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<b>Item No.</b> 6.1	<b>Classification:</b> OPEN	<b>Date:</b> 21 April 2021	<b>Meeting Name:</b> Planning Committee
<b>Report title:</b>	<b>Development Management planning application:</b> Application 20/AP/2701 for: FULL PLANNING APPLICATION  <b>Address:</b> 671-679 OLD KENT ROAD LONDON SE15 1JS  <b>Proposal:</b> Demolition of all existing structures and erection of a part 10, part 12 storey plus basement mixed-use development comprising 257sqm flexible Class E floorspace (Commercial, business and service), and 267 purpose-built student accommodation rooms with associated amenity space and public realm works, car and cycle parking, and ancillary infrastructure.		
<b>Ward(s) or groups affected:</b>	Old Kent Road		
<b>From:</b>	Director of Planning		
<b>Application Start Date</b>	18/09/2020	<b>Application Expiry Date</b>	18/12/2020
<b>Earliest Decision Date</b>	05/11/2020		

## RECOMMENDATION

1. a) That planning permission is granted, subject to conditions and referral to the Mayor of London, and the applicant entering into an appropriate legal agreement by no later than 21 of October 2021  
  
b) In the event that the requirements of (a) are not met by 21 of October 2021 that the Director of Planning be authorised to refuse planning permission, if appropriate, for the reasons set out at paragraph 258 of this report.

## EXECUTIVE SUMMARY

### Site at 671-679 Old Kent Road



Site location plan

### **Existing site (Paragraph 8)**

- Single-storey KFC restaurant with drive-through function and 15 car parking spaces.
- KFC no longer wish to operate a drive-through restaurant on the site thus creating the opportunity for a more sustainable development that optimises the site's potential.
- Site area = 0.14 hectare
- 3 trees on site (Category B) and two immediately outside the boundary on Old Kent Road, all of which are the subject of a TPO.

### **Proposed Development (Paragraphs 9 -16)**



### Student accommodation mix

- 267 bedspaces (including 10% wheelchair accessible) comprising cluster flats and independent studios

	No. Floors	Ensuite	Studio	Accessible Studio	Accessible Ensuite	Total
<b>Floor</b>						
Ground	1	0				0
1st	1	22	2		1	25
2nd-9th	8	22	1	2	1	208
10th-11th	2	13	3		1	34
<b>Total bedspaces</b>		<b>224</b>	<b>16</b>	<b>16</b>	<b>11</b>	<b>267</b>
				10.1%		

### Commercial (Class E) use

- 257sqm ground floor flexible commercial unit

### Affordable

- 35% affordable student bedspaces on site and a financial contribution of £2,000,000 for off site affordable housing.

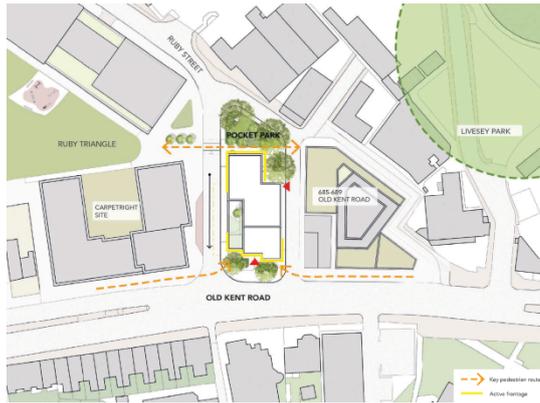
### Accessibility

- Every part of the building can be reached via lift and level access
- 10% of all the en-suite bedrooms are compliant with Building Regulations Part M4(3) Vol 1

### Amenity

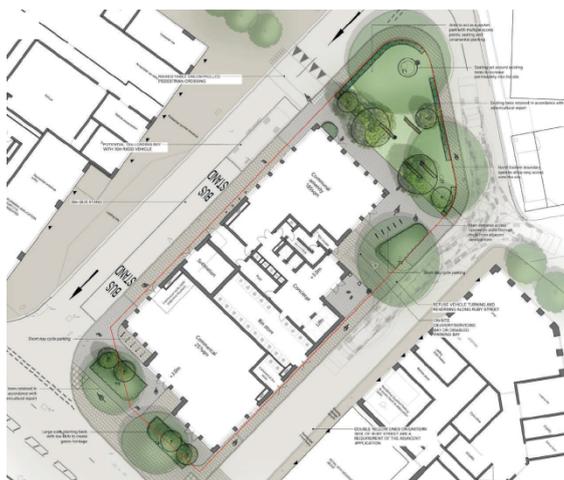
No specific amenity requirement for student accommodation, however, public and private amenity is provided on-site as follows:

- 208sqm internal amenity space comprising communal lounge and dedicated study areas (at ground floor overlooking the pocket park and at first floor)
- 80sqm external amenity space dedicated for student residents (first floor terrace)
- 373sqm “pocket park” – publicly accessible at GF



## **Public realm**

- The proposed building is set back from Old Kent Road thereby increasing the amount of public realm and open space on Old Kent Road in front of the development. A buffer to vehicular traffic is created by retaining the existing street trees on Old Kent Road and through the two low level planters proposed.

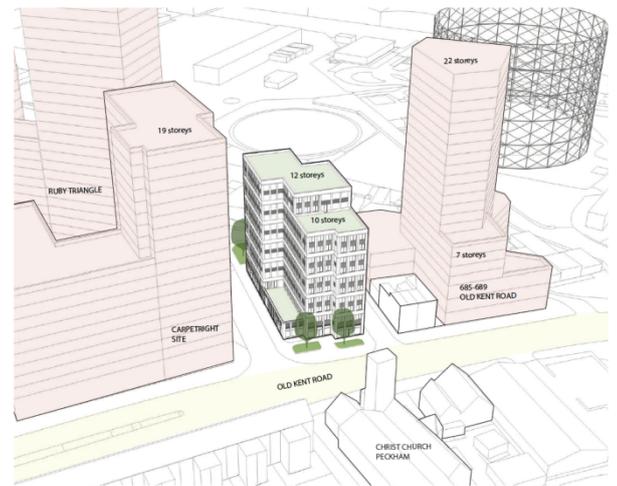


- In accordance with the emerging OKRAAP and NSP, a new publicly accessible “pocket park” is proposed at the rear of the site, sheltered from the main thoroughfare (Old Kent Road). The park is framed by the retained TPO mature trees and facilitates a continuation of the “green chain” linking the new Linear Park on the alignment of the former Surrey Canal with Livesey Park.

## **Heights/massing**

One building of part 10/part 12 storeys (maximum +42.925 AOD), comprising:

- Ground floor – commercial
- Floors 1 – 11 – student accommodation
- 10 storey massing on Old Kent Road to reflect the “shoulder height” envisaged in the OKRAAP, stepping up to 12 storeys at the rear (see diagrams below)
- The massing creates a significant “dip” and transition in scale between the consented schemes either side



### **Parking:**

- One disabled car parking space for student accommodation accessed from Ruby Street.
- 224 cycle parking spaces as follows:
  - 200 x long stay for students + 4 x long stay for commercial use
  - 20 x short stay (cycle stands provided along Ruby Street and OKR)

### **Environment:**

- Net gain in biodiversity
- Greenfield runoff rates
- Net Zero carbon development through a combination of on-site measures and an offsetting payment

### **Energy:**

- The development follows the energy hierarchy, heating hierarchy and cooling hierarchy. Overall, the development achieves a 70.1% CO2 saving over Part L of the Building Regulations for the student element and 53.2% saving for the commercial element.
- On-site measures include efficient systems (e.g. efficient glazing and insulation) PV panels and air source heat pumps.
- Offset payment of c £141k to achieve net zero carbon (based on £95/tonne).
- Long term strategy is to connect to SELCHP heat network.

## **BACKGROUND INFORMATION**

### **Site location and description**

2. The subject site is a 0.14 acre plot located on the northern side of Old Kent Road that is currently occupied by a single storey KFC restaurant with a drive through function and 15 car parking spaces. The site is bounded by Hyndman Street to the west, Ruby Street to the north and east, and Old Kent Road to the south. The rear of the site contains three mature trees, with street trees also found on the footpath along Old Kent Road.
3. The surrounding area surrounding the site is a highly varied townscape consisting of a different uses. The south-west side of Old Kent Road retains some nineteenth century development, including Christ Church, the listed Former Livesey Library and terraces with commercial shops at ground floor and residential flats above. The roads off Old Kent Road on this application side also retain more nineteenth century terraced housing. The north-east side of Old Kent Road, however, was dominated by the gasworks until the mid-twentieth century and is now occupied by large-scale modern commercial warehouses and industrial uses.

**Image: Site Location**



4. A number of bus routes pass the site. The South Bermondsey Station and the proposed Surrey Canal Road Station are within 1 kilometre of the site to the east, and Elephant and Castle and Borough Underground Stations are located circa 1 kilometre to the north west of the site. On the Public Transport Accessibility Level, (PTAL), a rating of 3 is achieved which demonstrates moderate accessibility to public transport options. The location of the site along the Old Kent Road is likely to result in an increase of the PTAL rating given that the proposed Bakerloo Line Extension (BLE).
5. The subject site is located in the Old Kent Road Opportunity Area (OKROA) Sub Area 3 Sandgate Street and Verney Road. Within this Sub Area, the site is identified as being in OKR13. The OKR13 allocation has a total site area of 14.6 hectares with an indicative capacity for the creation of 3,680 new homes and 2,820 new jobs. The Old Kent Road Area Action Plan (OKR AAP) recommends that development on site

should provide a new pocket park at the rear of the site.

- The table below demonstrates the existing area schedule on the application site.

**Table: Existing Area Schedule**

Occupier	KFC
Use Class	E
Sqm (GIA)	226

### **Details of Proposal**

- Planning permission is sought for the demolition of the existing KFC building and associated drive-thru structures to provide a single part 10 part 12 storey building with basement level comprising purpose-built student accommodation (“PBSA”) for one of the University of London’s Southwark-based Member Institutions and replacement commercial floorspace at ground floor. As part of the comprehensive redevelopment of the site, a publically accessible Pocket Park comprising of 373sqm is proposed at the north of the site.
- The development comprises a total of 8,497.70sqm of Gross Internal Area floorspace including the commercial unit, the student accommodation, and other associated back of house and amenity spaces. The table below sets out the proposed floorspace areas within each individual use class.

**Table: Proposed land uses**

<b>Land Use</b>	<b>Use Class</b>	<b>GIA</b>
<b>Student Accom.</b>	Sui Generis	8,240.70 sqm
<b>Commercial</b>	E	257 sqm

- The development would provide 35% affordable student bedspaces within the scheme. Along with the affordable provision for student accommodation, the applicant proposes to offer a financial contribution towards off-site conventional affordable housing of £2,000,000 (the equivalent of £10,152.28 per non-affordable habitable room).
- The development would be car free with provision for 1 off street disabled parking bays. If this bay is not required for disabled student or employee the bay should be prioritised for servicing and/or extending cycle parking provision and not for private car parking.
- Cycle parking is provided in accordance with the emerging new London Plan, comprising a mix of Sheffield Stands, two-tier stands and cargo bike spaces. A total of 223 cycle spaces are provided across the development. The cycle stores for the student element are located within the proposed basement (with two suitably sized lifts) and provision is made within the commercial unit for the cycle parking associated with the commercial use. Visitor cycle parking is provided within the public realm surrounding the site. 201 long-stay spaces and 7 short-stay/visitor

spaces are proposed for the student aspect, with 2 long-stay spaces and 13 short-stay visitor spaces provided for the commercial element.

12. The existing site contains green infrastructure with 5 existing trees, 2 fronting Old Kent road and 3 trees to the rear. The trees fronting Old Kent Road are London Plane trees with the 3 trees to the rear being category B trees. All 5 trees will be retained as part of the redevelopment of the site. An Arboricultural Impact Assessment has been submitted demonstrating a plan to protect the trees during construction works.
13. The pocket park to the north of the site is a 373 sqm area of publicly accessible open space that is dominated by the existing large scale trees which are to be retained. Along with significant landscape proposals to include street furniture and native hedges, the pocket park will link the emerging public spaces of Ruby Triangle and the future Livesey Park by the listed Gas Holder.
14. The scheme proposes 267 student bedspaces from the first floor and above. A mix of ensuite and studio bedspaces is proposed within the development along with accessible ensuite and studio bedspaces. 10% of the accommodation will be wheelchair accessible, equating to 27 of the 267 bedspaces. A breakdown of the accommodation mix is shown in the table below

**Table: Accommodation mix**

Level	No. of Floors	Ensuite	Studio	Accessible Studio	Accessible ensuite	Total
1 <sup>st</sup>	1	22	2		1	25
2 <sup>nd</sup> -9 <sup>th</sup>	8	22	1	2	1	208
10 <sup>th</sup> -11 <sup>th</sup>	2	13	3		1	34
Total		224	16	16	11	267
				10%		

15. The development will provide 288 sqm of communal amenity for students. Of this provision, 185 sqm is proposed at the northern wing of the ground floor that opens out onto the Pocket Park, and the internal layout enables dedicated study rooms to be provided alongside generous spaces for relaxing and socialising. At first floor level, the student residents will also have access to a communal lounge of 23 sqm which opens out onto an external landscaped terrace of 80 sqm that is to be maintained and managed by the on-site management company.

### **Summary of main issues**

16. The main issues to be considered in respect of this application are:
  - Affordable housing;

- Design, layout, heritage assets and tall buildings;
- Public realm, landscaping and trees;
- Student accommodation, including wheelchair units;
- Quality of accommodation;
- Density;
- Impact of proposed development on amenity of adjoining occupiers and surrounding area;
- Transport;
- Noise and vibration;
- Planning obligations (S.106 undertaking or agreement);
- Mayoral and Borough community infrastructure levy (CIL);
- Sustainable development implications;
- Energy;
- Ecology;
- Air quality;
- Ground conditions and contamination;
- Water resources and flood risk;
- Archaeology;
- Wind microclimate;
- Socio-economic impacts;
- Equalities and human rights;
- Statement of community involvement; and
- Other matters

### **Legal Context**

17. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. In this instance the development plan comprises the London Plan 2021, the Core Strategy 2011, and the Saved Southwark Plan 2007. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision-makers determining planning applications for development within Conservation Areas to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. Section 66 of the Act also requires the Authority to pay special regard to the desirability of preserving listed buildings and their setting or any features of special architectural or historic interest which they possess.
18. 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.

### **EQUALITIES**

19. The Equality Act (2010) provides protection from discrimination for the following protected characteristics: race, age, gender reassignment, pregnancy and maternity, disability, sexual orientation, religion or belief, sex, marriage and civil partnership.

Section 149 of the Equality Act 2010 places the Local Planning Authority under a legal duty to have due regard to the advancement of equality in the exercise of its powers, including planning powers. Officers have taken this into account in the assessment of this application and Members must be mindful of this duty, inter alia, when determining all planning applications. In particular Members must pay due regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act; and
  - Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
  - Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
20. As set out in the Essential Guide to the Public Sector Equality Duty (2014), “the duty is on the decision maker personally in terms of what he or she knew and took into account. A decision maker cannot be assumed to know what was in the minds of his or her officials giving advice on the decision”. A public authority must have sufficient evidence in which to base consideration of the impact of a decision.
21. There is one church currently occupying the site at 685-689 Old Kent Road which is the Holy Ghost Zone. The planning consent recently granted to the redevelopment of 685-695 Old Kent Road (ref: 18/AP/0196) would require the demolition and replacement of the Holy Ghost Zone Church at 685-689 Old Kent Road. Whilst this church is close to the subject site, it is not considered that the design of the building or its uses would adversely effect the operation of the church. Likewise, to the south of the site, on the opposite side of Old Kent Road is the Christ Church Peckham. As above, it is not considered that the design and use of the building would effect the operation of the church. Officers are also aware of the Ruby Lounge Nightclub at 14 Ruby Street; however, the nightclub is not understood to serve a community with protected characteristics and so would not require the consideration of equalities impacts. There are no other groups with protected characteristics that would be adversely affected by the development.

#### Other Equality Impacts

22. Proposed enhancements to the streetscape on Old Kent Road would prioritise the movement of pedestrians and promote “healthier, active lives” in accordance with draft Policy AAP 10 of the draft OKR AAP.
23. The proposed development would also generate additional opportunities for local employment. The proposed development would deliver 257 sqm (GIA) of class E floorspace on the ground floor which represents an increase of 31 sqm over the existing floorspace. The proposed scheme would make a substantial contribution to affordable student housing and affordable housing.

