a consistent shoulder height on Old Kent Road, with increases in height towards the centre and Devonshire Grove. This modulation of height was considered positive in townscape terms.
257. The proposed development in this application has been arranged to allow for as much space between them as possible, ensuring that they would not appear to coalesce when viewed from a distance. This also ensures that good levels of sunlight and daylight would reach the public realm. It is considered that the relative heights and the way in which they would be distributed across the site along with the emerging developments to the south would result in a well articulated composition of towers that would define the ground floor public square.

**Image: Cumulative development in future context**



258. Notwithstanding the Devonshire Square development, the proposed building at 107.8m AOD would be substantially taller than those in the existing surroundings. As such, they would be defined as tall buildings in the adopted London Plan (2016). Policy 7.7 of the 2016 London Plan, 'Location and Design of Tall and Large Buildings', states that tall buildings should be limited to sites in the Central Activity Zone, Opportunity Areas, areas of intensification or town centres that have good access to public transport.' Furthermore, London Plan Policy 2.13 requires development in Opportunity Areas to optimise residential and non residential output densities, meet or exceed minimum housing and employment guidelines and support wider regeneration objectives. Annexe 1 of the 2016 London Plan sets out the specific requirements for the OKR OA, identifying it as having significant potential for residential- led redevelopment. As such, it is considered that the OKR OA is, in principle, an appropriate location for tall buildings which optimise housing delivery and regeneration benefits. The proposed development is considered to achieve both, whilst also meeting the other requirements of London Plan Policy 7.7, which are as follows:

- Generally be limited to sites in the Central Activity Zone, opportunity areas, areas of intensification or town centres that have good access to public transport;
- Only be considered in areas whose character would not be affected adversely by the scale, mass or bulk of a tall or large building;
- Relate well to the form, proportion, composition, scale and character of surrounding buildings, urban grain and public realm (including landscape features), particularly at street level;
- Individually or as a group, improve the legibility of an area, by emphasising a point of civic or visual significance where appropriate, and enhance the skyline and image of London;
- Incorporate the highest standards of architecture and materials, including sustainable design and construction practices;
- Have ground floor activities that provide a positive relationship to the

- surrounding streets;
  - Contribute to improving the permeability of the site and wider area, where possible;
  - Incorporate publicly accessible areas on the upper floors, where appropriate;
  - Make a significant contribution to local regeneration;
  - Not affect their surroundings adversely in terms of microclimate, wind turbulence, overshadowing, noise, reflected glare, aviation, navigation and telecommunication interference; and
  - Not impact on local or strategic views adversely.
259. The proposed tall building would be within an opportunity area. The character of the area would not be adversely affected by the scale, mass or bulk of the tall buildings proposed because this area is not generally considered sensitive to change of this type. With the exception of the western wing of the existing building, it is considered that the remaining industrial building and the open car park is not worthy of protection. Its replacement with a scheme of this high quality architectural and urban design is considered a significant public benefit of the proposals.
260. In line with the draft OKR AAP, the design of the tall building would be exemplary, with careful consideration of their impact on the skyline. The separation distance between the other consented buildings in Devonshire Square successfully enables the development to provide amenity and play space on the roof levels, with the distances between the buildings permitting daylight to penetrate in between the blocks to proposed residential properties and the new square. The proposed building together with the tower at Devonshire Square would improve legibility and marking of the new public square.
261. The proposed tall building and its layout and improved urban grain would create active frontages, increased connectivity and permeability and contribute to the creation of a new public open space. As a result of this cluster of spaces and the relationship with the emerging surrounding developments it is likely that the proposed development would become a focus of activity for both existing and new communities.
262. It is considered there would be no harm to strategic and local views. This is discussed in more detail below.
263. It is considered that the proposals demonstrate the highest standards of architectural design and incorporate the highest quality materials and this is discussed further below in this report. In order to secure this design quality, planning condition requiring detailed drawings, material samples and full scale mock ups are recommended.
264. The proposed development would not incorporate any publicly accessible areas on the upper floors. The access to the upper floors to the general public may raise Secure by Design issues and therefore not appropriate in this instance. It is noted however, that the London Plan (2016) only requires this “where appropriate”. A communal terrace for the new residents would be introduced, giving a soft, green layer of articulation to the appearance of the buildings.

265. The contribution that the scheme would make to local regeneration would be very significant as has already been identified throughout this report. The impact of the proposed development on microclimate, wind turbulence, overshadowing, noise, reflected glare, aviation, navigation and telecommunication interference are assessed and presented elsewhere in this report. In each case it is concluded that there would be no significant adverse impacts.
266. As the most recently adopted document in the Local Plan, and the only document adopted after the Old Kent Road was designated as an Opportunity Area, it is considered that these London Plan (2016) policies in relation to tall buildings are more relevant than those in Southwark Plan Saved Policy 3.20 dating from 2007. Nevertheless, the proposed development has also been assessed against the requirements of this saved policy. Saved Policy 3.20 requires any building over 30 metres tall to ensure that it:
- Makes a positive contribution to the landscape; and
  - Is located at a point of landmark significance; and
  - Is of the highest architectural standard; and
  - Relates well to its surroundings, particularly at street level; and
  - Contributes positively to the London skyline as a whole consolidating a cluster within that skyline or providing key focus within views.
267. As discussed above and elsewhere in this report, the proposed development would make a very positive contribution to the landscape through the creation of a new public spaces, new routes through the site and high quality landscaping (to be secured by condition). It provides and completes a point of landmark significance by announcing the new public square with a building that would be of high standards of architecture.
268. In conclusion on height, scale and massing, the proposed buildings would be consistent with the draft OKR AAP. Officers are satisfied that this proposal complies with saved Policy 3.20, it is of high architectural quality, contributing positively to its street-scene and the London skyline with its highly articulated and stepped profile.