#### Conclusion on Equality Impacts

24. The proposed development would not result in any adverse equality impacts in relation to the protected characteristics of religion or belief and race as a result of the

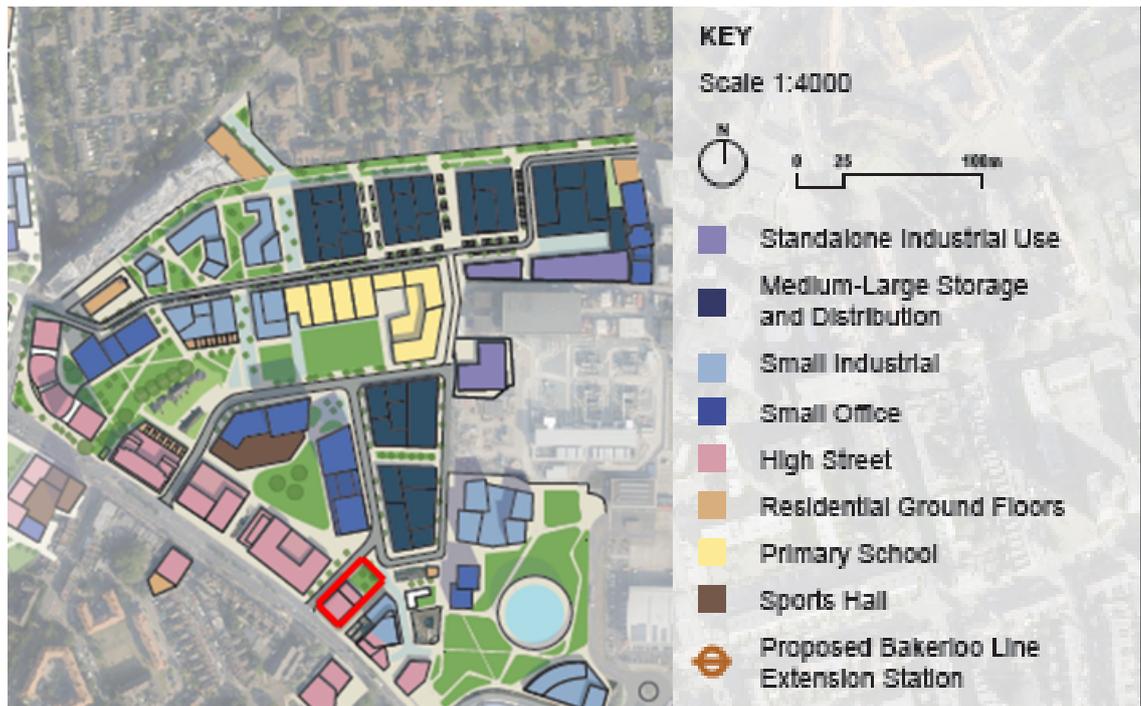
redevelopment of the site to provide a mix used scheme. It would provide greater access to affordable housing, and lack of access to affordable housing does disproportionately impact BAME communities. Increasing access to affordable housing would therefore be a positive benefit of the scheme. Notwithstanding that the development would result in a significant change to the site, Officers are satisfied that equality implications have been carefully considered throughout the planning process and that Members have sufficient information available to them to have due regard to the equality impacts of the proposal as required by Section 149 of the Equality Act 2010 in determining whether planning permission should be granted.

25. The proposed development would undoubtedly result in a significant change to the site. The public sector equality duty does not prevent change but it is important that the council consider the acceptability of the change with a careful eye on the equality implications of that change given its duty under Section 149 of the Equality Act 2010. The council's duty is to have due regard to the objectives identified above when making its decision. In the present context, this means focusing carefully on how the proposed change would affect those with protected characteristics and ensuring that their interests are protected and equality objectives promoted as far as possible.

## **PRINCIPLE OF DEVELOPMENT IN TERMS OF LAND USE**

26. The NPPF (2019) offers a number of key principles that emphasise a focus on driving and supporting sustainable economic development to facilitate the delivery of new homes and commercial business units etc. The application site is located within the Old Kent Road Opportunity Area. In locations such as this, both London Plan and Southwark Plan policies strive for higher density, high quality mixed use developments which assist in addressing the need for new homes and ranges of employment opportunities.
27. In the draft OKR AAP, the site is identified as falling within Proposal Site OKR13. The draft site allocation states that redevelopment on this site must:
  - Provide the same amount of retail and employment floorspace currently on the site and activate the Old Kent Road high street frontage
  - Provide a pocket park that enhances public open space
28. The existing use on the site is not considered to maximise the potential of this Opportunity Area Proposal Site. The proposed replacement of the KFC restaurant with a mixed Class E commercial ground floor and student accommodation above would deliver major regeneration benefits.

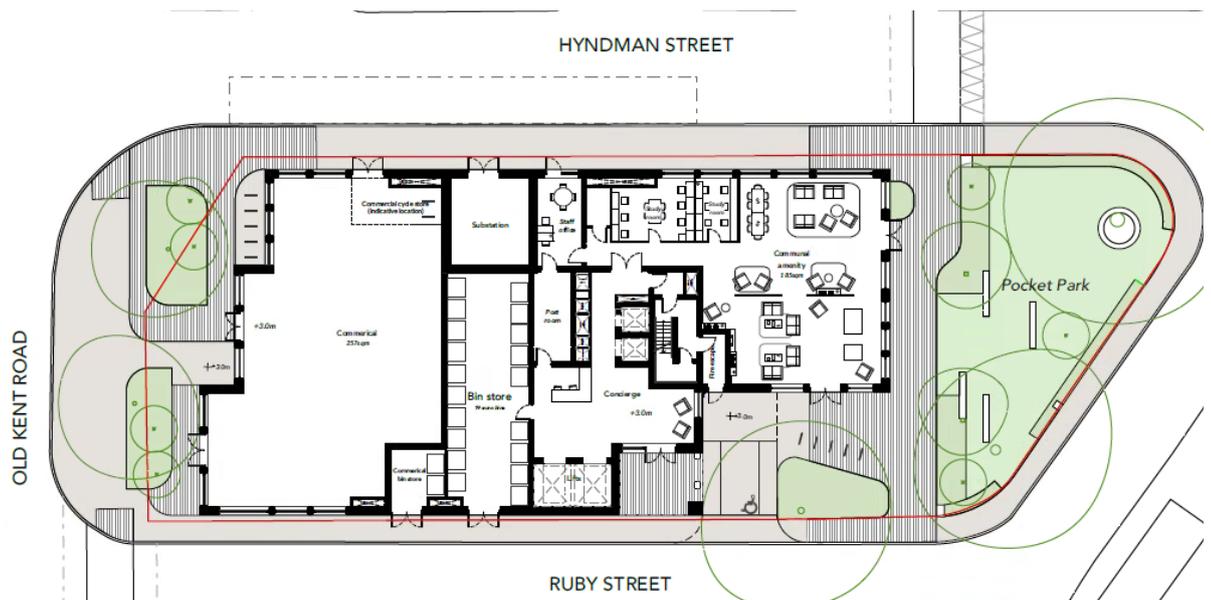
**Image: OKR Sub Area 3, showing Site Allocation OKR13 and typologies – Subject site in red outline.**



### Employment Re-provision

29. The current business on site is a single storey KFC fast food restaurant complete with drive-thru facilities. The floorspace of KFC is 226 sqm. Requirements for redevelopment of the site in accordance with OKR13 involve providing the same amount of retail and employment floorspace. The proposed ground floor unit would be 257 sqm in size an uplift of 31 sqm in retail and employment floorspace. This not only exceeds the existing floorspace provided on site, but also complies with the intention of the site to provide a high street frontage to Old Kent Road.

**Image: Proposed ground floor**



### Job Creation

30. The current onsite employment figure for the existing KFC use is 10 employees. Therefore the development provides uplift in employment space, and is expected to deliver 17 sustained jobs to unemployed Southwark residents, 17 short courses, and take on 4 construction industry apprentices during the construction phase, or meet the Employment and Training Contribution.
31. LBS's Local Economy Team (LET) recognises that there would be uplift in employment floor space, and all LET recommendations would be secured through the Section 106 agreement. If any of these expectations were not to be achieved, financial contributions would be sought in accordance with the council's Planning Obligations and CIL SPD. An Employment, Skills and Business Support Plan would also be secured through the Section 106 Agreement.

### Affordable Workspace

32. Policy P28 (affordable workspace) includes a requirement for development proposing over 500sqm of employment space to include 10% of the proposed gross new employment floor space as affordable workspace on site. The affordable workspace should be secured for at least 30 years, respond to local demand and prioritise existing businesses. As the commercial floorspace on the ground floor is 257 sqm, the development does not meet the threshold to provide affordable workspace.

### Delivery of Student Accommodation

33. Core Strategy strategic policy 8 seeks to allow development of student homes within town centres and places with good access to public transport and the New Southwark Local Plan continues with this ethos, supporting student housing but only in locations which are appropriate for this use and where it would not affect delivery of conventional housing. Whilst the site isn't currently in a defined town centre the draft Old Kent Road AAP proposes to create two new district town centres and this site would be located in one of the new town centres. The Old Kent Road is a good location to accommodate new student housing given the direct bus links to Elephant and Castle and London Bridge and relatively short cycle distance (25-30 minutes) to the three University of London (UoL) Member Institutions campuses within Southwark. These consist of The University of the Arts, King's College London and London South Bank University. Although the Application Site has a PTAL rating of 3, there are numerous bus stops nearby situated along Old Kent Road and Peckham Park Road, providing regular direct services to Temple, Marylebone, Lambeth North, Stoke Newington, Brockley Rise, Plumstead, Deptford Bridge, Honor Oak Park, Lewisham and Peckham.
34. The NPPF does not define residential use as a main town centre use, but it does state that residential development can play an important role in ensuring the vitality of town centres and should be encouraged on appropriate sites. The principle of student accommodation on this site would however be appropriate due to the proposed Town Centre location, excellent level of public transport accessibility and overall accessibility to established higher educational facilities.

35. Policy SD6 Town centres and high streets of the London Plan encourages the enhancement of London's town centres through a diverse range of uses including employment, business space, shopping, culture, leisure, night-time economy, tourism, civic, community, social infrastructure and residential development. It is therefore considered that the principle of student accommodation on this site is suitable. The site is well connected to established higher educational facilities and would help in achieving a mixed and balanced community as part of the objectives required from the OKR AAP. The introduction of students in the OKROA would contribute positively to the Town centre approach as set out in OKR AAP 7 'Town centre, leisure and entertainment'.
36. Student housing is considered as non self-contained accommodation and a 'sui generis' use in the Use Classes Order. Student housing is however considered as housing for monitoring purposes through the council's and the GLA's monitoring reports. The Core Strategy sets a target of providing at least 24,450 net new homes between 2011 and 2026. The London Plan (2021) sets Southwark a ten year target of 23,550 homes between 2019/20 and 2028/29, i.e. a rate of 2,355 per year. It is noted that the London Plan 2021 sets lower targets for the borough compared with the 2016 version of the London Plan of 27,362 over ten years.
37. Policy H1 of the London Plan states that student housing contributes towards meeting a Borough's housing target at a ratio of 2:5:1 (with two and a half bedrooms / studios being counted as a single home). On this basis, the provision of 267 student rooms and studios at the site would indirectly contribute the equivalent of 107 residential units towards Southwark's housing targets and release up to 107 single dwellings back to the private rented sector, reducing pressure on the local private rented market. Furthermore, the London Plan sets an overall strategic requirement for purpose built student accommodation of 3,500 bed spaces to be provided annually. The proposed student accommodation will therefore assist Southwark and London as a whole in meeting housing need targets as well as providing much needed accommodation for students.
38. The OKR13 site allocation area in the Old Kent Road Area Action plan has an indicative capacity of 3,680 new homes and 2,820 jobs. The site allocation requires that redevelopment must replace existing employment floorspace and provide a range of employment spaces. OKR 13 is set to deliver 3,680 new homes without the delivery of housing on this site, and therefore the subject site is not required to help meet the council's housing targets for the area as it would be delivered on other sites which have currently been given planning approval or are currently at pre-application stages. It is therefore considered that the proposed scheme would not compromise the council's ability to meet its strategic housing targets set in the Core Strategy and London Plan, particularly as student housing contributes towards the borough's housing targets.
39. Support for student housing is expressed in the adopted Southwark policies, London Plan and Mayor of London's Housing SPG, and within the emerging Old Kent Road AAP, New Southwark Plan. These policies are summarised below:

40. London Plan policy S3 'Education and childcare facilities' states that Universities also play a vital part in ensuring Londoners have the higher order skills necessary to succeed in a changing economy, and for the capital to remain globally competitive. London Plan policy E8 'Sector growth opportunities and clusters' states that London's higher and further education providers and their development across all parts of London to be promoted. Their integration into regeneration and development opportunities to support social mobility and the growth of emerging sectors should be encouraged. The supporting text in paragraph 6.8.4 states that the Mayor supports measures to secure and develop London's leading role as a centre of higher and further education of national and international importance. The Mayor will also support higher and further education providers and boroughs to identify opportunities to work in partnership to benefit from the development of higher and further education facilities.
41. The Mayor of London's Housing SPG in section 3.9 states that specialist student accommodation makes an essential contribution to the attractiveness of London as an academic centre of excellence. Saved policy 4.7 of the Southwark Plan relates to non-self contained accommodation (including student accommodation), and states that it will normally be permitted where 1) the need for and suitability of the accommodation can be demonstrated; 2) its provision does not result in a significant loss of amenity to neighbouring occupiers; 3) there is adequate infrastructure in the area to support any increase in residents and; 4) a satisfactory standard of accommodation, amenities and facilities are provided.
42. These requirements of saved policy 4.7 are further expressed in the Residential Design Standards SPD. Section 4.3 establishes the further information required of a student housing scheme:
- "Student housing can be in the form of halls of residence, cluster flats or self contained units. To ensure that the appropriate levels of student accommodation are supplied in the borough without prejudicing the development of general needs housing, planning applications for student accommodation will have to be accompanied with evidence that there is an identified need for this type of housing, including:
- A letter from a recognised educational establishment
  - Confirmation that the accommodation will be affordable to the identified user group
  - Details of security arrangements
  - Details of the long-term management and maintenance arrangements of the student accommodation."
43. Planning policy in the London Plan and draft New Southwark Plan produces specific student housing policies. London Plan policy H15 'Purpose-built student accommodation' states in part A that boroughs should seek to ensure the local and strategic need for purpose-built student accommodation is addressed provided that; 1) the development contributes to a mixed and inclusive neighbourhood; 2) it is secured for students; 3) the majority of bedrooms and all affordable student accommodation is secured through a nomination agreement for occupation by students of one or more higher education providers; 4) the maximum level of

accommodation is secured as affordable student accommodation and; 5) the accommodation provides adequate functional living space and layout. Part B of emerging policy H15 states that boroughs, student accommodation providers and higher education providers are encouraged to deliver student accommodation in locations well-connected to local services by walking, cycling and public transport, as part of mixed-use regeneration and redevelopment schemes.

44. The supporting text for policy H15 states that purpose built student accommodation contributes to meeting London's overall housing need, and is not in addition to need. It requires 3,500 student bed spaces to be provided annually across London; this is a higher annual figure than the range of the London Plan (2016), suggesting that the need for student housing has increased since 2016. This strategic London-wide need has not been broken down into borough-level targets in the London Plan. To demonstrate there is a need for new student housing development; accommodation must be operated directly by an HEI or have an agreement in place with one or more HEIs to provide housing for its students (i.e. a nomination agreement).
45. The draft New Southwark Plan policy P5 states:  
"Development of purpose-built student housing must:
  1. Provide 10% of student rooms as easily adaptable for occupation by wheelchair users; and
  2. When providing direct lets at market rent, provide 35% of the Gross Internal Area of the floor space as conventional affordable housing, as per policy P4, as a first priority. In addition to this, 27% of student rooms must be let at a rent that is affordable to students as defined by the Mayor of London; or
  3. When providing student rooms for nominated further and higher education institutions at affordable student rents as defined by the Mayor of London, provide 35% conventional affordable housing subject to viability, as per policy P4."
46. There is a need for more student accommodation across London which needs to be balanced with making sure Southwark has enough sites for other types of homes, including affordable and family housing. The affordable housing element of the current application is considered further in a separate section below.
47. The evidence base behind the NSP includes a background paper on student housing (dated December 2019). It refers to the council's Strategic Housing Market Assessment (SHMA) Update 2019 which found that over 21,000 students aged 20 or above live in the borough during term time, and 23,500 places at HEIs in Southwark. At least 50% of these students live in private rented accommodation, and 15% live with their parents. There are some 7,800 bed spaces in purpose built student accommodation in the borough for London South Bank University, King's College, University of the Arts, and in independent halls of residence. The evidence base background paper also refers to the SHMA confirming an acute need for affordable homes in the borough of 2,077 net affordable homes annually, which is a significant increase from the 2014 SHMA of 799 affordable homes annually.

48. When assessing the principle of a student housing scheme, these policies require consideration of the need for student housing, the location of the proposal, and management of the student accommodation. Later sections of this report will consider the affordable housing, quality of accommodation and transport aspects of this proposal that are referred to in these policies as well.

#### Need for student housing

49. The London Plan seeks to provide choice of accommodation for all Londoners including students. The Mayor encourages Boroughs to ensure that strategic and local requirements for student housing meeting a demonstrable need are addressed by working closely with stakeholders in higher and further education and without compromising capacity for conventional homes.
50. The London Plan sets an overall strategic requirement for purpose built student accommodation of 3,500 bed spaces to be provided annually and Policy H15 Purpose-built student accommodation states that boroughs should seek to ensure that local and strategic need for purpose-built student accommodation is addressed.
51. There are several HEIs in the Borough, including London South Bank University, Kings College London, London School of Economics (LSE), and University of London (UoL) with teaching facilities and student accommodation. UoL has expressed their interest in taking forward the subject site as part of their strategy to expand their PBSA offering in the Capital by 2,500 bedspaces. UoL is the largest university in the UK with 275,000 students and 20 different Member Institutions, including three Southwark-based – UCL, Kings College and LSE. There are a number of developments providing direct let student housing in the borough. All occupiers of the student residential accommodation within the application scheme will be students registered as attending UoL or its member institutions. It would contribute towards to Southwark and London's stock of purpose built student accommodation.
52. The council's student housing background paper in the NSP evidence base sets out the student schemes at that time. An update is set out below. There are ten live / recently approved planning applications that include student housing. Of these applications: three are the Spa Road scheme, the Alscot Road scheme and the Canada Water Masterplan which have been granted planning permission; Capital House, Eagle Wharf, the Glengall Road LSE site, and a mixed residential and housing scheme at 313-349 Ilderton Road have a resolution to grant; 272 St James Road was allowed at appeal; and three are live applications at 89-111 Borough High Street, Paris Gardens, and the this current application. The live schemes mentioned above if approved, would total 3,540 student rooms, with no figure put to the Canada Water outline scheme given the inherent flexibility within the masterplan.
53. The draft OKR AAP supports the provision of higher education facilities alongside other uses within the Old Kent Road, in order to strengthen and evolve the strong cultural identity of the area. One of the requirements of AAP13 'Best start in life' is the provision of new and improved higher and further education facilities within new development in the Old Kent Road. A student demand assessment and market

analysis has been undertaken by Knight Frank as part of the application. This evidences a significant need for good quality student stock within the Old Kent Road area.

54. For example, as of 2018/19, there are over 27,000 full-time students currently attending higher education providers within a 1 mile radius of Old Kent Road, but only 264 Purpose-Built Student Accommodation (PBSA) bed spaces, which are operated solely by the University of the Arts London. This trend continues – within a 2.5 mile radius there are over 78,000 full-time students (of which 76% are undergraduates), but only 13,588 PBSA bed spaces, which equates to 5.8 students per available PBSA bed. Even when the approved student schemes and pipeline of approximately 5,906 bed spaces are factored in, the estimated future full-time student to bed space ratio will only reduce marginally to 5.1 students per bed space.
55. The subject site is not within the vicinity of other purpose built student housing schemes in the OKROA. It is acknowledged that there has been recent approvals for student housing schemes on Glengall Road (Ref: 20/AP/0039) and St. James's Road (18/AP/0156); however, these approvals are located in Sub Area 2 of the OKR AAP. Furthermore, a mixed residential and student housing scheme is currently under consideration Sub Area 4 at 313-349 Ilderton Road (Ref. 20/AP/1329). As this site is not within the same Sub Area as the subject site, it is therefore considered that a student housing scheme is suitable within Sub Area 3. The proposal is considered to address a need for student housing within London and would serve mainly for students at UoL and member institutions of the UoL. Student housing in this location would assist in freeing up private rental housing which is currently occupied by students for conventional housing needs. In this respect, the application complies with London Plan policy H15.

#### Location

56. The principle of student accommodation on this site is appropriate due to the proposed town centre location, good level of public transport accessibility and relative proximity to UoL established higher educational facilities.

#### Management

57. A student management strategy has been submitted with the application and addresses the requirements outlined in the Residential Design Standards SPD. The proposed development would be direct let by the UoL and managed by TRIBE. There would be 24/7 security on the site and it is recommended that mitigation of any potential noise disturbance by students be secured through the recommended Student Management Plan condition and also by the S106 legal agreement. This would ensure robust management of student occupation of the rooms including a prohibition on students bringing vehicles to the locality and to detail the moving in/out arrangements to minimise disruption to the public highway.
58. Given the above, the student housing element of the proposal would be in compliance with national, strategic and local policies and guidance that encourage the provision of mixed use development on underused and underdeveloped brownfield sites. It accords with the NPPF (2019) by maximising the contribution from

brownfield land and making the most effective use of land to deliver much needed student accommodation alongside a Class E commercial ground floor space for the benefit of UoL and member institution students and the local community. The site is in a proposed town centre and in a highly accessible location close to public transport, shops and services.

### **Assessment of Main Town Centre Uses**

59. The site is not currently within a designated Town Centre. It does however fall within the boundary of the new Town Centre proposed in emerging policy in the draft New Southwark Plan (under Policy P30, Town and Local Centres) and draft OKR AAP. In the AAP Consultation Summary, published in January 2019, this was updated to show two new designated Town Centres. Old Kent Road has been identified in the London Plan 2021 as a future district town centre.
60. Two new designated centres are proposed in the emerging plan in order to better meet the needs of existing and new residents and workers in the Old Kent Road area. The new centres would include retail, leisure, entertainment and recreation facilities in a significantly more attractive and accessible environment. The proposals under consideration here would help to contribute to the vitality and viability of the new centre within which they would sit.
61. Acknowledging its limited weight, draft NSP Policy P30 states that town centre uses will be permitted in town centres where:
  - The scale and nature is appropriate to the role and catchment of the centre; and
  - A Use Classes are retained or replaced by an alternative use that provides a service to the general public, and would not harm the vitality and viability of the centre; and
  - The development would not harm the amenity of surrounding occupiers or result in a concentration of uses that harms the character of the area; and
  - The development provides an active use at ground floor in locations with high footfall; and
  - Large schemes for town centre uses that are 1,000 sqm or more provide public toilets, public drinking fountains and public seating.
62. The NPPF states that when assessing applications for retail, leisure and office development outside Town Centres, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floor space threshold, or if there is no locally set threshold, the default threshold should be 2,500 sqm. Southwark has no adopted local threshold.
63. The scheme under consideration would incorporate a mix of student accommodation and commercial use to the site. The commercial use is concentrated on the ground floor and is designed to be as flexible as possible with the floor plates being open plan which can easily be subdivided to create smaller spaces or retained as one large space to suit occupiers with different needs. The total of 257 sqm falls comfortably below the 2,500 sqm threshold set in the NPPF and London Plan. As such, and given the direction of travel in the emerging NSP and OKR AAP, it is not

considered that a sequential test is necessary in this instance, and the commercial Class E use proposed is supported. The provision of this floorspace would also contribute to the uplift in employment discussed above, which would further intensify the contribution of the proposal to the local economy.

#### Re-provision of Retail Floorspace

64. The draft OKR AAP and draft NSP promote that the re-provision of an equivalent or a higher quantum of retail floorspace is essential, as is the retention of active frontages along the Old Kent Road as part of the reinstatement of a 'high street' character. It is noted that the typology identified within OKR 13 for ground floor uses at the subject site advocates for a high street unit (as seen in the image within Paragraph 28 of this report. The scheme proposes a ground floor retail unit complying with the objective to provide a 'high street' unit on site, and it measures 257 sqm fronting onto Old Kent Road replacing the existing 226 sqm KFC unit (31 sqm uplift). Unlike the existing unit, the proposed new retail unit wraps around the site frontage providing active frontages onto Hyndman Street and Ruby Street. The Legal Agreement will also require the submission and approval of a Retail Marketing Strategy to ensure that local businesses are targeted first.

#### **Provision of Housing, Including Affordable Housing**

65. The scheme would deliver 267 student accommodation units, including policy compliant affordable student housing 35% by habitable rooms, and an off-site contribution of £2,000,000 to affordable housing. Officers consider that there would be a significant benefit in this instance to providing affordable student housing, not least in terms of the wider access to higher education this would provide and the stated policy aspiration of the AAP to provide higher education facilities in the Old Kent Road. However this benefit would not be entirely outweighed by the borough's pressing need for general needs affordable housing, and for this reason officers have also sought a contribution to that need, subject to viability as set out in NSP policy P5 part 3.

#### **Prematurity**

66. Legal Advice received in relation to this issue highlights the following from the National Planning Policy Guidance:
67. "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.
68. 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.”
69. The most up to date adopted development plan document pertinent to the Old Kent Road is the 2021 London Plan. It 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 the changes of London Plan policies between the 2016 and 2021 adoptions of the London Plan, including the increased housing target for the opportunity area and the need to ensure that the 2021 London Plan aspirations for industrial land and employment are addressed. The scheme under consideration here is not considered to undermine either the strategic or local plan making process, and reflects the adopted statutory development plan position of the 2021 London Plan and the direction of travel of the draft NSP and the 2016 and 2017 draft OKR AAPs. It is not therefore considered to be premature.

#### Conclusion on Land Use

70. The scheme would deliver major regeneration benefits, including a policy compliant level of affordable student accommodation, job creation, increased commercial space that is flexible, and an off-site contribution to affordable housing within the borough that is secured through the S106 Agreement. In light of the above, it is considered that the development, in land use terms, is acceptable, and its contribution to the Old Kent Road and surrounding area should be supported.
71. In relation to town centre uses, whilst the proposed development would introduce main town centre uses outside a currently designated town centre, the proposals would fall below the threshold set out in the NPPF, and would not be to the detriment of other designated centres. In addition, they would also help deliver the draft OKR AAP’s aspirations to create two new designated centres in Old Kent Road. Together, the mix of uses proposed would help to create a vibrant, genuine mixed use development.

## **AFFORDABLE HOUSING AND DEVELOPMENT VIABILITY**

### **Affordable Housing**

72. Policy H15 Purpose Built Student Accommodation of the London Plan seeks to ensure that local and strategic needs for purpose built student accommodation is addressed provided that the use of accommodation is secured for students; at least 35% of the accommodation is secured as affordable student accommodation; and the accommodation provides adequate living space and layout.

73. Saved policy 4.4 “Affordable housing” of the Southwark Plan seeks at least 35% of all new housing as affordable, and a tenure split of 70% social rented to 30% intermediate in the urban zone. The council’s adopted Affordable Housing SPD and the draft Affordable Housing SPD clarify the Southwark Plan and Core Strategy policy framework, and set out the approach in relation to securing the maximum level of affordable housing in proposed schemes, with a sequential test for delivering affordable housing.
74. In this instance it would not be possible for conventional affordable housing (Class C3) to be mixed with a student housing scheme, given the limited size of the site. The inclusion of conventional affordable housing on this scheme would require an additional core to independently service and access the affordable units.
75. This would lead to inefficiencies across the site in terms of layout and would require additional space to be taken up with additional lift and stair cores and separate entrances for the student and conventional housing. This would harm viability and result in a poor quality of accommodation for both residential and student homes. As such, conventional affordable housing would not be suitable for on-site provision.
76. Emerging New Southwark Plan policy P5 “Student homes” in part 3 states “*When providing student rooms for nominated further and higher education institutions at affordable student rents as defined by the Mayor of London, 35% conventional affordable housing (should be provided) subject to viability, as per policy P4.* The reason for the policy is to balance the need for student accommodation, including affordable student accommodation with the provision of other types of housing such as affordable and family homes.
77. Planning policies and emerging development plan documents also refer to affordable student housing, such as NSP policy P5 mentioned above. The Mayor of London’s Housing SPG provides further information on student housing, including affordable student accommodation. London Plan policy H15 has a requirement for purpose built student accommodation schemes to provide the maximum level of affordable student accommodation (of at least 35% or subject to the viability tested route). It should be noted that the London Plan does not require purpose built student housing schemes to provide a contribution to affordable general needs housing.
78. 35% affordable student accommodation is proposed in line with London Plan specific requirement for affordable student housing (policy H15 part 4). Whilst the borough’s priority is generally for conventional affordable housing within the Old Kent Road AAP area significant progress has been made in meeting that need, with circa 8,382 homes having been granted planning consent since 2016, of which over 2,000 are for social rent and over 800 intermediate. In addition policy AAP 13: Best start in life seeks to “...bring a new university and other higher and further education facilities to Old Kent Road.
79. Southwark’s Section 106 Planning Obligations and CIL SPD (2015) reiterates this, establishing a requirement for student housing schemes of 30 or more bed spaces to provide affordable housing. Where these targets cannot be met on site, in exceptional circumstances, off site provision, or an in lieu payment may be made to

provide affordable housing off-site. Furthermore, the SPD sets out requirements for University nomination student housing schemes to provide controlled rent levels. As this proposal would be direct-let student accommodation, this is not considered applicable. The scheme would however, be subject to a Community Infrastructure Levy (CIL) of £100 per sqm.

### **Development Viability**

80. The council's draft Affordable Housing SPD states at 6.3.9 that "New housing developments in Southwark may, in exceptional circumstances, provide affordable housing by making a pooled contribution instead of providing the affordable housing on-site or through the developer securing their own off-site affordable housing site. The sequential test must be followed to justify that at least as much affordable housing as would have been provided if the minimum 35% affordable housing requirement were achieved on-site. A minimum of £100,000 of pooled contribution per habitable room of affordable housing will be required. To ensure that the maximum reasonable proportion of affordable housing is negotiated on each development we will determine the exact amount required (above £100,000 per affordable habitable room) using a robust viability assessment.
81. As set out in paragraph 6.3.9 of the draft Affordable Housing SPD, the viability appraisal must justify that at least as much affordable housing is being provided as would have been provided if the minimum 35% affordable housing requirement were achieved on-site. The requirement for a financial appraisal for any application that has an affordable housing requirement is further established under the council's Development Viability SPD.
82. The adopted Supplementary Planning Document (SPD) relating to the provision of affordable housing pre-dates the Core Strategy and therefore the council have also developed a draft SPD that is dated June 2011. The draft SPD has been written to support the adopted Core Strategy which, as identified above, is clear in its requirements for student developments and affordable housing. In addition, it establishes a methodology to translate the requirements of the Core Strategy into an off-site contribution.
83. Southwark's Development Viability SPD requires a Financial Viability Appraisal (FVA) to be submitted for all planning applications which trigger a requirement to provide affordable housing. The FVA should identify the maximum level of affordable housing that can be sustained and justify any proposed departures from planning policy requirements.
84. The Applicant has submitted a Financial Viability Assessment (FVA) in accordance with Affordable Housing SPD and Draft Southwark Plan Policy P24 SPD to allow an assessment of the maximum level of affordable housing that could be supported by the development. The appraisal was reviewed by Strettons on behalf of the council. It now shows a residual land value of £5,520,055, which is £3,405,055 more than the opinion of the site's BLV. This shows that the scheme is viable to make a further offsite contribution in accordance with Southwark's Affordable Housing policies

85. In their assessment Strettons argues that a contribution of £1,600,000 to off-site affordable housing is an appropriate sum that the development could provide. On the basis of the reasoning used by Strettons within the FVA, the applicant, in line with the off-site contribution achieved in the recently approved Eagle Wharf Peckham scheme have improved their off-site contribution from £1,335,000 to £2,000,000.

**Table: Comparison between development and approved schemes**

	Affordable	Student Rooms	Hab rooms	Afford. hab rooms	Contribution (per non affordable hab rooms)	Off-site contribution
KFC	35%	267	303	106	£10,152.28 (197 rooms)	£2,000,000
LSE (20/AP/0 039)	35%	676	758	265	£2,434.08 (493 rooms)	£1,200,000
Eagle Wharf (19/AP/2 087)	0%	393	473	0	£8,456.66 (473 rooms)	£4,000,000

86. The Core Strategy requires as much affordable housing as is financially viable and the London Plan requires the maximum reasonable amount. Following a review of the appraisal, Officers have concluded that £2,000,000 is the maximum reasonable contribution to affordable housing.

#### Conclusion on Affordable Housing

87. A minimum of 35% of the proposed student rooms is proposed which meets the GLA's criteria for affordable student housing. This is not only a benefit to students but the provision of dedicated student housing will also have the advantage of removing pressure from the local housing stock. However, in providing more affordable student accommodation the extent to which an off site contribution to affordable housing can be made has been reduced. In this instance, the approach is considered acceptable given that the council is meeting its housing targets in the regeneration area and given the need to promote wider regeneration benefits including establishing a new town centre.
88. In the case of the councils' acceptance a financial contribution offered by the applicant to provide offsite affordable housing, the council would use the payment in lieu in its New Council Homes Delivery Programme to deliver conventional affordable housing. The acceptability of the offered payment in lieu is based on the specific merits of this proposal, taking into account all the material considerations highlighted above. It is also consistent with the approach taken on some other similar consented purpose built student housing schemes. It is considered that the council's own New Council Homes Delivery Programme is the most effective way to provide affordable housing.)