#### Architectural Design and Materiality

269. Sylvan Grove sits within OKR 18 and adjacent to OKR 13. Both of these plots of the OKR AAP contain valued heritage assets which contribute significantly to the Old Kent Road's industrial character. On this site is a Victorian warehouse building mainly characterised by its arched windows and triple pitched gable which faces south towards Old Kent Road. The proposal's appearance draws upon both of these retained features as well as the strong Victorian and industrial heritage of the wider Old Kent Road area. The building would be of a high architectural quality. The design includes retaining the southern part of the existing building and refurbishing it and incorporating it into the new development.. The arches of the existing structure have informed the design of the colonnade that wraps around the new public space forming a solid base to the building. The colonnade effectively creates a double height base to the building with a set back ground and first floor. It ties together the elements of commercial space and the residential entrance to the base of the tower.

The arched colonnade extends to form the elevation to the north and west of the building.

270. The proposed building would be of masonry character, referencing the solidity and robustness of the existing architecture found in the area. The historic industrial structures and buildings of the Old Kent Road Area, such as the gas holder and warehouse buildings, have strong horizontal emphasis and clear layering in their structure. The proposal replicates this layering logic through establishing a clear, double height base, a 3 storey order throughout the main body of the tower, and finishing with a crown element to express the top of the tower. Arches are employed as the main motif and structural element in the proposal. They are used to delineate the primary layered order of the building. This 3 storey order is then punctuated by a suborder of white stone lintels which distinguish each story. In keeping with the principles of the AAP for taller buildings in this area a strong vertical emphasis is adopted throughout.
271. From the portion of the building which is demolished, the intention is to reclaim as many bricks as possible and use them in the base of the building. These reclaimed bricks would be mixed with new to create a tone similar to that of the existing warehouse. Moving up the facades from the brick base, the materials and textures will vary, but a consistent colour tone will be maintained. This tone is maintained in any detailing by using terracotta or red brick moulding. White lintels or sills are often used as an accent to the tones of the red brick. They follow the common Victorian palette of red brick, with detail around features expressed using moulded terracotta elements. Following this logic, the residential tower is clad with textured and moulded terracotta which compliments and harmonizes with the colour of the brick base. The commercial building is clad predominantly in brick. The increased floor to floor heights of the ground and first floors help to celebrate the base of the building and its entrances.
272. The crown is formed by the final 2 floors of the residential tower. It is expressed using a dark grey terracotta as opposed to the warm terracotta tones of the main body of the tower. The quality of these materials including brick colour would be assured by planning conditions requiring detailed design drawings and samples of all facing materials.

**Image: Design and material of residential tower**



Design Review Panel

273. The Applicant presented a relatively early version of their proposals to the Southwark Design Review Panel (DRP) in July 2018. This was presented alongside the Devonshire Square scheme due to its proximity and relationship. The Panel were generally supportive of this proposal. Nevertheless, they raised a number of comments. The comments the Panel made, and the changes proposed to the scheme in response are summarised below. Members should however note that the scheme has changed since the pre-application discussions.
274. Urban form and arrangement:  
The Panel asked the design team to define a hierarchy of spaces that considers the nature and character of both Devonshire Grove (likely to remain a heavily trafficked route to and from the Waste facility) and Sylvan Grove. They asked the applicant to take into account the prevailing desire lines around the site, the potential new spaces in the site (including the Daisy Business park courtyard). The Panel asked the two teams to reconsider how the arrangement of the two towers in particular has affected the public spaces and routes around this site including the courtyard on Daisy Business Park. The Daisy Business park site is potentially affected by the location of the tower on this site because it takes up the southern flank of their courtyard. The Panel questioned the appropriateness of allowing car parking within the courtyard of the Daisy Business Park as this could be an effective enhancement

of the public realm across both sites. They urged the designers to work together to establish a collective vision for the two sites and to use the hierarchy of spaces and routes to define the arrangement of the built form and the location of the two towers.

275. Officer response:

The scheme has changed since the presentation to the Panel allowing for a larger public open space between this development and that proposed at Devonshire Square. The distance between the two towers have increased allowing for greater privacy, The car park is now located within the building on the ground floor. Desire lines have been incorporated by proposing a diagonal route through the proposed square.

276. Public space:

The Panel encouraged the applicants to fundamentally review the location of the public space and develop a public space that works across both sites. This will in turn inform the optimum arrangement of buildings and routes across the site including the Daisy Business park courtyard.

277. Officer response:

The applicants for both sites have since reviewed the public spaces. The proposed square in this application would allow for routes through the two developments.

278. Existing warehouse building:

The Panel noted the designer's ambition to retain the warehouse façade on Daisy Business Park but questioned how effective this will be given that such a small fragment of the façade will be retained. The retained façade at the base of the tower has an air of tokenism and introduces further constraints on the ground plane and urban realm. In order for it to be successful, this historic feature of the site will need to be considered in the context of the overall vision for both sites.

279. Officer response

It is considered that the architects have further developed the design and the retention of the existing building remained a key driver for the elevation design and appearance of the building.

280. Architecture:

The Panel highlighted that the two towers, due to their proximity, would be seen in the context of each other. Whilst they did not suggest a common architectural language for both towers, they felt it was important in developing the detailed design of the towers, that they are considered as a pair. The tower on Daisy Business Park is likely to be a significant feature in the urban setting and as such it could benefit from further development before it can be considered to be 'exemplary' in its quality of design. They also raised concerns about the predominance of studios and 1-bed units and the lack of communal amenity in the development as a whole.

281. Officer response:

As explained above, the detailing of the building and form is considered to be of high quality. The design has evolved since then. The number of studio flats have been reduced to no more than 5%. . Play space has been prioritised, although this

does still result in a shortfall of communal space. .

282. The Panel noted that key tall buildings technical studies had not been prepared or presented to them. These studies should inform the design, help to influence the arrangement of land-uses and define the optimum locations for new public spaces and routes.