## DESIGN CONSIDERATIONS

89. Strategic Policy 12 of the Southwark Core Strategy (2011) states that all development in the borough will be expected to “achieve the highest possible standards of design for buildings and public spaces to help create attractive and distinctive places which are safe, easy to get around and a pleasure to be in.” Saved Policy 3.12 ‘Quality in design’ of the Southwark Plan asserts that developments should achieve a high quality of both architectural and urban design, enhancing the quality of the built environment in order to create attractive, high amenity environments people will choose to live in, work in and visit. Saved Policy 3.13 of the Southwark Plan asserts that the principles of good urban design must be taken into account in all developments. This includes height, scale and massing of buildings, consideration of the local context, its character and townscape as well as the local views and resultant streetscape. With specific reference to tall buildings, Policy D9 of the London Plan, ‘Tall buildings’ and Saved Policy 3.20 of the Southwark Plan sets out design requirements for tall buildings, both of which are discussed in further detail in the following paragraphs.
90. The emerging design policy in the New Southwark Plan includes P12, Design Quality and P14 Tall Buildings. P12 states that development must provide, amongst other things, high standards of design with appropriate fabric, function and composition. P14 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.

### Site Layout

91. The proposed site layout would comprise one single urban block with a minimum height of 10 storeys to the shoulder of the building fronting Old Kent Road, and a step-up in recessed height of 12 storeys towards the rear of the building footprint at a maximum height of 42.93m AOD. The layout of the development is influenced by the requirement to frame a new Pocket Park, the retention of existing trees, and to create new public realm along Old Kent Road.
92. The commercial unit fronting Old Kent Road has being designed as a flexible space with generous floor to ceiling heights of 4.50 metres to accommodate a wide variety of potential commercial uses. This also enables the ground floor to be subdivided into a number of premises if it is required. The northern end of the ground floor is where the student amenity space of 185 sqm is located. The communal space is positioned here to enable the communal space to open out onto the pocket park. This park is a public open space comprising of 373 sqm. The entrance to the student accommodation units on the upper floors is from Ruby Street and provides direct access to the concierge and centralised lift core and staircase. The first floor provides communal amenity for students by the way of an internal room that opens out onto a communal terrace of 80 sqm.

93. Improvements to the surrounding public realm come from the need to retain the existing mature trees on Old Kent Road and in the KFC car park. The building is therefore setback from the Old Kent Road street to enable adequate space for the mature trees as well as the creation of new space for landscaping. This is discussed in further detail in the landscaping section of the report. The commercial ground floor unit, and ground floor communal space are considered to create active frontages to south, east and north aspects of the development that enhances the streetscenes of Old Kent Road and Ruby Street.

**Image: Active frontages onto Ruby Street and public realm**



**Height Scale and Massing (including consideration of Tall Buildings)**

**Image: The development, viewed from Old Kent Road**

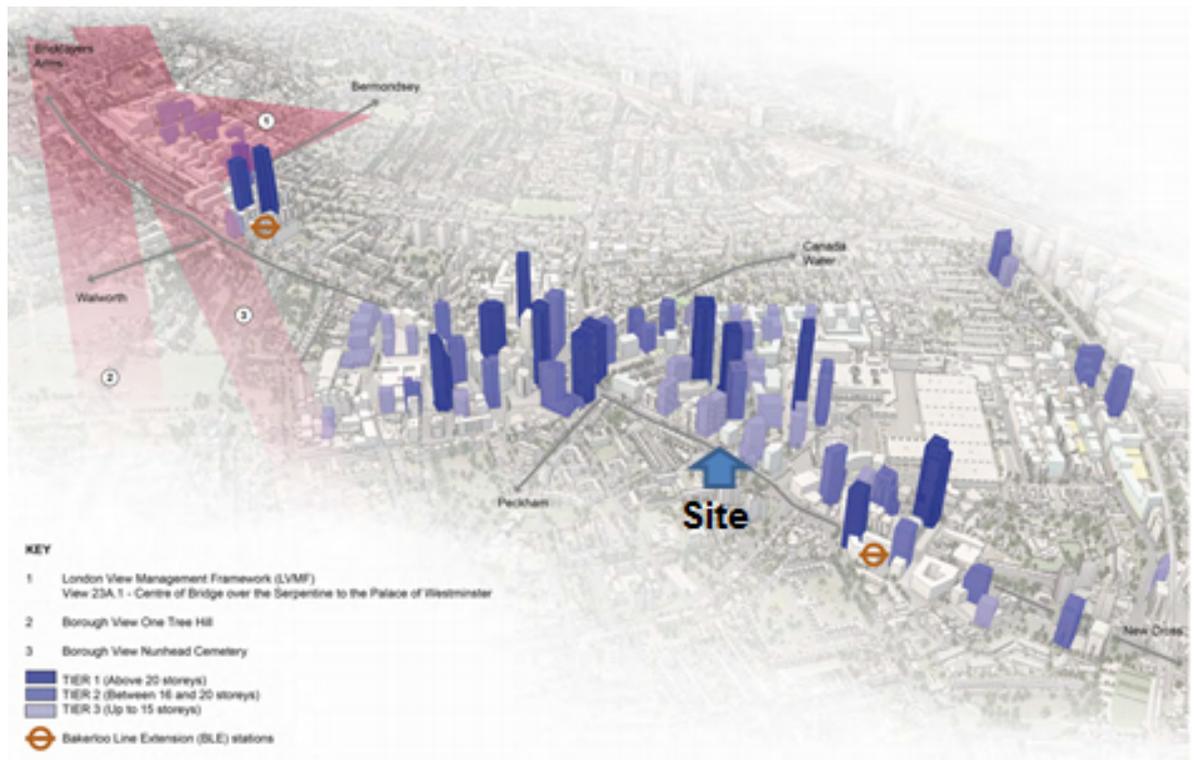


94. During the pre-application stage the development was reduced from a proposed height of 18 storeys to provide a more coherent shoulder height to the Old Kent Road frontage. The pre-application advice given was to reduce the development to 10 storeys fronting Old Kent Road to align with the shoulder height of the recently approved development on the neighbouring Carpet Right site. The rear of the building footprint is 12 storeys and is the maximum height of the development at 42.93m AOD.

Draft OKR AAP

95. Policy 8 of the draft OKR AAP sets out a tall building strategy, the OKR ‘Stations and Crossings’ that should be adhered to in order to maximise the potential of the Old Kent Road. This site is not identified as being suitable for a building of 15 storeys or above. The subject site is identified within the OKR AAP as being eligible for a lower/mid scale development which reflects the shoulder height of 10 storeys fronting Old Kent Road for this site.

**Image: The ‘Stations and Crossings Strategy in the draft OKR AAP**



96. In line with the draft OKR AAP, the design of the tall buildings would be exemplary, with careful consideration of their impact on the skyline. In this instance, the integration of the scheme would need to successfully incorporate with the approved Ruby Triangle, Carpet Right and Ruby Street proposals, and the need to provide publicly accessible open space to the pocket park. The single block building is considered to successfully deliver the revised AAP aspirations for OKR 13.

### London Plan (2021)

97. As the development would be substantially taller than its existing surroundings, it would be defined as a tall building in the adopted London Plan (2021). Policy D9 of the London Plan, 'Tall buildings', states that should only be developed in locations that are identified as suitable in Development Plans. Furthermore, London Plan Policy SD 1 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. Paragraph 2.1.16 of policy SD 1 mentions that the OKR AAP and the BLE extension will enable significant residential and employment growth. As such, the Old Kent Road Opportunity Area is, in principle, an appropriate location for tall buildings which optimise housing delivery and regeneration benefits. The proposed development is considered to achieve the requirements of policies D9 and SD 1 of the London Plan.
98. National, Regional, and Local Policy state that the impact of tall buildings in sensitive locations, including the settings of conservation areas and listed buildings should be given particular consideration. Although the proposed development is not within a conservation area, it is important to note that, given the heights of the buildings proposed, they would be visible from a number of sensitive locations. The specific impact of the proposed development on the identified sensitive settings, and the

wider townscape context is assessed in more detail below where the submitted Townscape and Visual Impact Analysis (TVIA) is considered.

99. The northern side of the Old Kent Road in the immediate area of the application site is dominated by industrial and commercial uses, with limited active frontages and poor urban streetscapes. The nature of the existing townscape is not considered worthy of protection, and its replacement with a scheme of high quality architectural and urban design is considered to be a significant public benefit of the proposals.
100. The proposed development would integrate effectively into its surroundings, particularly at street level. The new urban block would create active frontages that are sensitive to the unique character of each edge, increased connectivity and permeability and contribute to the creation of a new publically accessible open space at the rear of the site. The commercial floorspace at ground floor level is designed to be flexible with generous floor to ceiling heights to cater for a variety of commercial businesses. This would contribute to the 'high street' character envisaged in the draft AAP. The urban grain of the surrounding area would be enhanced as the site would be better presented on the Old Kent Road. The detailed architectural design of the scheme (discussed in further detail below) would respond sympathetically to the existing local townscape, whilst introducing a new high quality aesthetic.
101. The development would create new active frontages the area thereby significantly improving legibility and accessibility through the enhancement of existing footpaths, and the introduction of pedestrian crossings from the approved Ruby Triangle development through to the publically accessible pocket park at the rear of the site, with another crossing located on Ruby Street to provide direct access across to the approved development at 685-689 Old Kent Road. Given its strategic location within London's road network, the application site is already considered to be at a point of geographical significance. The creation of the pocket park, along with providing a mixed use scheme would also give it an important public function within the Opportunity Area.
102. The nature of the ground floor use proposed, and its relationship to the surrounding streets and the increased permeability proposed would all represent significant public benefits. There would be amenity space for students on the ground and first floors upper floors, including private balconies and internal communal room on the first floor. In addition, the development provides significant landscape benefits through a proposed green roof along with public realm enhancements.
103. The impact of the proposed development on microclimate, wind turbulence, overshadowing, noise, aviation, navigation and telecommunication interference is all assessed and presented elsewhere in this report. In the majority of cases however, there would be no significant adverse impacts.

#### Southwark Plan

104. 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 with significant potential for residential-led redevelopment, it is considered that these London Plan (2021) policies in relation to tall buildings are more relevant than

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.

105. The contribution to the landscape from this scheme would be of significant benefit to the immediate area, and the surrounding OKROA. The proposal would incorporate enhanced public realm improvements to each side of the development with the creation of a pocket park framing the development as an important part of the comprehensive redevelopment of Ruby Street and Hyndman Street. The pocket park is a focal point on a linear path from the Grade II Listed Gasworks located to the north east of the site, and the proposed surrey canal linear park to the southwest.

106. The tall building relates well to its immediate surroundings, both in terms of its base and its general design. The ground floor design creates a sense of openness to the rear and permeability for users. The height and scale along with the material quality of the external appearance produces a contextual relationship in the detailing and finishing of the building. The building is considered to aesthetically enhance the street scene and improve the visual amenity of the immediate area and would contribute positively to the London Skyline.

### **Architectural Design and Materiality**

107. The elevation strategy seeks to apply a cohesive language across all the building façades. The scheme benefits from a repeated plan and well-designed proportions on the north and south façade. A double storey horizontal banding expression has been applied to balance and divide each elevation. Brick textures are used to give interest and express every other storey. Window types are uniform, and a regular rhythm of openings creates a smart and interesting design technique. The grid of openings at the upper floors extends to the street plane to give a grounded and integrated form.

108. The elevation facing Old Kent Road is carefully proportioned with a triple set of windows for each stepped plane creating a regular and smart expression. The use of glazed brick detailing between windows at each floor gives a strong form of coherent quality to the face of the building. The long elevations of the building rely on a regular rhythm of the bedroom window openings to create a simple but elegant articulation. On each of the long elevations, the student bedroom windows are designed with a solid side ventilation panel which contrasts with the light grey brick palette of surrounding brick work that frames each opening. Brick textures are used between each floor to offer interest and define a horizontal expression.

### **Image: Elevational treatment**



109. The material palette of the scheme utilises masonry as the primary elevation material with the selected palette using light brick tones to create a distinctive addition to the street scape. The palette is based on a single light grey brick accompanied by an accent glazed blue brick used on the façades facing Old Kent Road and the Pocket Park. The grey brick is used with 2 mortar colours which when applied bring variation to the façade tones and to articulate the rhythm of openings. A simple GRC banding is applied to mark the top of each two storey expression. The window frames are given a contrasting bronze colour, complimenting the background grey palette. The elevations include window details with brick recesses shown as half a brick deep. This is to provide depth and articulation to the facade. Policy AAP 10 states that reveals should generally be of a full brick depth (215mm). Full details will be required by condition. In order to ensure that this is realised in the final building planning conditions requiring detailed drawings, material samples and full scale mock ups are recommended.

**Image: Material palette**



Dark grey brick with dark grey mortar



Light grey brick with light grey mortar



Satin Sky Blue Glaze



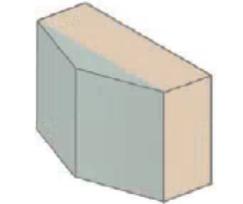
Window frame

RAL 7006



GRC

RAL 9002



Ibstock Umbra Sawtooth

## Landscaping

110. The OKR AAP identifies the need for this site to create a Pocket Park at the rear of the site. The park is envisioned to form part of a green space that connects the nearby Grade II Listed Gasholder no. 13 to the east of the site, and the proposed linear park to the west of the site. It is therefore important that this site creates a functionally public accessible space through robust landscaping techniques.
111. At the ground and street level, the existing mature trees on the site have been retained to provide a framework for the development. Their established canopies provide opportunities that result in significant gains for biodiversity. The commercial frontage on Old Kent Road is settled behind two low level planters that provide a buffer to vehicular traffic whilst maintaining views through to the active frontage within the unit. The variations within the paving materials and grain will direct pedestrians to key entrances within the building. The main paving will be large grey mixed granite flag units to match the paving material proposed in the Ruby Triangle development to the northwest of the site. Smaller light grey setts in a running pattern will demarcate the entrances.
112. The walls surrounding the site have been removed to increase permeability. At key locations the boundaries of the development are defined by a 1.1m high evergreen ornamental hedge. In addition, low brick piers will also be used at key locations to incorporate signage that improves legibility of the site and assist wayfinding. The brick piers will match the brick material of the building. At the main entrance to the accommodation on the Ruby Street elevation, an architectural recess and existing mature tree frames the entrance when approaching on foot with small light grey granite setts provide a threshold into the building. At the rear of the development, relaxing spaces are framed by the existing tree planting and hedging which enables seating units to be located by trees that provide meeting places within the Pocket Park.

113. The ground floor and street level proposals should be treated as indicative at this stage, with detail to be agreed through the Section 278 process with both London Borough of Southwark and TfL. The principles established in this indicative material will be secured, as well as the requirement to enter into Section 278 agreements would be secured through the Section 106 Legal Agreement.
114. Porcelain decking to the first floor communal amenity terrace creates a hard landscape surface adjacent to the internal amenity lounge. Relaxing timber loungers with back and arm rests rise out of the porcelain decking with ornamental planting providing a defensible buffer to the adjacent residential units. Raised planters on the terrace will ensure sufficient soil volume, and the proposed species will be drought tolerant to minimise the irrigation requirements. A multistem tree will overhang the reclined loungers that will enable views of the sky through the canopy.
115. On top of the 10<sup>th</sup> and 12<sup>th</sup> floors a biosolar roof is proposed. Photovoltaic panels are proposed to provide green energy for the development, and the panels will be developed to coexist with the biodiverse roof below. They will help to create a variety of micro-climates and habitats while the biodiverse roof will help to cool the air around the panels. Features such as log piles, gravel areas and cobbles will be introduced to create a variety of habitats. The variety of substrates and the wildflower species are beneficial to wildlife biodiversity, and will also provide visual amenity for residents looking towards the roofs from the previously approved developments that will surround the site.
116. The council's Ecology Officer has reviewed the proposed scheme and raises no objection to the submitted Preliminary Ecological Appraisal. The assessment undertaken makes recommendations that are best secured through conditions. These include the conditioning of a biodiverse roof, three bat tubes and ten swift bricks. The conditions recommended by the Council's Ecologist are attached to the decision notice.
117. The landscape details submitted have been reviewed by the Council's Urban Forester and is considered to be of good quality and appropriate for the development of this part of the Old Kent Road. The significant landscape proposals outlined above will enable the development to achieve an Urban Greening Factor of 0.48. Final details of the design, materials and planting proposed are to be required by condition.