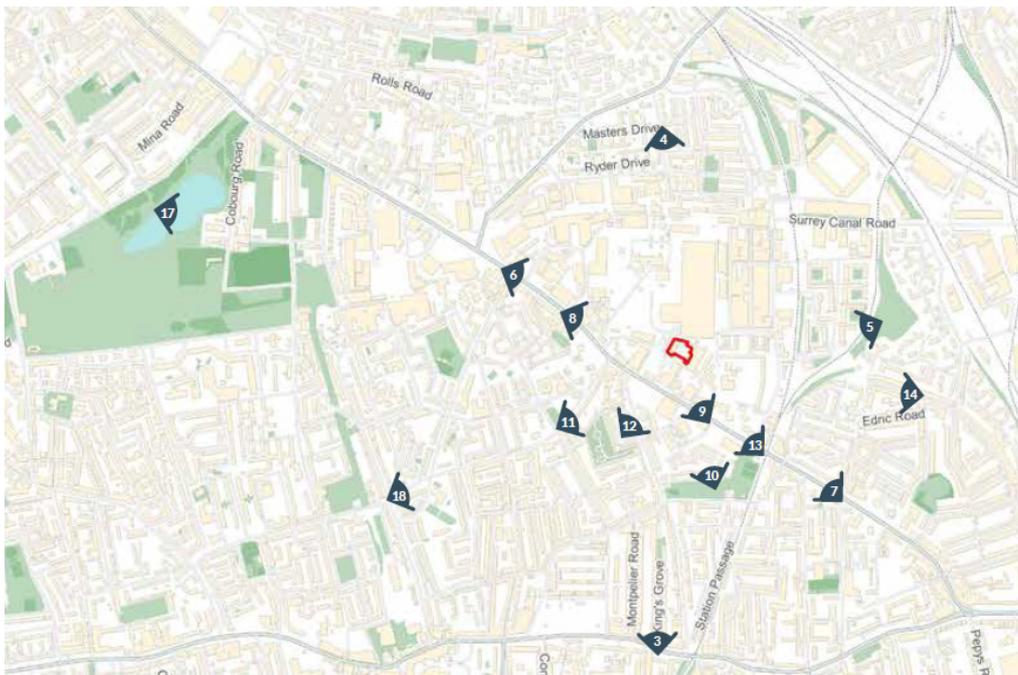
283. Officer response:

The design has evolved since then and the technical studies have been submitted as part of the full application. These demonstrate that there would not be significant harmful effects as explained elsewhere in the report.

### **Townscape and Visual Impact Analysis (TVIA)**

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

**Image: View locations (excluding views 1 and 2)**



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

286. View 1 Kenwood (LVMF 3A.1)

The view is identified as an important panorama of London in the London View Management Framework (LVMF) and seeks to protect the skyline silhouette of St Paul's Cathedral. The LVMF views likely to be impacted upon by the proposed development are 2A.1 from Parliament Hill and 3A.1 from Kenwood. The proposed

development will appear to the west of St Paul's Cathedral and would not impact the skyline silhouette of the Strategically Important Landmark. The proposed development would have a negligible impact on the view.

287. View 2 Parliament Hill (LVMF 2A.1)

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

288. View 5 Bridgehouse Meadow Park

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

289. View 6 Old Kent Road looking south east

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

290. View 7 New Cross Road, junction with Pomeroy Street

The view includes a cluster of the Grade II listed buildings including Carlton Cottages and 3-15 New Cross Road. The view demonstrates that the proposed development would be almost entirely occluded by the collection of point blocks in the Tustin Estate. The proposed development may be glimpsed through the gaps between buildings in the Estate, but would have a negligible impact on the composition of the view or the experience of receptors travelling west along New Cross Road.

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

In the middle ground of the view, the tall and large Grade II listed No 13 Gasholder is visible and forms a landmark within the frame. The proposed development will be

visible to the north of Old Kent Road. In views travelling east, it will contrast with the rotund shape of the gasholder. The contrast between the two, slender and broad, perforated and solid-masonry, will be an attractive juxtaposition. In the wider context, it will be seen as part of the cluster around the new station to the Bakerloo line extension. As such, it will reinforce the proposed hierarchy of buildings, places and streets identified in the AAP. In the cumulative context the proposed development would be seen in conjunction with Devonshire Square. The scale (height) of the proposed development would be subservient to the Devonshire Square scheme, in accordance with the hierarchy of buildings, places and streets identified in the AAP.

**Image: View 8 from Old Kent Road (cumulative with Devonshire Square)**



292. View 10 Brimington Park

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

293. View 12 Caroline Gardens

The viewpoint is located within the Caroline Gardens Conservation Area which contains a series of listed buildings which are associated with the Caroline Gardens estate and Licensed Victuallers' Benevolent Institution. The proposed development

would be partially visible in the backdrop of the view, with the lower half of the building being obscured by interposing development and mature trees. The proposed development has slender proportions that will form an attractive skyline feature and will improve the visual amenity of the view with high quality architecture. In the wider context, it will be seen as part of the cluster around the new station to the Bakerloo line extension. The cumulative context demonstrates further significant change to the view. The variation in scale would form an attractive skyline profile. The proposed development would be seen in conjunction with Devonshire Square. The scale (height) of the proposed development would be subservient to the Devonshire Square scheme, in accordance with the hierarchy of buildings, places and streets identified in the AAP.

**Image: View from Caroline Gardens**



Borough Protected Views

294. Although of limited weight, the draft NSP, Policy P21, 'Borough Views', states that development must preserve or where possible positively enhance the borough views which have been identified. The Borough View potentially impacted on by the proposed development is the linear view of St Paul's Cathedral from Nunhead Cemetery.
295. The assessment of this view is that the proposed development would be obscured by tree branches to such an extent that it would be virtually indiscernible, even in winter. It is considered that there would be no harm to this view.

**Heritage and townscape considerations**

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

296. The application site does not sit in a conservation area and it contains no listed buildings. The nearest designated heritage asset is the Grade Gasholder No. 13. The existing buildings and structures on the application site share no historical

relationship with these listed buildings and are not considered to contribute positively to their setting. The public square will open up new routes across Devonshire Square that will improve the functionality of the wider area and the wider benefits brought about has the potential to improve the setting of the gasholder and help secure its long-term conservation. Whilst there are other listed buildings further afield from the site, these would be some distance from the proposed development and would be screened by the emerging tall buildings in the Opportunity Area.