### **Trees**

118. Saved Policy 3.13 of the Southwark Plan requires high quality and appropriately designed streetscape and landscape proposals.
119. The pocket park to the north of the site is a 373m<sup>2</sup> that will be publicly accessible open space which is dominated by the existing large scale trees which that are to be retained as part of the redevelopment of the site. Significant tree planting will create a covered canopy that offers a sense of enclosure with 3m clear stems to allow visual permeability over the pocket park site. On the Old Kent Road frontage, medium scale trees will supplement the existing trees to create a more densely planted area along Old Kent Road.

120. The submitted Arboricultural Impact Assessment concludes that the proposed development will require extensive changes to the extent and position of hard landscaping within the root protection areas of all five retained trees. It is concluded that these changes can be achieved without having a significant negative impact on the trees and will potentially positively impact on the condition and viability of the rooting medium by increasing moisture ingress and gaseous diffusion. Based on this assessment, the retained trees can be protected during the construction period and successfully integrated into the site post-development.

**Image: Proposed trees and green roofs**



**HERITAGE AND TOWNSCAPE CONSIDERATIONS**

121. London Plan Policy D3 'Optimising site capacity through the design-led approach' states that development should respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality. Policy HC1 'Heritage, conservation and growth' encourages developments to demonstrate a clear understanding of the historic environment and the heritage values of sites or areas and their relationship with their surroundings. Southwark Core Strategy Strategic Policy 12, 'Design and Conservation', states that development should ensure that the significance of built heritage assets is conserved. Saved Policy 3.15, Conservation of the Historic Environment of the Southwark Plan (2007) states that development should preserve or enhance the special interest or historic character or appearance of buildings or areas of historical or architectural significance and Policy 3.18, Setting of Listed Buildings, Conservation Areas and World Heritage Sites states that the immediate or wider

settings of designated heritage assets must be preserved. The NPPF (2019) requires Local Authorities to consider the impact of a proposed development on the significance of a designated heritage asset. Any harm to, or loss of, the significance of a designated heritage asset (including from development within its setting) should be categorised as either substantial or less than substantial. Substantial harm should only be permitted in exceptional circumstances. Less than substantial harm should be weighed against the public benefits of the proposal.

### Conservation Areas

122. The application site does not sit within a conservation area and it contains no listed buildings. There are however, three conservation areas within 1km of the site, meaning that their settings could be impacted upon by the proposed development. These conservation areas are listed below:

**Table: Conservation areas within 1km of the application site**

<b>Conservation Area</b>	<b>Distance from Application Site</b>
Caroline Gardens Conservation Area	Approximately 252m
Peckham Hill Street Conservation Area	Approximately 645m
Glengall Road Conservation Area	Approximately 655m

123. Also within the area surrounding the application site are a number of Grade II listed buildings and structures, including the following:

- Gas Holder No. 13 – Grade II listed building.
- Former Camberwell Library and Livesey Museum – Grade II listed building
- Statue of George Livesey – Grade II listed building
- 2-8 Canal Grove – Grade II listed buildings
- Gas Standard, Canal Grove – Grade II listed building
- Mural depicting the History of Old Kent Road
- Kent Drivers Public House – Grade II listed building
- Doddington Place, Doddington Cottages 302 & 304 Commercial Way

### Draft OKR APP and Draft Local List

124. 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 following buildings, within the immediate vicinity of the site, are identified as such. These buildings are also included on the draft Local List published by the council in March 2018. The following are within or immediately adjacent to the application site:

125. The following buildings are within the immediate vicinity of the application site:

**Table: Draft AAP Building or Feature of Townscape Merit within the immediate vicinity of the site:**

<b>Property</b>	<b>Description</b>
Christ Church	Building of Architectural or Historic Interest
639-641 (odd Nos.) Old Kent Road	Buildings and Features of Townscape Merit
644-672 (even Nos.) Old Kent Road	Buildings and Features of Townscape Merit
610-636 (even Nos.) Old Kent Road	Buildings and Features of Townscape Merit
620A-626 (even Nos.) and 719-733 (odd Nos.) Old Kent Road	Buildings and Features of Townscape Merit
Ethnard Road	Buildings and Features of Townscape Merit
Dwellings on the south-east side of Commercial Way	Buildings and Features of Townscape Merit

126. These buildings provide historic context for the Grade II Listed Camberwell Library and Museum located nearby. The terraced row fronting Old Kent Road to the south and southwest of the subject site have shops at ground floor with residential above that contributes an appreciation of the nineteenth century high street. In the revised AAP a surviving Victorian public house on Ruby Street has also been identified as being of townscape merit and its retention and eventual return to its original use will help to frame the new pocket park setting. Other surviving buildings in the wider setting also make a positive contribution to significance as they together help to demonstrate the local importance of the works through the nineteenth and early twentieth centuries, which strongly influenced the development of the area.
127. The subject site is located on the opposite side of Old Kent Road from the buildings of townscape merit and architectural interest. Intervisibility is limited to the Christ Church site by trees at the front of the buildings. Nevertheless the building and use on the subject make no positive contribution towards the neighbouring buildings of architectural interest and townscape merit but do detract from their settings.

**Townscape and Visual Impact Assessment (TVIA)**

128. The heights of the proposed building would result in considerable change in the townscape of the area and would therefore impact on the settings of the heritage assets surrounding the site. The submitted Townscape and Visual Impact Assessment (TVIA) report by Bidwells dated September 2020. The TVIA assesses the impact of the proposed development on above ground heritage assets from 8 locations within 250 metres of the subject site.

129. The methodology used in the assessment process for the most appropriate views involves the identification of buildings, townscape and views that could be affected by the proposed development, the site and its surrounding. The Site analysis considers the physical characteristics of the Site, and determines the relationship of the subject site to the respective designated heritage asset.

#### Borough Protected Views

130. Although of limited weight, the draft New Southwark Plan Policy P19, 'Borough Views', states that development must positively enhance the borough views which have been identified. Five protected borough views have been designated and all have St Paul's Cathedral as the focal point, of which only VP01: One Tree Hill (London Panorama) and VP02: Nunhead Cemetery (Linear View) have the potential to be impacted by the Proposals. The draft policy states in both cases that development must "maintain the view of St. Paul's Cathedral from the viewpoint place", "not exceed the threshold height of the view's Landmark Viewing Corridor", and "not compromise the sensitive Wider Assessment Area that is located either side of the Landmark Viewing Corridor to ensure the viewer's ability to recognise and appreciate St. Paul's Cathedral and its setting". It also states that a canyon effect of the view of St. Paul's Cathedral must be avoided.

<b>View 20 (Local View VP01)</b>	
View location	View of St. Pauls Cathedral from One Tree Hill
Heritage Significance	Protected borough view identified in the draft New Southwark Plan. St. Paul's Cathedral is visible to the east of the Shard with its profile almost entirely uninterrupted by development in its foreground (albeit slightly obscured by foliage in this summer view). The towers of central London, including the Shard and towers in the City of London, appear further west. A range of development in south London, including post-war towers, appears closer to the viewpoint, in the middle ground of the view.
Other Significance	Public Open Space
Sensitivity to change	High
Impact of proposal	The proposed development would be located well to the side of St. Paul's Cathedral and would be completely screened by the existing trees in this view.
HE Comments	None
GLA Comments	None
Conclusion	As the proposal is located away from the viewing corridor to the St Paul's Cathedral (to the left of the Cathedral), it would remain clearly visible. With this in mind, there would be no harm to its significance.

<b>View 19 (Local View VP02)</b>	
View location	View of St. Pauls Cathedral from Nunhead Cemetery
Heritage	Protected borough view identified in the draft New

Significance	Southwark Plan. The view is towards St. Paul's Cathedral, with Highgate West Hill beyond it in the distance. The view is framed by trees, specifically maintained to ensure the view is visible. The dome and western towers of the Cathedral are seen clearly against a backdrop dominated by trees in this summer view. A variety of development is visible in the foreground of St. Paul's and the Guy's Hospital Cancer Centre near London Bridge, constructed in recent years, obscures a small part of the eastern end of the Cathedral.
Other Significance	Public open space and cemetery.
Sensitivity to change	High.
Impact of proposal	The proposed development would be located well to the side of St. Paul's Cathedral and would be completely obscured by consented development from this viewing location.
HE Comments	None
GLA Comments	None
Conclusion	The proposed development would not be visible in this protected view and therefore would not cause any harm to its significance.

### Local Views

131. In addition to the strategic views protected by planning policy, the submitted TVIA sets out the impact on 8 heritage assets within close proximity of the site. The impact on designated heritage asset is summarised below.

<b>Asset 1</b>	
Location	Gas Holder No. 13 – Grade II listed building
Heritage Significance	The significance of this listed building is derived from its historical and technological interest as an innovative structural design which formed part of the South Metropolitan Gas Company's works on the Old Kent Road.
Other Significance	None.
Sensitivity to change	High
Impact of proposal	The subject site was occupied by nineteenth century terraced housing and formed part of the contemporary development surrounding and associated with the gasworks. The subject site has been redeveloped and no longer retains any historic or functional relationship with the gas works.
HE Comments	None
GLA Comments	None
Conclusion	The redevelopment of the subject site will alter the

	setting of the listed Gasholder. However, the scheme will not affect the legibility of the gasholder structure, nor its technological or historical values and association with related structures as the site makes no contribution to the significance of the listed building.
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<b>Asset 2</b>	
Location	Former Camberwell Public Library and Livesey Museum – Grade II listed building
Heritage Significance	The significance of this building lies primarily in its historical, communal and aesthetic significance. This building was commissioned as a public library by Sir George Livesey. It was the first public library in Camberwell and helps to illustrate the important role the South Metropolitan Gas Company played in the local economy and society. The Library and Museum also displays much attractive architectural detail distinctive to the late nineteenth century and illustrative of its role as a civic building.
Other Significance	None
Sensitivity to change	High
Impact of proposal	Intervisibility is limited only by trees at the front of the plots. The buildings and uses on the Site have no historic or functional relationship to the listed building and make no contribution to its significance.
HE Comments	None
GLA Comments	None
Conclusion	Notwithstanding the lack of relationship between the site and the Grade II Listed Building, the development would provide significant change with a substantial improvement on the existing townscape provided on site; however, the change is not deemed to detract from the setting of the heritage asset.

<b>Asset 3</b>	
View location	Statue of George Livesey – Grade II listed building
Heritage Significance	The significance of this listed building is derived from its communal, historical and aesthetic values as a piece of commemorative art created by a well-known late nineteenth century sculptor. Furthermore, the statue commemorates an important local figure.
Other Significance	None
Sensitivity to change	Low
Impact of proposal	There is no historical or functional relationship between this designated heritage asset and the

	application site, nor is there any intervisibility. It is therefore considered that the site makes no contribution to the significance of this built heritage asset.
HE Comments	None
GLA Comments	None
Conclusion	Given the circa 230m separation distance between the development and the statue, no harm to the setting of the designated heritage asset would arise from this scheme.

<b>Asset 4</b>	
Location	2-8 Canal Grove – group of Grade II listed buildings
Heritage Significance	
Other Significance	None
Sensitivity to change	Medium
Impact of proposal	The significance of these cottages is derived from their historical, evidential and aesthetic values. These are attractive, early nineteenth century cottages which retain their original external appearance and a good amount of historic fabric. They display modest Classical elevations, with regular rhythm of openings, which illustrate contemporary architectural tastes at the time of building. Features such as timber framed sash windows, hipped slate roofs, and simple Classical decorative features including reeded door surrounds all contribute to the significance of these heritage assets.
HE Comments	None
GLA Comments	None
Conclusion	The site is located circa 210 metres to the south-east of Canal Grove, separated from it by large, modern industrial sheds and other commercial uses on Sandgate Street and Ruby Street. The site forms part of the wider setting of the listed structures on Canal Grove and is part of the industrial character of this part of Old Kent Road. There is no intervisibility between the site and listed buildings in its current context and with the forthcoming development on neighbouring sites to the west, there will continue to be no intervisibility between the subject site and the group of listed buildings.

<b>Asset 5</b>	
Location	Gas Standard – Grade II listed building
Heritage	The significance of this listed building is derived

Significance	primarily from its historical value as a nineteenth century gas lamp. This is a rare survivor, which also shares an association with Canal Grove Cottages.
Other Significance	None.
Sensitivity to change	Low
Impact of proposal	Given the separation distance of circa 210 between the subject site and the heritage asset, along with the location of the Gas Lamp, no intervisibility is possible.
HE Comments	None
GLA Comments	None
Conclusion	The separation distance of the heritage asset to the subject site would not cause any harm to the asset.

<b>Asset 6</b>	
Location	Mural Depicting the History of Old Kent Road – Grade II listed building
Heritage Significance	The significance of this listed building is derived from its artistic interest, rarity, historic interest and craftsmanship.
Other Significance	None
Sensitivity to change	Low
Impact of proposal	There is no historical or functional relationship between this designated heritage asset and the application site, nor is there any intervisibility. It is therefore considered that the site makes no contribution to the significance of this built heritage asset.
HE Comments	None
GLA Comments	None
Conclusion	Given the circa 230m separation distance between the development and the statue, no harm to the setting of the designated heritage asset would arise from this scheme.

<b>Asset 7</b>	
Location	Kentish Drover Public House – Grade II listed building
Heritage Significance	The significance of this listed building is derived from its historical and aesthetic values. The building dates from the first half of the nineteenth century, it remains largely nineteenth century in external appearance. It is a three-storey building with curved, two-storey element which turns the corner with a painted signboard above. The building is rendered brick and dates from c. 1840. It retains timber sash windows and pilastered ground floor front.
Other Significance	None

Sensitivity to change	Medium
Impact of proposal	The subject site is located circa 170 metres to the north-west of the Kentish Drovers. There is limited intervisibility between the site and the listed building due to intervening development.
HE Comments	None
GLA Comments	None
Conclusion	The separation distance between the site and the listed asset along with absence of a functional relationship between the two, owing to the separation distance, the development will not harm the setting of the heritage asset.

<b>Asset 8</b>	
Location	Doddington Place, Doddington Cottages and 302 & 304 Commercial Way – Grade II listed buildings
Heritage Significance	The significance of these buildings is derived from their aesthetic and historical values as early nineteenth century houses which retain their overall historic appearance and original features and fabric such as regular fenestration, raised parapets with concealed roof, and timber-framed sash windows.
Other Significance	None.
Sensitivity to change	Low
Impact of proposal	The subject site is located circa 200 metres to the north-west of the heritage assets. There is limited intervisibility between the site and the listed building given the location of the development away from the Old Kent Road junction with Commercial Way.
HE Comments	None
GLA Comments	None
Conclusion	The separation distance between the site and the listed asset along with absence of a functional relationship between the two, owing to the separation distance, the development will not harm the setting of the heritage asset.

#### Conclusion on the Setting of Listed Buildings, Conservation Areas and Townscape

132. The following table summarises the designated heritage assets that could be impacted by the proposal, and what harm, if any has been identified.

**Table: Impact on heritage significance**

<b>Listed Buildings and Conservation Areas</b>	<b>Assessment of Impact on heritage significance</b>
Local Views	No harm identified

Caroline Gardens Conservation Area	No harm identified owing to separation distance and scale and massing of the development from the conservation area
Peckham Hill Street Conservation Area	No harm identified owing to separation distance and scale and massing of the development from the conservation area
Glengall Road Conservation Area	No harm identified owing to separation distance and scale and massing of the development from the conservation area
Listed Buildings	Some less than substantial harm identified to the special architectural, historic character, and to the setting, outweighed by the wider regeneration benefits of the proposals.
Draft Locally listed buildings/ undesignated assets identified in the draft Old Kent Road AAP	Some less than substantial harm identified to the special architectural, historic character, and to the setting, outweighed by the wider regeneration benefits of the proposals.

133. This development will be the smallest in scale and massing of the schemes approved in the immediate area that consists of the Ruby Triangle redevelopment, the Carpet Right redevelopment, and the redevelopment of 689-695 Old Kent Road. Furthermore, the proposed scheme would be located in between the larger developments. The approved Ruby Triangle scheme was the initial catalyst for marked change in the built form in the area, including the introduction of tall buildings within approximately 120m of the Gasholder, which is currently the tallest structure in its immediate surroundings. However, it was considered this would have a negligible impact on the significance of this listed building. It is considered that the introduction of the additional building by redeveloping the application site along with the aforementioned schemes, would not have any further impacts to the significance of this heritage asset given the location, and scale and massing of the proposed scheme.
134. Historic England and the Greater London Authority raised no objection to any of the heritage assets assessed. As the development is considered to significantly improve the appearance of the subject site, creates an active frontage along Old Kent Road and facilitates a high quality design, the limited harm to the surrounding assets is considered to be outweighed by the wider regeneration benefits of the proposal.
135. Whilst limited weight has been given to emerging policy, full weight has been given to adopted policies, including the NPPF (2019), London Plan (2021) and Southwark Plan (2007) and Core Strategy (2012). As can be seen from the assessment contained within this report, the proposals are considered to be in compliance with these adopted policies.