297. There are no conservation areas in the immediate vicinity of the site, but Caroline Gardens Conservation Area and Hatcham Conservation Area are nearby and would have views of the development. The submitted impact assessment demonstrates that in the emerging cumulative context the proposed development would preserve the setting of the Caroline Gardens Conservation Area and the listed buildings within its boundary. Due to the separating distance between the Hatcham Conservation Area and the site and the limited visibility and the slender proportions of the proposed development, the proposed development would preserve the setting of the Hatcham Conservation Area.
298. Although of very limited weight, the draft OKR AAP also identifies buildings and features of townscape merit and buildings of architectural or historic interest. The western wing on the existing building has been identified as a building of townscape merit. The building is constructed of red brick with painted south elevation. The south gable end is not fenestrated, but has some limited townscape interest due to the profile of its M-shaped roof. In contrast, the western elevation is not fenestrated and has no features of architectural interest. The eastern elevation comprises arched windows, which feature gauged brick window headers. The applicant has acknowledged the principles of the AAP vision and sought to incorporate the character of the existing southern gable as part of the development. The location of the warehouse has informed the proposed layout of the buildings and central public space. The building floor plan forms an 'L' shape framing a public square in the south-east corner of the site. The southern section of the existing building will be retained and intergrated into the development to form a two storey commercial wing to the southwest portion of the site and the external elevation will be modified with new window openings in the gable end... As a whole, the materials reinforce the industrious character of the area, in accordance with the AAP. The proposed development thus preserves those elements of the warehouse that have heritage value derived through their townscape appearance.

**Image: The southern gable wall of the existing building**



**Image: View of development from Devonshire Grove and reconstructed two storey element**



299. Officers consider that the part retention and integration of the existing building on the site would be in keeping with the aspirations of the AAP.

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

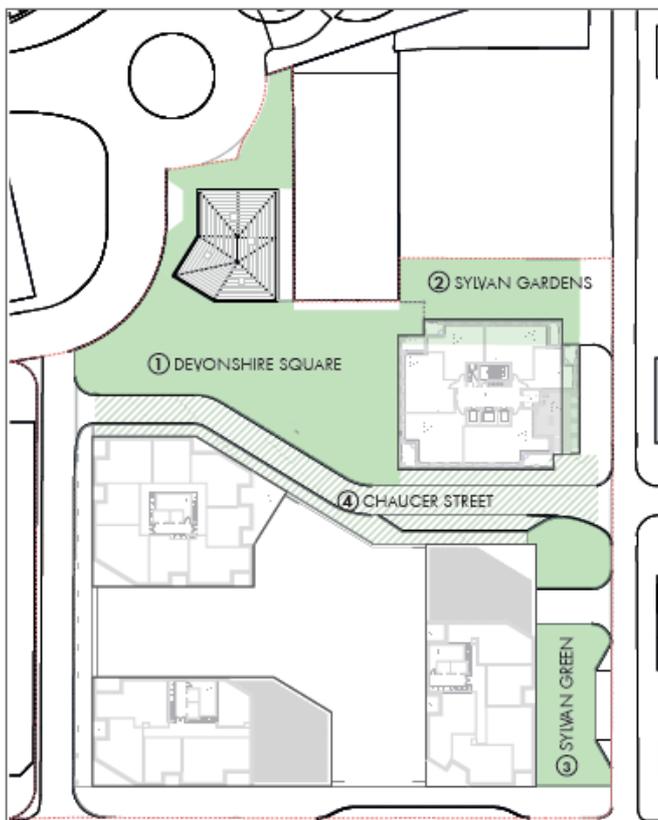
300. In conclusion, it is clear from the assessment that the proposed development would have impacts on some of the views assessed. However, in the majority of cases, the impact is not considered to be harmful. Indeed in some views it is considered beneficial. The quality of design would be high.

**Impact on trees and landscaping**

301. Saved Policy 3.13 of the Southwark Plan requires high quality and appropriately designed streetscape and landscape proposals. The applicant has submitted a Tree survey and the only vegetation growing within the site is a row of shrubbery and young trees close to the car park entrance which are Category C trees. Other trees included in the survey are 3 street trees and a group of four young Hornbeam growing in a grass verge adjacent to the recycling depot. All off-site trees are to be retained and fenced off outside of the construction site. The only arboricultural impact shall be the loss of two young trees T1 and T2 as well as adjacent shrubs. They are considered to have a low amenity value and their removal shall not have a significant impact on the visual amenity of the locality.
302. It is proposed to plant a minimum of 16 trees which is significantly more than what is on site. The long term impact of the development shall be a significant increase in tree cover and an improvement in local amenity. The canopies and root protection areas of all retained trees shall not be impacted upon by any construction activity or future foundations or building.
303. The council's Urban Forester has reviewed the proposals and considers that the proposed landscaping more than adequately mitigates any loss of amenity or canopy cover. It is recommended that a specific tree planting condition be recommended to capture the two street trees outside the applicant's ownership on Sylvan Grove.
304. The overall landscape theme is for a 'garden square', which would sit adjacent to the larger civic space in the Devonshire Square development. The garden square extends across Sylvan Grove providing public realm improvements to the existing street and maximising the development's provision of public open space and having the potential to connect the 3 predominantly residential buildings at the northern end of Sylvan Grove. The landscape design is considered to allow for through routes across the site and would respond well to the activities planned for the ground floor of the proposed development and available to both residents, visitors and those working in the commercial building. The public realm and streetscape would be fully accessible, and would provide level thresholds between internal and external spaces and across the public realm.

305. In order to ensure consistency within the site and with adjoining land owners at Devonshire Square who will deliver the adjoining public space the landscape proposals for this development need to be carefully coordinated with those of the neighbouring site. There have been a number of meetings with adjoining landowners to ensure that this is the case. Officers are currently developing an open space strategy for the OKROA and the principles of that strategy would be applied in discharging the conditions.

**Image: Open spaces including Devonshire Square development**



**Public open space diagram**

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

306. Saved Policy 2.5 'Planning obligations' of the Southwark Plan and policy 8.2 of the London Plan advise that Local Planning Authorities should seek to enter into planning obligations to avoid or mitigate the adverse impacts of developments which cannot otherwise be adequately addressed through conditions, to secure or contribute towards the infrastructure, environment or site management necessary to support the development, or to secure an appropriate mix of uses within the development. Further information is contained within the council's adopted Planning Obligations and Community Infrastructure Levy SPD. A s106 Legal Agreement is currently being drafted which should include clauses to secure the following:

307. Archaeology: £11,171

Affordable Housing Monitoring: £132.35 per affordable property, 219 x 132.35 = £7808.65

Carbon offset – green fund: £116,180

Communal amenity space: £96,965

Public Open Space: £80,975

Contributions to the bus network: £591,300.

DSP Bond: £22,500

Santander bicycle hire scheme: £10,950

Construction management plan review and monitoring: £8,760

Greenfield runoff rates: £0 (£366 per cubic metre shortfall against greenfield run off rates)

Trees: Two street trees, with in-lieu payment of £6,000 if not feasible to be planted elsewhere at suitable locations in the vicinity.

Section 106 admin charge at 2% of total (excluding the DSP and those contributions that are either separate monitoring contributions or a monitoring contribution is already being collected for this particular obligation)

308. In addition, the following non-financial contributions would be secured within the s106 Legal Agreement:

- Affordable housing provisions, including provision for an early stage review;
- Not more than 50% of the private apartments would be occupied until 50% of the affordable units are complete.
- At least 10% of dwellings to be fully wheelchair accessible (Marketing, allocation and fit out);
- Jobs, skills and training during construction period (including fall-back financial contribution if targets not met);
- Jobs, skills and training once the proposed development is operational (including fall-back financial contribution if targets not met);
- An employment, skills and business support plan;
- 10% of the work space to be affordable work space (see terms below);
- Appointment of workspace co-ordinator;
- Practical Completion of the commercial space to be at the same time, or before, Practical Completion of the residential units above. All commercial spaces to be completed with mechanical and electrical services fitted out, including heating and cooling / ventilation;

- 3 years car club membership for all eligible adult residents of the proposed development;
- Future SELCHP connection to the non-domestic component;
- Demolition Environment Management Plan;
- Final Construction and Environment Management Plan;
- Social rent service charges within the rent cap;
- Service management plan;
- Public access to open space;
- Access to the internal community room for residents at 8-24 Sylvan Grove and local TRA groups.

#### S278 works outline

309. The council's Highway Officers have indicated that works required through a S278 Agreement would include:

- contribution towards the reconstruction of the Sylvan Grove carriageway which from its junction with Old Kent Road to the other end. Because of three proposed major developments (one now completed) either side of the street, LBS Highways decided that it was not judicious for the carriageway reconstruction work to be done ahead of the developments being constructed. Each developer would still be expected to repave the footway, including new silver grey kerbs, in front of their site.
- Repave the footway on Sylvan Grove fronting the development and extending to its north eastern end. Vehicle crossovers to be constructed to the relevant SSDM standards.
- Promote a TRO to rationalise parking arrangements on Sylvan Grove.
- As Sylvan Grove is a cul-de-sac, it is mandatory to provide a vehicle turning facility hence the need to locate the proposed sliding gate further back into the car park. This can be as part of the detailed design through S278 works.
- Prior to works commencing on site (including any demolition) a joint condition survey should be arranged with Southwark Highway Development Team to catalogue condition of streets and drainage gullies.

#### Affordable workspace terms

310. The final details of the affordable workspace offer are subject to negotiations of the s106 Agreement, but at least 303sqm GIA, would be secured and the length of term being 15 years at £12 per sqft.

311. The S106 heads of terms agreed would satisfactorily mitigate against the adverse impacts of the proposed development. In the event that a satisfactory legal agreement has not been entered into by 8 February 2021 it is recommended that the director of planning refuses planning permission, if appropriate, for the following reason:

*The proposal, by failing to provide for appropriate planning obligations secured through the completion of a S106 agreement, fails to ensure adequate provision of affordable housing and mitigation against the adverse impacts of the development through projects or contributions in accordance with saved policy 2.5 'Planning*

*Obligations' of the Southwark Plan (2007), strategic policy 14 'Delivery and Implementation' of the Core Strategy (2011), policy 8.2 'Planning obligations' of the London Plan (2015) and the Planning Obligations and Community Infrastructure Levy SPD (2015)".*

### **Mayoral and Southwark Community Infrastructure Levy (CIL)**

312. Section 143 of the Localism Act states that any financial contribution received as Community Infrastructure Levy (CIL) is a material “local financial consideration” in planning decisions. The requirement for payment of the Mayoral or Southwark CIL is therefore a material consideration. However, the weight attached is determined by the decision maker. The Mayoral CIL is required to contribute towards strategic transport investments in London as a whole, primarily Crossrail, while Southwark’s CIL will provide for infrastructure that supports growth in Southwark.
313. In this instance a Mayoral CIL payment of £1,263,512.69 and a Southwark CIL payment of £4,587,392.30 would be required. These are pre-social housing relief figures and accordingly would be reduced when the CIL Social Housing Relief claim is submitted after the grant of planning permission.

### **Sustainable development implications**

314. Policy 5.2 of the London Plan requires major developments to provide an assessment of their energy demands and to demonstrate that they have taken steps to apply the Mayor’s energy hierarchy. Policies 5.5 and 5.6 require consideration of decentralised energy networks and policy 5.7 requires the use of on-site renewable technologies, where feasible. Of note is that residential buildings must now be carbon zero, and non-domestic buildings must comply with the Building Regulations in terms of their carbon dioxide emissions (35% reduction against part L of the Building Regulations 2013).
315. The carbon dioxide savings exceed the on-site target set for domestic/non-domestic uses. However, the strategy does differ from the hierarchy and this is discussed further below.
316. Be lean (use less energy)

The energy strategy centres on reducing heat losses and demands. Sufficiently reduced demands allow local heat pumps to deliver comfortable spaces and hot water sourced from recycled internal heat gains without needing any large and costly heating networks and centralised plant. Energy efficiency measures include a range of measures including:

- High-performance façade optimising levels of insulation and shading;
- Efficient building airtightness;
- Solar control measures;
- Low energy lighting throughout.