## **QUALITY OF ACCOMMODATION AND DENSITY**

### **Quality of Student Accommodation**

136. London Plan Policy H15 requires purpose built student accommodation to provide adequate functional living space and layout and emerging New Southwark Local Plan policy P24 requires the development of purpose built student housing to provide adequately sized bedrooms and functional indoor communal living space commensurate with the intended number of occupiers sharing the communal space.
137. The standards of residential design quality that are applied to conventional dwellings are not applied to student accommodation. Southwark Plan Saved Policy 4.7 does however require student housing developments to provide a satisfactory standard of accommodation, including shared facilities. Provision must be made within the development for adequate amenities and facilities to support the specific needs of the occupiers, including staffing, servicing and management arrangements.
138. There are no specific housing standards for student housing and given the different needs and management of student housing in comparison to conventional housing, it is not appropriate to apply standard residential design standards to student housing. The student rooms themselves comprise a range of room types to suit varying needs including ensuite bedrooms, accessible ensuite bedrooms, studio rooms and accessible studio rooms. All bedrooms and studios will have integrated storage and will be provided with an ensuite shower room. Windows are generously sized and have an openable ventilation shutter with good levels of outlook and privacy. A typical floor plan within the student accommodation aspect comprises of 3 cluster flats of between 6 to 9 flats per cluster. Shared kitchen dining facilities are located within each cluster flat, and the kitchens will be large enough to provide seating for all residents and will also be accessible for wheelchair users.
139. All students will have access to a total of 185sqm of ground floor internal communal amenity space. The location of the internal amenity space at the northern end of the building provides views over the pocket park, and the internal layout enables dedicated study rooms to be provided alongside generous spaces for relaxing and socialising. At first floor level, the student residents will also have access to a communal lounge which opens out onto the first floor terrace amenity space that is to be maintained and managed by the on-site management company. The pocket park provides a further area of external amenity, which will be accessible to the wider community as well as the student residents.

### **Wheelchair Housing**

140. Saved policy 4.3 of the Southwark Plan requires at least 10% of all major new residential developments to be suitable for wheelchair users and London Plan Policy D7 'Accessible housing' requires 90% of new housing to meet Building regulations M4(2) "accessible and adaptable" and 10% to meet Building Regulations M4 (3) "wheelchair user dwellings". This is reiterated in emerging policy in the draft OKR AAP and the New Southwark Plan.

141. 27 of the proposed student bedrooms are designed to accommodate wheelchair users meeting the requirements of Building Regulations M4(3) 'wheelchair user dwellings' which equates to 10.11% of all student bedrooms proposed. The wheelchair user accommodation would be secured through the Section 106 Legal Agreement.

**Proposed student accommodation mix**

Unit size	Private Units		Nomination Units		Affordable Units	
	No.	%	No.	%	No.	%
En-Suite	112	87.50%	36	78.26%	76	81.72%
Accessible en-suite	-	-	10	21.74%	11	11.83%
1 bed Studio	16	12.50%	-	-	-	
Accessible studio	-	-	-	-	6	6.45%
Total	128	100%	46	100%	93	100%

**Density**

142. Residential density calculations are not directly applicable to student housing, and there are no policies relating to acceptable numbers of student rooms per hectare. Instead, the scale and amount of accommodation should be assessed in terms of its impact on neighbouring properties and the surrounding townscape, and the quality of accommodation proposed. Assessments of this are provided in the relevant section of this report.

Internal Daylight and Sunlight

143. An Internal Daylight and Sunlight report, based on Building Research Establishment (BRE) Guidance, has been submitted. Daylight and sunlight within the proposal in the context of the existing site context would be excellent. However, internal amenity will be reduced by the redevelopment of the neighbouring sites. Notwithstanding this, all occupants will have access to well daylit and sunlit spaces in both existing and cumulative contexts. It is therefore considered that the internal daylight and sunlight afforded to the occupants of the development is acceptable.

Overlooking and Privacy within the Proposed Development

144. In order to prevent harmful overlooking, the Residential Design Standards SPD requires proposed developments to achieve a distance of 12m between the front elevations of buildings and/or across a highway, and a minimum of 21m between rear elevations. This is achieved in this scheme.

### Secured by Design

145. The application has been reviewed by the Metropolitan Police, Secure by Design Advisor who is satisfied that, should this application proceed, it would be able to achieve the security requirements of the Secured by Design principles. The design of the development has considered opportunity for natural surveillance, incorporates excellent lines of site and MET Officers are confident the development should 'activate' the area. The ground floor footprint has also been designed in such a way that there are very few alcoves or secluded areas that are often crime and ASB generators.
146. Planning conditions requiring the proposed development to adhere to the principles and physical security requirements of Secured By Design are included with the recommendation.

### Conclusion on Quality of Accommodation

147. Officers consider that the proposed student accommodation would be of high quality accommodation with sufficient internal space provided for circulation and comfort as well as adequately sized bedrooms and shared communal living space, compliant with London Plan policy H15 and emerging New Southwark Local Plan policy P24.

## **PUBLIC OPEN SPACE**

148. Policy AAP10 of the draft OKR AAP requires the provision of 5sqm of public open space per proposed home. Any shortfall will be charged at £205 per square metre. As set out in the Section 106 and CIL SPD, £205 per sqm represents the average cost for improving open space in Southwark. Despite this development being a student led housing scheme, Supporting paragraph 4.1.9 of the London Plan states that student housing contributes towards meeting a Borough's housing targets at a ratio of 2.5:1. As such, the proposed 267 student rooms will contribute the equivalent of 107 new residential dwellings towards Southwark's housing targets.
149. In accordance with the requirements of this site within OKR 13, the northern section of the development proposes a publically accessible pocket park of 373 sqm.

### Public Open Space Calculation

**Table: Public open space proposed**

<b>Public Open Space</b> (Public space at ground floor, excluding play space)	<b>Draft OKR AAP (2020) requirement AAP 11:</b> Parks, streets, open spaces –The Greener Belt. (page 72)	<b>Proposed public open space</b>	<b>Shortfall</b>
	Provide 5sqm of public open space per dwelling. New open spaces must	373 sqm	162 sqm shortfall

	<p>be provided in the locations identified in the masterplan. In these instances there may still be a requirement to make a financial contribution in addition to the provision of open space as identified in the masterplan.</p> <p>535 sqm required</p>	<p>£205 per sqm =</p> <p><b>Financial contribution of £33,210.00</b></p>
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150. The financial contribution of £33,210.00 would be secured through the Section 106 Legal Agreement. The money would go towards the maintenance and improvements of public parks and spaces within the Old Kent Road Opportunity Area.

## **IMPACT OF PROPOSED DEVELOPMENT ON AMENITY OF ADJOINING OCCUPIERS AND SURROUNDNG AREA**

151. Strategic Policy 13 of the Core Strategy sets high environmental standards and requires developments to avoid amenity and environmental problems that affect how we enjoy the environment. Saved Policy 3.2 of the Southwark Plan states that planning permission for development will not be granted where it would cause a loss of amenity, including disturbance from noise, to present and future occupiers in the surrounding area or on the application site. Furthermore, there is a requirement in Saved Policy 3.1 to ensure that development proposals will not cause material adverse effects on the environment and quality of life.

### **Impact of the Proposed Uses**

152. The provision of a Class E commercial space on the ground floor would be in keeping with the existing commercial use on site currently. The introduction of student accommodation to the upper floors is considered to be compatible with the surrounding land uses which include residential and commercial uses. On this basis, it is considered that the proposed uses would not cause any harm to surrounding neighbour amenities, and accordingly are all found to be acceptable uses. Conditions on opening hours and noise have been included on the draft decision notice.

### **Daylight and Sunlight Impacts**

153. The following section of this report details the potential daylight, sunlight, and overshadowing impacts of the proposed development on surrounding residential properties. This analysis is based on guidance published by the Building Research Establishment (BRE). As required by Regulations, the submitted assessment has been undertaken by competent, experienced, registered professionals.

## BRE Daylight Tests

154. Guidance relating to developments and their potential effects on daylight, sunlight, and overshadowing is given within the 'Building Research Establishment (BRE) Report 209 Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice 2nd Edition (2011)' (BRE, 2011) and also in 'Lighting for Buildings Code of practice for daylighting (AMD 7391) BS 8206-2:1992' (BSI, 2008). The Building Research Establishment's (BRE) Site Layout Planning for Daylight and Sunlight, a guide to good practice (1) gives criteria and methods that are explained subsequently for calculating DSO effects on surrounding receptors as a result of the proposed development.
155. While the BRE benchmarks are widely used, these criteria should not be seen as an instrument of planning policy. As stated in the Introduction to the BRE Guidelines paragraph 1.6:

“The guide is intended for building designers and their clients, consultants and planning officials. The advice given here is not mandatory and the guide should not be seen as an instrument of planning policy; its aim is to help rather than constrain the designer. Although it gives numerical guidelines, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design.”
156. The two most common tests for assessing the likely daylight impacts on surrounding, existing properties set out in the BRE Guidelines are the Vertical Sky Component (VSC) test and the Daylight Distribution (DD) test (otherwise known as the No Sky Line (NSL) test). The VSC test calculates the availability of daylight to the outside of a window and the DD test shows the distribution of daylight within a room.
157. The VSC test calculates the angle of vertical sky at the centre of each window and plots the change between the existing and proposed situation. The target figure for VSC recommended by the BRE is 27%, which is considered to be a good level of daylight and the level recommended for habitable rooms with windows on principal elevations. The BRE also advise that VSC can be reduced by about 20% of its original value before the loss is noticeable. In other words, if the resultant VSC with the new development in place is less than 27% and/or less than 0.8 times its former value, then the reduction in light to the window is likely to be noticeable.
158. The DD test calculates the proportion of a room from which the sky would be visible, and plots the change between the existing and proposed situation. The BRE advises that if there is a reduction of 20% or more in the area of sky visibility, daylight may be noticeably affected.
159. To assess the likely impact on other proposed new developments where detailed internal layout are available and window positions are finalised, the BRE Guidelines state that the Average Daylight Factor (ADF) test is most appropriate. Accordingly, for surrounding consented residential developments with the potential to be affected by the proposals under consideration here, ADF analysis has been undertaken. ADF provides an absolute measure of daylight expressed as a ratio of daylight for the room in question as a proportion of the daylight outside at any moment in time. The ADF for a living room should be above 1.5% (i.e. the room should enjoy a minimum

of 1.5% of the average external daylight at any moment in time), whilst that for a bedroom and kitchen should be in excess of 1% and 2% respectively. Where, at the time the assessment was carried out, the surrounding consented schemes had not yet undergone detailed design or window positions had not been finalised, VSC façade analysis has been undertaken. This calculates the VSC across an entire façade, and the results are presented graphically with areas of high daylight (27%+ VSC) coloured yellow and areas of lower daylight coloured blue/purple.

160. In relation to existing windows with balconies above them, the BRE Guidelines acknowledge that they typically receive less daylight. Because the balcony cuts out light from the top part of the sky, even a modest obstruction may result in a large relative effect on the VSC, and on the area receiving direct daylight. They advise that the impact of existing balconies can be demonstrated by carrying out additional PSH calculations, for both the existing and proposed situations, with the balconies notionally removed.

#### BRE Sunlight Tests

161. The BRE sunlight tests are the Annual Probable Sunlight Hours (APSH) and the Winter Probable Sunlight Hours (WPSH) tests. If, with the proposed development in place, a window can receive more than 25% of the available APSH, including at least 5% of WPSH during the winter months, then the BRE advises that the room should still receive enough sunlight. If a window retains at least 80% of its former value in terms of both APSH and WPSH, then the BRE advises that the reduction is likely to be unnoticeable. If the overall annual loss is greater than 4% of APSH, the BRE advises that the room may appear colder and less cheerful and pleasant.
162. The BRE sets out specific guidelines relating to balconies on existing properties. This guidance acknowledges that balconies and overhangs above an existing window tend to block sunlight, especially in summer. Even a modest obstruction may result in a large relative impact on the sunlight received. As a result, they advise that the impact of existing balconies can be demonstrated by carrying out additional PSH calculations, for both the existing and proposed situations, with the balconies notionally removed.

#### Overshadowing

163. Section 3.3 of the BRE guide describes the method of assessment of the availability of sunlight within garden/amenity spaces. This relates to the proportion of shading on March 21<sup>st</sup>, the Spring Equinox. The Overshadowing Assessment analysis is discussed further in this section of the report. The BRE criteria for gardens or amenity areas are as follows:

*“It is recommended that for it to appear adequately sunlit throughout the year, at least half of a garden or amenity space should receive at least two hours of sunlight on 21 March. If as a result of a new development an existing garden or amenity space does not meet the above, and the area which can receive two hours of sunlight on 21 March is less than 0.8 times its former value, then the loss of amenity is likely to be noticeable.”*

## Notes

164. 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. They 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. Paragraph 123 of the NPPF (2019) 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).”

165. The submitted report has taken into account the daylight and sunlight impacts for the following surrounding buildings, which are mostly in residential use (at least in part) and therefore of high sensitivity to daylight and sunlight impacts:

- 685-695 Old Kent Road / 2-12 Ruby Street (Consented development)
- 2A Ruby Street
- 681 Old Kent Road
- 683 Old Kent Road
- 650-672 (even) Old Kent Road
- 5-27 (odd) Ethnard Road
- 651-657 Old Kent Road (Carpetright Site Consented development)
- 1 Ruby Triangle (Consented Ruby Triangle development, Block C)
- 14 Ruby Street

## Impacts

166. The results for daylight and sunlight assessment are presented for each property tested in the following paragraphs.

### 685-695 Old Kent Road / 2-12 Ruby Street (Consented development)

167. From the assessment undertaken, the daylight impacts to neighbouring properties are identified to four windows at 685-695 and 2-12 Ruby Street. It is acknowledged that this will become an impact once the part 3, part 7 and part 22 storey planning consent development is built. The impacts will be to the windows that directly face the subject site at the 3<sup>rd</sup> floor level up to the 7<sup>th</sup> floor level. The four windows are identified below as W4/903, W5/903, W6/903 and W7/903. These windows will experience proportional reductions of 20% - 22% which is marginally in excess of the guideline 20%. Retained VSC values to all windows will be upwards of 20%. This is considered to be a good level of daylight given the location of the affected property in an urban site location.
168. Results of the NSL test demonstrate that 20 rooms will not achieve the default guidance. Of the 20 rooms that do not achieve guidance, 14 are over 5 metres deep.

As stated at paragraph 2.2.10 of the BRE Report ‘*If an existing building contains rooms lit from one side only and greater than 5m deep, then a greater movement of the no-sky line may be unavoidable.*’ The remaining 6 rooms are all bedrooms, and BRE guidance explicitly states that bedrooms should be considered less important than living rooms, dining rooms and kitchens. The overall effect on these consented flats will be minor, and they would continue to receive good levels of daylight after development.

169. As the site facing elevation is not orientated within 90 degrees of due south, sunlight is not an issue.

#### 2A Ruby Street

170. This property is located directly to the south-east of the site. It has a garage and storage space at ground floor, with a studio flat above. There will be large reductions in daylight to this property in both the Existing Baseline and Cumulative Baseline scenarios. VSC values to the 3 windows serving the flat would be reduced to in the region of 6% after development. Notwithstanding this, a planning application has recently been approved for the redevelopment of the property (Application Reference 20/AP/1872), and an assessment has been undertaken considering the effects on this proposed four-story dwelling.
171. The assessment demonstrates that whilst the reductions in VSC to the windows would be significant, assuming light internal finishes within the proposed dwelling, each of the bedrooms would achieve an ADF value comfortably in excess of the BRE recommended target of 1.0%. Similarly, the combined living/kitchen/dining would achieve an ADF value in excess of the 1.5% target for a living room, which is the principal use. Overall daylight levels within this potential neighbouring development would therefore remain acceptable after the Proposed Scheme is implemented.
172. As the windows serving the property are not orientated within 90 degrees of due south, sunlight is not an issue.

#### 681 Old Kent Road

173. This property is located to the south-east of the site. It contains two flats at first and second floor, above a retail unit at ground floor. There are six, small, site facing windows located in the flank wall of the property at first and second floor levels. The results demonstrate that four of these do not serve main habitable accommodation, with the remaining two (W2/1171 & W5/1172) being secondary windows to the spaces they serve. It is assumed that these spaces are combined living/kitchen/dining rooms. The effects on these two windows will be similar irrespective of whether they are considered in the context of the Existing Baseline or Cumulative Baseline.
174. In each case, while proportional reductions in daylight would be in excess of the guideline 20%, these windows would retain VSC values of 13.9% and 15.0%. As discussed in Section 8 above, this level of daylight is commensurate with that for the site location. One further window (W3/1172, located to the rear of the property) would experience a proportion reduction in VSC of 21.2%, i.e. very marginally in

excess of BRE guidance. Considering NSL, in both the Existing Baseline and Cumulative Baseline scenarios, reductions to the second floor room assessed would accord with BRE guidance. In both scenarios, the proportional reductions to the first floor room would be marginally in excess of the guideline 20%. Furthermore, the overall reduction in daylight to the rooms (as measured by ADF) would be very small – the rooms would experience absolute reductions in ADF of less than 0.1%. The overall effect on the daylight amenity to this property is considered acceptable, particularly given the urban site context.

175. As the site facing windows serving the property are not orientated within 90 degrees of due south, sunlight is not an issue.

#### 683 Old Kent Road

176. This property is located to the south-east of the site. It contains two flats at first and second floor, above a retail unit at ground floor. Considering the effects of the Proposed Scheme in the context of the Existing Baseline, two windows (W6/1171 & W4/1172) will experience reductions in VSC that are marginally in excess of guidance (20%-21% proportional reductions), but retained levels remain good for an urban location. Window W1/1172 will experience a larger proportional reduction, but the retained VSC of 14.1% is commensurate with that for the site location. Furthermore, overall daylight levels to the room this window serves (R3/1172) will remain good after development – the retained ADF will be comfortably in excess of the BRE 1.5% target for a living room. Considering the NSL test, there will be no reductions that breach BRE guidance.
177. In the context of the Cumulative Baseline, only window W1/1172 will experience a reduction that is in excess of BRE guidance. This window would retain a VSC of 12.5%, which is reasonable given the location. The overall reduction in daylight, as measured by ADF, to the room (R3/1172) this window serves would not be material. Considering the NSL test in this scenario, again, there will be no reductions that breach BRE guidance. Overall, the implementation of the proposed development will not have a material effect on the daylight amenity to this property.

178. As the site facing windows serving the property are not orientated within 90 degrees of due south, sunlight is not an issue.

#### 650-672 Old Kent Road

179. These properties are located to the west of the site, on the opposite side of Old Kent Road. They contain residential accommodation at first floor level and above. Considering the effects of the Proposed Scheme in the context of the Existing Baseline, reductions to all windows and rooms fully accord with the BRE VSC and NSL criteria respectively. In the context of the Cumulative Baseline, reductions to all but 4 of the windows serving these properties fully accord with BRE VSC guidance. Proportional reductions to these windows will be marginally in excess of guidance (between 20% & 21.6%).
180. In each case the windows form part of a bay window, along with 7 other windows. The overall effect on amenity within the rooms these bay windows serve will

therefore not be material. Regarding the NSL test, the reductions to all but one of the properties fully accord with BRE guidance. One room in 664 Old Kent Road would experience a proportion reduction of 22.4% which is marginally more than the guideline 20%. The Proposed Scheme will not have a material effect on the daylight amenity to these properties.

181. As the site facing elevation is not orientated within 90 degrees of due south, sunlight is not an issue.

5- 27 Ethnard Road

182. These residential properties are located to the south-west of the site. Reductions to all windows and rooms within these properties fully accord with the BRE VSC and NSL criteria respectively, both in the Existing Baseline and Cumulative Baseline scenarios. There will therefore not be a material effect on the daylight amenity to the properties.

183. As the properties are located south of the site, sunlight is not an issue.

651-657 Old Kent Road (Carpetright Site Consented development)

184. This property is located to the north-west of the site. Planning consent has been granted for a 19 storey building opposite the site across Hyndman Street. This neighbouring consent is residential led, and therefore the potential effects of the proposed development will have on the Carpet Right residential development has been assessed. Whilst there would be reductions in daylight that are in excess of BRE guidance, retained VSC levels to windows that are not constrained by balconies are all in excess of 13.5%, and are therefore appropriate for the location. It is acknowledged that windows located under balconies would naturally retain lower values, BRE guidance suggests that reductions to windows under balconies should not be used to judge the acceptability of a scheme.
185. The test of overall internal amenity as measured by ADF, of the 216 rooms tested, 179 would achieve the appropriate ADF target value for their respective room use with the Subject site in its current condition. This results in a compliance rate of 83%. The implementation of the Proposed Scheme would result in ADF values to just 5 rooms being reduced to below the target. There would therefore not be a material reduction in the overall ADF compliance rate for this neighbouring consent. The overall effects of the proposed scheme on daylight amenity to the planning consent for the Carpet Right site are therefore considered to be acceptable.
186. As the site is within 90 degrees south of the subject site, a sunlight assessment has been undertaken. Results show that there will not be a material effect on sunlight amenity to the planning consent on the Carpet Right site. Of the 216 rooms tested, reductions in APSH to 199 are in full accordance with BRE guidance. The 17 rooms that experience reductions that breach BRE guidance are all located behind balconies. Each room tested that does not have its access to sunlight restricted by a balcony will retain APSH levels in excess of the default BRE targets (25% of total APSH, with at least 5% in winter). Overall it is considered that the sunlight amenity to the residential development of the Carpet Right site will therefore remain very good after

the implementation of this scheme on the subject site.

#### 1 Ruby Triangle (Consented Ruby Triangle development, Block C)

187. This property is located to the north-west of the site. The current buildings on this site are in commercial use, and as such do not require assessment. However, planning consent has been granted for the redevelopment of this site (known as Ruby Triangle), and this assessment has considered the effects on the block in closest proximity to the subject site (Block C) in the context of the Cumulative Baseline. The reductions in VSC to all the windows tested fully accord with default BRE guidance. The NSL test indicates reductions to 49 of the 54 rooms test accord with BRE guidance. The remaining five rooms will experience reduction of between 21% and 31%. These are all bedrooms, and BRE guidance explicitly states that bedrooms should be considered less important than living rooms, dining rooms and kitchens. The ADF test demonstrates that the Proposed Scheme would not result in a reduction in the number of rooms within the Block C units of Ruby Triangle that achieves their respective ADF target value. It is therefore considered that the effects of the Proposed Scheme on the daylight amenity to Block C element of the approved Ruby Triangle development are not material.
188. Reductions in sunlight are in full accordance with BRE guidance, and the rooms within Block C of the approved Ruby Triangle development that face the subject site will continue to receive excellent sunlight amenity after development.

#### 14 Ruby Street

189. This property, located to the east of the site, contains residential accommodation above a public house. Considering the effects of the Proposed Scheme in the context of the Existing Baseline, proportional reductions in VSC to the residential windows that face the site would be between 32% and 38%. However, retained value would all be upwards of 22.7% and this is considered to be very good levels of daylight given the urban location. In the context of the Cumulative Baseline, proportional reductions in VSC to the residential windows that face the site would be between 35% and 39%. Whilst retained VSC values would be naturally be lower than those in the context of the Existing Baseline, the retained values of 12%-14% are commensurate with those appropriate for the emerging site context.
190. The sunlight assessment of the Existing Baseline demonstrates that all windows serving this property would continue to receive in excess of the default BRE APSH targets (25% of total APSH, with at least 5% in winter) after development. Whilst retained levels of sunlight will naturally be reduced in the context of the Cumulative Baseline, each site facing room within the property would continue to receive at least 16% of total APSH with at least 6% in winter. Again, this is considered to be good levels of sunlight given the urban location of the development, and the fact that the windows face within 11 degrees of due west.

#### Overshadowing

191. Given the location of the site and its layout, currently there is only one amenity space that requires assessment, a roof terrace to 681 Old Kent Road. However, it is also

noted that there is an area of external amenity space to the third floor terrace of the planning consented development at 685-695 Old Kent Road / 2-12 Ruby Street to the south-east of the site. The assessment and diagram below illustrate the potential impacts to the aforementioned neighbouring properties.

192. Due to its location to the north of the building it serves, the roof terrace to 681 Old Kent Road receives poor sunlight amenity in the existing situation (none of the area will receive 2 hours of direct sunlight on March 21<sup>st</sup>). There can therefore be no reduction in well-sunlit area. Considering the third floor terrace to the consented 685-695 Old Kent Road / 2-12 Ruby Street development, the reduction in the area of the space that can receive 2 Hours of sunlight on March 21<sup>st</sup> will be minimal, with over 90% of the area continuing to do so after development. Sunlight amenity to this space will therefore remain excellent after development.

**Image: March 21<sup>st</sup> Overshadowing**



Daylight and sunlight conclusions:

193. As the existing site massing is very modest, some noticeable reductions in daylight and sunlight amenity will be inevitable with any scheme that optimises the full potential of the site. However, the effects on the majority of existing properties assessed are small and fully accord with default BRE guidance, both in the context of the Existing Baseline and the Cumulative Baseline. Similarly, the overall effects on the residential accommodation within the neighbouring planning consents will generally be small. In areas where there will be reductions in excess of default BRE guidance, overall retained levels of amenity remain commensurate with those appropriate for the emerging site context.
194. Whilst it is acknowledged that there will be a larger localised daylight impact to one existing studio flat at 2a Ruby Street, an application has been made to redevelop this property and has recently been approved. The separate analysis undertaken for the

approved scheme at 2a Ruby Street demonstrates that all rooms within this neighbouring proposal would achieve good overall levels of daylight after the Proposed Scheme is implemented. In light of the above, the effects of the Proposed Scheme are considered acceptable, particularly giving consideration to the emerging site context.

### **Overlooking of Neighbouring Properties**

195. The development has been designed to minimise any potential overlooking of nearby residential properties. Given the 'Island' nature of the development, surrounded by Ruby Street to the east and north of the site, and Old Kent Road and Hyndman Street to the south and west respectively, the single nature aspect of the student bedspaces restricts the potential to provide overlooking opportunities to neighbouring properties and the residential units contained within planning consented developments located nearby.

### **TRANSPORT CONSIDERATIONS**

196. In assessing this application from a transport perspective, the site is located in an area that the council is considering traffic management changes to enable healthy streets. Including east-west cycle and pedestrian links. The site will possibly be required for enabling the future BLE station at a site nearby (Toys r Us). Both Transport Policy and Highways officers have viewed the application to ensure they will work together
197. The site is located on the A2 at 671-679 Old Kent Road, and is bounded by Hyndman Street, Ruby Street and Old Kent Road.

PTAL Rating = 4

CPZ = no; however, the council is proposing to introduce a CPZ in the current two year programme

198. Saved Policy 5.2 of the Southwark Plan seeks to ensure that developments do not result in adverse highway conditions; 5.3 requires the needs of pedestrians and cyclists to be considered and 5.6 establishes maximum parking standards.
199. 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.
200. The Mayors Transport Strategy (MTS) includes three strategic challenges that are of significant importance to assessing this application.
- Vision Zero
  - Healthy Streets
  - Air Quality

201. 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.

### **Key Transport Issues**

202. Officers have reviewed this application and identified the following areas for detailed comments:

- Access and Road Safety – The safe movement of all modes entering and exiting the public highway
- Trip Generation – The existing and proposed trips related to the site
- Servicing and Delivery – How the development will manage the vehicular trips required
- Car Parking - How the development will manage the vehicular trips required
- Public Transport – Current access and future potential
- Active Transport – Walking and cycling and behaviour change

### Existing Site Layout

203. The site currently operates as a KFC restaurant with 226 sqm of commercial floorspace, a drive through, and a car park with 15 car parking bays. The site is not within a Controlled Parking Zone.

204. The existing site has several pedestrian and vehicular accesses and is flanked by Hyndman Street to the west, Ruby Street to the north and east, and Old Kent Road to the south. Old Kent Road is part of the TLRN, and Hyndman and Ruby Street are borough-maintained roads of single carriageway with footways on both sides, subject to a 20mph speed limit.

### Future Site Layout

205. The proposed site layout will improve the permeability of the area. The development is car free with space for either an on-site disabled persons car parking or loading bay.

206. The highway on Ruby Street and Hyndman Street will be subject to changes of traffic management and the introduction of a CPZ and possible location of two bus stands. The removal of dropped kerbs and amendments to the proposed access requirements, will be detailed up as part of the S278 agreement.

207. All works within the extent of the S278 for Southwark will be done in accordance with Southwark Street Design Manual SSDM and for TfL's network Healthy Streets design guidance.

## **Trip Generation**

208. The existing movements generated by the current use of the daily average motorised vehicular two way trip is 379 largely connected to the drive through restaurant. The proposal estimates daily vehicular trips of mostly related to servicing and delivery of 39.

## **Servicing and Delivery**

209. All servicing and delivery for this site will come from the A2 Old Kent Road and approach the site from Sandgate Street and Hyndman Street Road. The Refuse and recycling storage for the development will be located at the rear of site accessed from the on site service area. The council is considering the provision of on street loading bays bearing in mind the cumulative developments on Sandgate Street, Hyndman and Ruby Street. The exact location of new bays and the re-location of existing will be subject to the S278 agreements.
210. The estimated motorised vehicular servicing and delivery is estimated to be 39. As this site is largely student accommodation there will be a bespoke arrangements for the arrival and departure of students which will be organised by the on site management and outlined in the DSP.
211. In order to ensure that on-street servicing and deliveries do not negatively impact on the highway network, the Council is recommending that applicants in the Old Kent Road Opportunity Area enter into Delivery Service Plan Bonds 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.
212. 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 £10,700.00 based on the 107 residential units and 257sqm of non residential floorspace. The applicant has agreed to the contribution which can be collected via the Legal Agreement

Type	Quantum	Bond Amount
Residential	107 (equivalent of 267 student accommodation)	£10,700.00
Non Residential	257 sqm	£300.00
Daily Trips	12	£11,000.00

213. All uses in the development will be subject to a condition on the marketing and promotional material related to the work to ensure this is explicit in how the development has been designed to discourage private cars and encourage sustainable living, working and visiting

### **Car Parking**

214. The site is not located in a designated Controlled Parking Zone however the area is largely restricted by double yellow lines and red lines at the junction with Old Kent Road. The existing site does provide some off street parking, related to the existing uses most of which will not return. The proposal is car free but does provide 1 off street disabled parking bays. If this bay is not required for disabled student or employee the bay should be prioritised for servicing and/or extending cycle parking provision and not for private car parking.
215. An obligation would also 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. A further obligation 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. The change in traffic management will have taken place before occupation.

### **Public Transport**

216. The application site is situated within a PTAL 3 although the accessibility of the site is set to increase with the construction of both the new Bermondsey Overground station and the Bakerloo Line Extension.

#### Buses

217. The site has convenient access to the numerous bus routes that can be accessed on the Old Kent Road. As a borough we agree with TfL that bus services will need to be increased in the area ahead of the 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. A contribution for this site has been secured through the S106 Agreement.

#### Rail and Underground

218. The site is within 1km of Queens Road Peckham station and can connect to London

Bridge, Waterloo, Elephant and Castle and New Cross via bus.

219. In the future the area is likely to benefit from the Bakerloo Line Extension, this site will be in walking distance of both proposed new stations. This proposal has been assessed to ensure that any requirements of the BLE including station, tunnelling, worksites and the ease of movement will be safeguarded.

## **Active Transport**

### Walking and the public realm

220. 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. The site will be in close walking distance of the proposed Livesey Park and also within a short walk of Burgess Park and of the proposed new linear park.

### Cycling

221. 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 proposing cycle facilities to the rear of the site linking Ilderton Road to the new linear park into Brimington Park all in close proximity to this site. The Cycle parking is provided in accordance with guidance set out within the Intend to Publish London Plan (2019) and London Cycle Design Guidance, Chapter 8.

<b>Stand type</b>	<b>Stay/Visitor</b>	<b>Total</b>
Sheffield Stands	Long Stay	21
Sheffield Stands	Short-Stay/Visitor	19
Two-tier Stands	Long Stay	171
Cargo Bike/Tricycle	Long Stay	12
		223

222. The location of some of the short stay /visitor cycle parking will be agreed as part of the detailed design condition. The S106 Agreement will include a contribution towards the delivery of an agreed first phase of extension of the Santander Cycle Hire Docking station of £50 per residential unit. There will be a condition for detailed design of cycle parking and of the any ground floor/basement parking and servicing layout; and its relationship with the public highway.

## **Construction**

223. The S106 would secure a detailed Construction and Environmental Management Plan (CEMP) and a £40 per unit contribution for Construction Management within the OKR AAP area. This is for the Council to manage cumulative impacts on the highways and environment.

### Conclusion on Transport

224. The proposal is supported because it reduces car dependency, and allows for the emerging plans for the surrounding public highway to be facilitated, subject to the obligations and conditions recommended in this section of the report.
225. The Council's Highways Team have also reviewed the proposals and indicated that there are no issues to be resolved prior to consent, and that they would support a positive recommendation, subject to obligations and conditions relating to the submission of a CEMP and DSP. The conditions have been attached to this draft decision notice, and the obligations agreed with the applicant.