What stands out in this development is that each dwelling is provided with a two-stage Mechanical Ventilation with Heat Recovery (MVHR) with exhaust air heat

pump (2-stage MVHR+EHP) for recovery and recycling of waste heat and upgrading temperatures in so much as is necessary. This proposes a 'Heat Autonomy' energy strategy. The regulated carbon saving achieved in this step of the Energy Hierarchy is 17% for domestic element and 16% for non-domestic element.

Be clean (supply energy efficiently)

317. The GLA in their Stage 1 report had commented that the applicant should provide a commitment to ensure that the development is designed to allow future connection to a district heating network. It was also requested that the applicant should propose a communal heat network supplied by a centralised energy centre, as the development is within an opportunity area for district heating.
318. The applicant has since responded to the comments. Their energy strategy has been designed so that the residential units enhanced 'fabric first' and associated measures have been specifically matched to in-dwelling recycled heat sources availability for the coldest winter day. This exemplar development seeks to demonstrate how BE LEAN coupled with heat pumps can maximise on-site secondary heat sources. By prioritising BE LEAN, heat demands have been specifically matched to secondary heat sources. Consequently the applicant has argued that there is no requirement for any additional centralised energy centre or any district heating connection.
319. Due to its 'Heat autonomy' strategy and under these circumstances the draft new London Plan Policy SI-3 and associated presumptions on district heating are no longer applicable because there is no longer any heat to deliver, or indeed economic basis to warrant such a supply. Discussions between the GLA, the applicant and Council Officers have taken place and an updated energy assessment includes the results of a comparative study between the SELCHP district heating system and proposed 'Heat Autonomy' design.
320. In summary, a switch to the SELCHP district heating system for Sylvan Grove would mean no additional carbon savings, increase in heat bills including heat system service charge, increase in quantity of delivered energy for heat. The Heat autonomous solution reduces plant maintenance/replacement costs.
321. The proposed 'heat autonomy' design was presented and proposed as an exemplar, along with the council's expectations for the future expansion of the SELCHP district heating. Following further analysis clarification, it is considered that the proposed 'Heat Autonomy' approach achieves similar carbon savings and addresses wider policy aspects, and therefore no objections to the proposed energy strategy is raised in this instance.
322. Notwithstanding the above, the GLA had made a comment that the applicant should provide a commitment to ensure that the development is designed to allow future connection to a district heating network.
323. The applicant has responded that there is the potential to connect the commercial / light industrial development areas to a future district heating system. Space for a future district heating connection is provided for the 3000m<sup>2</sup> of non-domestic space

which has an in-building 'ambient loop' water network. It is considered that the development should be future proofed to allow connectivity to the SELCHP DHN when it becomes available in the future and would be secured through the s106 Agreement. However, should a feasibility study (secured in the s106 agreement) demonstrate that the current strategy be the better solution then that requirement to connect to the DHN would not be required.

#### Be Green (low or carbon zero energy)

324. The MVHR energy benefits are included in the BE LEAN part of this report. The heat pump benefits and associated systems efficiencies are included in the BE GREEN part of this report. For the Be Green stage a number of renewable technologies have been appraised in terms of their technical, physical and financial feasibility, as potential renewable systems for use on the project. The technology which best suited is Photovoltaic (PV) panels and air source heat pump (ASPH) on-site. The saving for the domestic element would be 53%. For the non-domestic elements there would be a 45% reduction over the site wide baseline level.
325. The overall predicted reduction in CO2 emissions from the baseline development model (which is Part L 2013 compliant) is approximately 70% for the domestic element, which represents an annual saving of approximately 150 tonnes of CO2. For the non-domestic element there would be a reduction of 61%, representing an annual saving of 26 tonnes of CO2.
326. To enable the domestic element to meet zero carbon target, a one-off carbon offset payment of approximately £116,180 will be required in line with Southwark's Core Strategy and London Plan Policy. This figure is based on a shortfall of 1 tonne CO2 per year for a period of 30 years at a rate of £60/ tonne of CO2. The Applicant has agreed to make this contribution, which would be secured through the s106 Agreement and would therefore make this aspect of the scheme fully policy compliant.

#### Overheating and cooling

327. Policy 5.9 of the London Plan "Overheating and Cooling" states that major development proposals should reduce potential overheating and reliance on air conditioning systems and demonstrate this in accordance with the cooling hierarchy. This policy seeks to reduce the impact of the urban heat island effect.
328. Following the GLA's Stage 1 comments which seek more details on the sample apartments tested and other calculations and modelling. An overheating study was undertaken to enable the site to mitigate the risk of overheating. The proposals to demonstrate compliance are as follows:
- Minimise internal heat generation through energy efficient design;
  - Energy efficient enhanced ventilation systems, thermal insulation on pipework and low energy lighting;
  - Energy efficient facades with appropriate proportions of glazing;
  - Blinds for shading;
  - MVHR units for background ventilation.

## BREEAM

329. Strategic Policy 13 of the Core Strategy requires commercial units to achieve BREEAM “excellent”. A BREEAM Pre-assessment report has been undertaken which demonstrates that a “Excellent” standard can be achieved and meets the required “Excellent” standard.

## Ecology

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

## Flood Risk and Water Resources

332. The application site is located within Flood Zone 3, which is considered to be ‘High Risk’ but does benefit from the Thames tidal defences.
333. The proposed development has been designed to ensure that the buildings would be protected from surface water flooding through a new drainage system. Sustainable Drainage Systems (SUDs) in the form of combined blue-green roof system at roof level in conjunction with permeable paving for the access roads, below ground attenuation storage and infiltration systems at ground level. The Environment Agency (EA) raises no objections and considers that the development will be at low risk of flooding. Conditions were recommended by the EA and it is considered prudent to impose these.
334. The council's Flood Risk and Drainage team have also reviewed the submitted material and Drainage Strategy. After initial review, the applicant has submitted a revised strategy and demonstrates that the development would limit surface water discharge rates to greenfield rates (2.2 l/s) for the 1% AEP storm + climate change allowance using a range of SUDs features. The final strategy will need to be confirmed at detailed design stage. A condition is therefore recommended for the submission of a final drainage strategy for review and consideration if any changes are made at that stage.
335. A greenfield runoff rate offset of £366 per cubic metre will be secured in the event that there is a shortfall in attenuation required to limit surface water run off, which is required by the draft AAP 11.

### Fire safety strategy

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

### **Archaeology**

337. The site is currently within the Bermondsey Lake Archaeological Priority Zone (APZ) designated for its potential for prehistoric and paleo-environmental remains. Once Southwark's new archaeological priority areas are formally adopted, the application site will be within the Tier 1 'North Southwark and Roman Roads' Archaeological Priority Area. Significant archaeological remains predominately of prehistoric and Roman date have been discovered in the general Old Kent Road area from a number of sites. However, previous excavations which have taken place to the immediate west, north and south of the application site have been largely negative. The applicant has submitted a desk based assessment (DBA) which is a very thorough piece of archaeological research. The DBA identifies the potential for archaeological remains to survive on this site. The council's Archaeological Officer has reviewed the DBA and raises no objections and has recommended conditions.

### **Environmental considerations**

#### **Contaminated land**

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

### Hazardous sites

340. Paragraph 45 of the NPPF states that local planning authorities should consult the appropriate bodies when planning, or determining applications, for development

around major hazards. The site was located within the designated Consultation Distance of a Major Hazard Site (Old Kent Road Gasholder Station, 709 Old Kent Road) and as such the Health and Safety Executive (HSE) was a statutory consultee for this application. However, subsequent to the consultation, the council as the Hazardous Substances Authority made an order to the Secretary of State for Housing, Communities and Government to revoke the Hazardous Substances Consent on 5 February 2020.

341. HSE then confirmed in writing that the hazardous substances consent has been formally revoked and HSE has removed the consultation distance and has withdrawn their initial comments.

#### Air quality

342. The site lies within an Air Quality Management Area (AQMA). This means the air quality is poor, with high levels of pollutants including particulate matter (PM10) and nitrogen dioxide (NO2). Southwark Plan Policy 3.6, Air Quality, states that planning permission will not be granted for development that would “lead to a reduction in air quality.” London Plan (2016) Policy 7.14 states that development proposals should minimise increased exposure to existing poor air quality and make provision to address local problems of air quality.
343. The applicant has submitted an air quality assessment, reporting on the potential impacts of the proposed development on local air quality. This identified that during the construction phase there would be a medium risk of impacts in the absence of suitable mitigation. It has recommended that suitable mitigation be provided through a series of measures set out in a detailed dust management plan prior to the start of demolition and construction works. Once operational and occupied, the development is not expected to raise significant air quality impacts. An air quality neutral assessment has shown that the proposed development would meet both the Building Emission Benchmark and Transport Emission Benchmark and is therefore air quality neutral. The mitigation measures will be secured through the CEMP required by the s106 Agreement.
344. The council’s EPT has reviewed the assessment and raised no concerns or objections relating to air quality.

#### Wind and microclimate

345. The applicant has submitted a Pedestrian Level Wind Microclimate Assessment, which looks at the likely impacts of the proposed development on wind and microclimate in terms of pedestrian safety and comfort and to ensure that wind conditions around the site do not adversely interfere with the intended pedestrian activities, so that all public spaces have amenable environmental conditions.
346. Three scenarios have been analysed :
- Baseline: the existing wind environment at the site
  - Proposed: the proposed development within the context of existing surrounds
  - Cumulative: the proposed development within the context of future/consented surrounds.

347. It concludes that although many areas of the site would have acceptable wind conditions in the presence of the proposed development, several locations within and around the site would have wind conditions that are windier than desired for their respective uses. Furthermore, there would also be several occurrences of strong winds which require mitigation measures. The assessment provides details of the locations which would require mitigation measures in the context of the existing surrounding buildings. In the cumulative scenario, the conditions would improve as the Devonshire Square development would be in place, but there would be localised windier conditions in some areas. It recommends that in the event the Devonshire Square development does not come forward prior to the proposed development the suggested mitigation measures should be developed and verified through further wind tunnel testing to ensure effectiveness of the mitigation strategy.
348. Officers consider that it is reasonable to require the suggested mitigation measures and details to be submitted (included with landscape detailed design condition). Subject to the imposition of a wind mitigation condition, the impacts of the scheme on the local wind microclimate would be acceptable.

#### Aviation

349. National Air Traffic Services (NATS) were consulted and raises no objection to the scheme.

#### Telecommunications and Electronic Interference

350. Arqiva (who own and operate the UK Terrestrial Television Broadcast network and supply the Freeview platform) was consulted but no comments have been received.

#### **Conclusion on planning issues**

351. The proposed development would result in the introduction of residential uses into the SIL and would therefore represent a departure from the adopted development plan. However, the adopted London Plan (2016) clearly identifies the Old Kent Road as an opportunity area which will undergo significant transformation with substantial growth including new housing. In advance of emerging policy being adopted, and SIL being formally released, this proposal must be weighed against the wider regeneration benefits of the scheme.
352. The proposed development would increase the numbers of jobs on the site and deliver new housing, including more than 35% affordable housing in terms of habitable rooms. Affordable workspace has also been proposed. Recognising the changing character and uses carried out in the immediate area and the adjoining Devonshire Square development, it is not felt that any harm to existing businesses would arise by the introduction of housing. In light of this it is considered that the principle of the proposed development should be supported in this instance.
353. The proposal would deliver a good standard of accommodation and would address the majority of standards as set out in the residential design standards.

354. A new publicly accessible park and associated public realm would improve permeability across the site allowing for this part of the OKR OA to achieve its full connectivity including pedestrians and cyclists.
355. The potential impacts identified are not considered to be significant to adversely impact on neighbouring residents. The existing nearby residents would have adequate outlook and privacy. The loss of daylight levels to 8-24 Sylvan Grove is acknowledged, but this is primarily a result of its own design.
356. The building height proposed would represent a step change in the existing scale of the area, but as an Opportunity Area site, it is considered that the height proposed would be in accordance with the objectives of the London Plan (2016), in that it would optimise the development potential of the site. Furthermore, it would sit well with the approved Devonshire Square development and would not harm any nearby heritage assets. The protected views would not be harmed. The design and materiality is considered to respond well and complimentary to the schemes that have been approved. The ground floor pedestrian experience would be vibrant and well animated with ground floor frontages enhancing the surrounding area.
357. In order to ensure that on-street servicing and deliveries do not negatively impact on the highway network, the applicant has agreed to enter into a Delivery Service Plan Bond with the council. Cycle and car parking levels are acceptable, and innovative proposals to encourage people to use alternative transport measures, such as contribution to the Santander cycle hire docking station are welcomed.
358. It is therefore recommended that planning permission be granted subject to conditions, referral to the Mayor of London and the completion of a s106 Legal Agreement under the terms as set out above.

#### **Consultations**

359. Details of consultation and any re-consultation undertaken in respect of this application is set out in Appendix 1.

#### **Consultation replies**

360. Details of consultation responses received are set out in Appendix 2.

## **Statement of community involvement**

361. Consultation was carried out by the applicant prior to the submission of the planning application. The applicant has submitted a Statement of Community Involvement and the Engagement Summary (required by the Development Consultation Charter). The consultation was carried out with the local community and key stakeholders from the area and included the following forms of activity:

- Two public exhibitions held on the 19 and 21 January 2019 on the site;
- Advertising for the exhibitions involved almost 1,900 leaflets being sent to local residents and businesses within the surrounding area of the development site and existing Daisy Business Park tenants;
- A dedicated project website [www.sylvangrove.co.uk](http://www.sylvangrove.co.uk) , A1 signs on the day of the exhibitions, and an advert in the Southwark News;
- 34 people attended the public exhibition, including tenants of the site, a Southwark councillor for Old Kent Road ward and a representative of Southwark Cyclists;
- A meeting between the project team and ward councillor for Old Kent Road on 5 April 2019;
- A drop-in session for the existing tenants of Daisy Business Park took place on 29 November 2018;
- Pre-application discussions and meetings with Southwark Officers.

362. To summarise, the points raised from the consultation exercise were:

- Mixed response to the building heights proposed, given the tall buildings coming forward elsewhere locally;
- The impact of odours from the waste management facility on the residential accommodation;
- How the redevelopment of Daisy Business Park fits into the wider
- Old Kent Road regeneration and the proposals for Devonshire Square;
- The timeline for existing tenants and how long they were able to remain on the site for;
- Support for tenants who are looking to relocate and/or return to the site once complete;
- Loss of parking for businesses;
- Potential increase in rents for returning businesses;
- Potential to provide 4 bedroom units;
- Possible impact on daylight and sunlight levels to existing Sylvan Grove residents.

## **Community impact statement / Equalities Assessment**

363. 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:

- a) The need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act

- b) 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
- c) 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.

364. The protected characteristics are: race, age, gender reassignment, pregnancy and maternity, disability, sexual orientation, religion or belief, sex, marriage and civil partnership.
365. The council must not act in a way which is incompatible with rights contained within the European Convention of Human Rights.
366. The council has given due regard to the above needs and rights where relevant or engaged throughout the course of determining this application. This is addressed in detail in the relevant section of this report.
367. Officers are of the view that the development would not cause disadvantage to those with protected characteristics. This is further discussed below.

#### Access and equality measures

368. The Design and Access Statement contains a section on 'Inclusive Access' which sets out measures which would be incorporated into the development to assist people with mobility impairments, visual impairments, deaf people, older people and small children. Measures which would be incorporated include level access to buildings and communal amenity areas, the entrance of the building and the public park; access to lifts for all the proposed dwellings; wheelchair accessible and adaptable residential units and wheelchair accessible parking spaces. Pedestrian access routes are defined as the most direct and convenient pedestrian routes linking key parts of a development. They are designed to be inclusive and have access features such as gentle gradients, suitable surfaces and rest point. . All routes meet or exceed the Building regulations of Approved Document Part M 2015.

#### Positive equality impacts

#### Provision of new housing including affordable housing

369. The Strategic Housing Market Assessment (SHMA) prepared on behalf of a number of South East London boroughs states that Southwark, together with Lewisham, has the most ethnically mixed population in the South East London sub-region. Compared to the population at large a very high proportion of Black households (70%) are housed in the social/affordable rented sector. These groups could therefore stand to benefit from the proposed affordable housing, which would include social rented units and larger family sized flats.

Improved and more accessible public realm

370. Physical measures such as the level surfaces, resting places and a number of pedestrian routes proposed could particularly benefit disabled people. There would be improved connections to the wider area which would benefit older people, disabled people, young people, women and children.

Affordable Work Space

371. The proposed development would include new affordable work space. The unit would be marketed to businesses based in the Old Kent Road Opportunity Area for nine months before being marketed to businesses in the rest of Southwark. As discussed elsewhere in this report the development won't prejudice the continued operation of the neighbouring church on Sylvan Grove.

**Human rights implications**

372. This planning application engages certain human rights under the Human Rights Act 1998 (the HRA). The HRA prohibits unlawful interference by public bodies with conventions rights. The term 'engage' simply means that human rights may be affected or relevant.

373. This application has the legitimate aim of providing new residential, retail, office development and destination space. 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.

**BACKGROUND DOCUMENTS**

Background Papers	Held At	Contact
Site history file: TP/2419-19 Application file: 19/AP/2307 Southwark Local Development Framework and Development Plan Documents	Chief Executive's Department 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: <a href="mailto:planning.enquiries@southwark.gov.uk">planning.enquiries@southwark.gov.uk</a> Case officer telephone: 0207 525 7194 Council website: <a href="http://www.southwark.gov.uk">www.southwark.gov.uk</a>

## APPENDICES

No.	Title
Appendix 1	Consultation undertaken
Appendix 2	Consultation responses received
Appendix 3	Recommendation

## AUDIT TRAIL

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