## **ACHAEOLOGY**

226. The site is located within the North Southwark and Roman Road archaeological priority zone, and a desk based assessment by RPS dated September 2020. However, no archaeological evaluation has been undertaken, but site investigation (SI) works have been undertaken on site, and the results of these works have been relied upon by the applicant's archaeologists. It is apparent that the site investigation works were not monitored archaeologically so reliance upon their interpretation is limited. What is clear from the SI works is that the made ground relied upon by the applicant's archaeologists is differentiated across the site and contains depths that may well be of archaeological origin.
227. It is therefore recommended that a programme of archaeological evaluation works is undertaken following the demolition of buildings on site to slab level. These evaluation works will inform further archaeological recording that may be necessary, depending upon these results and the submission of a timely archaeological report should also be secured by condition. All conditions recommended by the Council's Archaeologist are attached to this decision with planning obligations regarding archaeology to be secured through the S106 Agreement.

## **TV AND RADIO SIGNALS**

228. Arqiva own and operate the UK Terrestrial Television Broadcast network and supply the Freeview platform. Following a reply to a consultation letter from LBS, Arqiva have determined that the proposed development will not impact upon their radio transmission and broadcasting links and therefore raise no objection to the development.

## **ENVIRONMENTAL CONSIDERATIONS**

### **Wind and Microclimate**

229. A Wind Microclimate Report by Urban Climate dated September 2020 has been submitted with this application. The report demonstrates that the development would not have any significant impact on wind conditions in regards to pedestrian safety.

Thoroughfares alongside and within the site are expected to be suitable for pedestrian access to, and passage past the development without impinging on comfort. Entrances into the development are expected to provide suitable conditions upon entry and exit. Recreational spaces proposed are expected to enjoy suitable conditions for planned activities, including outdoor seating in more sheltered parts of the Pocket Park to the rear, and on the roof terrace.

### **Flood Risk and Water Resources**

230. The site lies in Flood Zone 3 and is located within an area benefitting from River Thames flood defences. Whilst the site is protected by the Thames Tidal flood defences up to a 1 in 1000 (0.1%) chance in any year, flood modelling (December 2017) shows that the site is not at risk if there was to be a breach in the defences. Therefore, the development would be at low risk of flooding.
231. The Environment Agency has reviewed the submitted information in relation to flood risk and has no objection to the proposed development. On the advice of the EA, recommendations attached to this decision should include conditions relating to land contamination, piling and surface water drainage. Regarding piling, given the height of the proposed structure, it is assumed that the existing foundations would not be substantial enough therefore a piling process is required.
232. The Council's Flood and Drainage Officers requested further information in respect to SUDS, the location of the attenuation tank, and greenfield runoff rates. Following this request for additional information, the applicant provided an indicative drainage strategy on 19/01/2020. The strategy provided clarity over the initial comments from Southwark Flood Risk Officers.
233. There will be a 96% reduction in discharge rates compared to the existing. As such, the proposals are compliant with Policy AAP 11 of the Old Kent Road Action Plan. Regarding the above, Flood and Drainage Officers are satisfied to support the development with the recommendation of a condition regarding Surface Water Drainage being included with this decision.

### **Ground Conditions and Contamination**

234. The Council's Environmental Protection Team has reviewed the submitted report and have confirmed that the contamination assessment and remediation plan are acceptable. EPT Officers recommend that the approved remediation scheme shall be carried out and implemented as part of the development. Following the completion of the works and measures identified in the approved remediation strategy, a verification report providing evidence that all works required by the remediation strategy have been completed. A condition is attached to this decision regarding the remediation scheme and verification report to ensure compliance with the recommendation of EPT Officers. Environmental Agency Officers also agree with the findings of the submitted report and raise no objection.

## **Air Quality**

235. The site is located in an Air Quality Management Area (AQMA) and an Air Quality Assessment has been submitted, which considers the air quality impacts arising from the construction and use of the development. Southwark Plan Policy 3.6, Air Quality, states that planning permission will not be granted for development that would “lead to a reduction in air quality.” London Plan Policy SI 1 ‘Improving air quality’ states that developments should seek opportunities to identify and deliver further improvements to air quality and should not reduce air quality benefits
236. An Air Quality Assessment has been completed by Ardent Consulting Engineers (Ref: 2003600-09) dated September 2020. The report demonstrates that whilst there is the potential for dust and PM10 impacts during the construction phase, however, with the proposed mitigation measures in place, these impacts will be not significant. Additionally, the impact of local air quality on future residents of the development has been considered. The impact on future residents and users of the site is therefore considered to be acceptable.
237. EPT Officers have reviewed the proposal in relation to air quality and accepted the conclusions of the submitted Air Quality Assessment. A condition regarding a Construction Environmental Management Plan (CEMP) during the construction phase of the development has been attached to this decision to ensure that the development will not impact on the air quality of the surrounding area during development of the proposal.

## **Noise and Vibration**

238. A Noise Impact Assessment has been completed by Ardent Consulting Engineers (Ref: 2003600-08) dated September 2020. The report demonstrates that the development is a medium to high risk site in accordance with guidance contained in the Professional Practice Guidance on Planning and Noise (ProPG). Expert Acoustics advice has been sought and good acoustic design processes will be followed to reduce sound levels across the site. This assessment has demonstrated that suitable sound levels can be achieved through careful design at the appropriate stage. Closed but not sealed windows will be provided to control internal amenity sound levels. Alternative ventilation will be selected to meet the acoustic specification and the requirements of Building Regulations Part F – Ventilation in lieu of open windows. The ventilation will be designed to maintain the acoustic integrity of the building envelope.
239. The site risk of overheating conditions within properties has been considered in accordance with AVO Guidance. The assessment results in a medium to high risk of noise impact under overheating conditions. External sound levels in the communal amenity area will be reduced to as low a level as practicable. Noise from onsite and offsite commercial operations can be controlled to within guidance criteria through the appropriate selection, location and if required attenuation of new plant. Control measures will be implemented to manage potential impacts from construction noise. The report concludes that the site is suitable for the proposed development subject to the recommendations included in the report.

240. EPT Officers have reviewed the Noise Impact Assessment by Ardent and whilst the report demonstrates acceptability in principle, no specific detailed mitigation measures are outlined. Notwithstanding this, EPT Officers recommend conditions relating to internal residential noise levels, entertainment noise levels and plant noise levels. All recommended conditions by EPT have been attached to the decision notice.

### **Odour**

241. Given that the proposed Class E floorspace at ground level could potentially facilitate a commercial kitchen. In the event that this occurs, EPT Officers recommend that prior to the commencement of use within this unit, full particulars and details of a scheme of extraction, treatment and venting of odours, fats and particulate matter from the cooking activities shall be submitted to and approved by the Local Planning Authority. Should such venting be required the condition will state that this equipment would need to be accommodated within the building.

## **SUSTAINABLE DEVELOPMENT IMPLICATIONS**

### **Energy**

242. Policy SI 2 of the London Plan states that reducing greenhouse gas emissions in operation and minimising both annual and peak energy demand should be incorporated into developments to help achieve zero-carbon targets. This approach should be in accordance with the 'Be Lean', 'Be Clean', 'Be Green' hierarchy. Paragraph 9.2 of Policy SI 2 states that the hierarchy should inform the design, construction, and operation of new buildings. The priority is to minimise energy demand, and then address how energy will be supplied and renewable technologies incorporated. Sub paragraph c of paragraph 9.2.12 of Policy SI 2 requires proposals to further reduce carbon emissions through the use of zero or low-emission decentralised energy where feasible, prioritising connection to district heating and cooling networks and utilising local secondary heat sources. The student accommodation aspect of the proposal would be expected to achieve net zero carbon, and the commercial aspect a 35% reduction against part L of the Building Regulations 2010
243. An Energy Statement and Strategy has been submitted based on the guidance of the National Planning Policy Framework (2019), The London Plan (2021) and London Plan (2021), Southwark Core Strategy (2011), Southwark Sustainable Design and Construction Supplementary Planning Document (2015), and the Mayor's Energy Assessment Guidance.

#### Be Lean (use less energy)

244. 'Be lean' refers to the approach taken by the design team to maximise the positive aspects of the scheme's passive design to minimise the base energy demand of the buildings. As part of this application, key passive ('Be Lean') design features include:

245. Policy SI2 states that residential developments should achieve 10% and non-residential developments should achieve 15% through energy efficiency measure alone. The development demonstrates a 7.8% reduction in CO2 emissions over Part L for the student section of the development and a 26.5% saving for the commercial section. The saving for the student section does not meet the 10% target set out in The London Plan, however this is due to the high amount of energy use attributed to domestic hot water use, of which passive design measures make no difference.

Be Clean (supply energy efficiently)

246. As part of the Be Clean approach, the use of energy efficient equipment, heat networks and community heating have been considered. The SELCHP network is operated by Veolia. Preliminary discussions have taken place and are ongoing with the operators about the potential to connect to this network. The strategy for the development is therefore to connect to this heat network. There may be a period between completion of the development where it is not possible to connect to the heat network. In order to provide heating for the site, in the interim stage, communal gas boilers will be provided. This communal system will be future proofed in order to connect to the SELCHP network when it is available. A neighbouring site is being developed by Avanton, which includes site wide CHP. It is therefore proposed to collaborate with the adjoining development and connect to their energy centre if the wider heat network is not available.

Be Green (Low or Carbon Zero Energy)

247. The feasibility study undertaken for the Be Green element has identified solar PV as the most appropriate technology for the development. All suitable roof space on the development has been reserved for solar PV. Following the energy hierarchy, passive design measures, energy efficient equipment have been proposed, resulting in a 70.1% improvement over Part L for the student section of the development, and a 53.2% saving for the commercial section. The heating and cooling hierarchies have also been followed.
248. Southwark has adopted a new carbon price of £95 per tonne of carbon, and will be implementing the commercial tariff as set out in the London Plan. This new tariff of £95 was required from 1<sup>st</sup> February 2021 whether a scheme has been to Planning Committee or not. To meet the zero carbon targets, a carbon off-set payment of £140,994 is to be secured through S106 Agreement.

**Overheating**

249. Policy SI 4 of the London Plan “Managing heat risk” 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.
250. An overheating assessment has been undertaken by JAW (ref. Version 02) dated 15<sup>th</sup> September 2020. As part of the assessment, three scenario tests were created. The Design Summer Year 1 (DSY1), Design Summer Year 2 (DSY2) and Design Summer Year 3 (DSY3), London Heathrow, high emission, 50% percentile weather

files have been used from 2020 for the current scenarios. The three DSY scenarios represent different types of hot summers:

- DSY1 – moderately warm summer, with a return period of seven years
- DSY2 – short, intense warm spell, about the same length as the moderate summer year but with a higher intensity
- DSY3 – long, less intense warm spell, which is less intense than the high-intensity year, but longer and more intense than the moderate summer year

251. The results demonstrate that all assessed units within the development pass the overheating assessment for the DSY1, 2020, High emission 50th percentile scenario, which is the weather file recommended to be used in TM59. However, when assessed under more extreme weather scenarios such as DSY2 and DSY3, the south west facing Living kitchens struggle to meet the demands of criteria one, largely due to the large amount of solar gain they receive, and the high prescribed internal gain in TM59 for this room type. After an initial run it was recommended that blinds are implemented in the development. It was also recommended that an increase in the number of windows that are openable in the Living/Kitchen rooms, to allow for increased cross ventilation.

252. In extreme weather scenarios, such as DSY3, the building struggles to meet the requirements of Criteria 2, which assesses the number of night-time hours bedrooms spend above 26 degrees. Examination of the model demonstrates that the majority of hours above 26 degrees occur between 10pm and 12am, rather than between 12am and 7am, so are unlikely to have a major impact on sleep patterns. The results show that due to the thermal mass of the building, it does not cool down instantly on warm summer evenings. However, the thermal mass of the building helps improve the performance of the development against Criteria 1, by providing a buffer against extreme temperatures during the day, so lowering the thermal mass is not recommended. All design steps have been taken to minimise overheating, such as minimising solar gain and providing large openable ventilation panels to allow purge ventilation. Glazing will incorporate low emissivity coatings to limit overheating without compromising light transmittance. Further measures, such as mechanical cooling, would be excessive given the performance of the development against the current recommended weather scenarios.

## **BREEAM**

253. Strategic Policy 13 of the Core Strategy requires commercial units to achieve BREEAM “Excellent”. New Southwark Plan Policy P68 to provide BREEAM assessment on commercial units of 500 sqm or more. As the proposed commercial unit is 257 sqm in floor space, the development falls below the threshold identified in NSP P68 for non-residential development.

## **PLANNING OBLIGATIONS (Section 106 Undertaking or Agreement)**

254. Saved Policy 2.5 of the Southwark Plan and Policy DF1 of the London Plan advise that planning obligations can be secured to overcome the negative impacts of a

generally acceptable proposal. Saved Policy 2.5 of the Southwark Plan is reinforced by the recently adopted Section 106 Planning Obligations 2015 SPD, which sets out in detail the type of development that qualifies for planning obligations. Strategic Policy 14 'Implementation and delivery' of the Core Strategy states that planning obligations will be sought to reduce or mitigate the impact of developments. The NPPF which echoes the Community Infrastructure Levy Regulation 122 which requires obligations be:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development

255. The application would be supported by the following Section 106 obligations:

Planning obligation	Mitigation	Applicant's position
<b>Local Economy and Workspace</b>		
Employment and training (during construction)	<ul style="list-style-type: none"> <li>• 17 sustained jobs for unemployed Southwark residents during the construction phase of the development. Where this is not possible to meet this requirement, a charge of £4,300 per job not provided will be applied;</li> <li>• 17 Southwark residents trained in pre- or post-employment short courses. Where this is not possible to provide a payment a charge of £150 per resident will be applied;</li> <li>• 4 new apprenticeship start or in work NVQ. Where this is not possible to provide a payment a charge of £1,500 per apprenticeship will be applied.</li> </ul>	Agreed
Employment and enterprise	Allow for local procurement and supply chain measures during construction and after construction.	Agreed
<b>Housing and Viability</b>		
Off Site Affordable	Payment of £2,000,000 prior to	Agreed

Student Housing Contribution	occupation of the development.	
Wheelchair Units	27 Wheelchair adaptable studios are to be provided.	Agreed
Management Plan	Management, operation and promotion strategy to be submitted and agreed prior to occupation.	Agreed
<b>Transport and Highways</b>		
Public Transport Infrastructure Contribution	Contribution towards the improvement of local bus stops (up to a maximum of £288,900 (£2,700 x 107)).	Agreed
Highway works	<ul style="list-style-type: none"> <li>• A detailed Construction Management Plan (CMP) and a £40 per unit (£4,280) contribution for Construction Management within the OKR AAP area. This is for the Council to manage cumulative impacts on the highways and environment.</li> <li>• A detailed Delivery and Service Plan (DSP) and a DSP Bond calculated at £100 per residential unit and £100 per 500 sqm (£11,000)</li> <li>• A contribution towards the provision of a TfL Cycle Hire Docking Station (£5,350)</li> <li>• Bus Service Improvements - A contribution of £288,900 should be made towards the enhancement of bus services to mitigate the proposals impact on the public transport network.</li> <li>• This would be made available to TfL for a period up to 5 years subject to evidence of need.</li> <li>• s.278 works with the highway</li> </ul>	Agreed

	authority for highway works, tree planting and traffic management change.	
Parking permit restriction	This development would be excluded from those eligible for car parking permits under any future CPZ operating in this locality.	Agreed
<b>Energy, Sustainability and the Environment</b>		
Futureproofing for connection to District Heat Network (DHN)	Prior to occupation, a CHP Energy Strategy must be approved setting out how the development will be designed and built so that it will be capable of connecting to the District CHP in the future.	Agreed
Achieving net carbon zero	an off-set payment of £140,994	Agreed
Archaeology monitoring/ supervision fund	Contribution towards cost of providing technical archaeological support (£6,778 for schemes under 10,000sqm)	Agreed
Open Space	A contribution of £33,210 for open space shortfall on site	Agreed
Administration fee	Maximum contribution to cover the costs of monitoring these necessary planning obligations, calculated as 2% of total sum	Agreed

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

- Marketing, allocation and fit out of the wheelchair bedspaces
- Servicing bay/Site management plan;
- Employment, Skills and Business Support Plan (Construction Phase);
- Highways works – s278 works;
- London Living Wage – best endeavours to being offered to all staff employed in the commercial units as well as workers during the construction period;
- Final Demolition and Construction Environment Management Plans;
- Car club membership for 3 years
- Securing Stitch Architects to deliver the building detailed design, unless otherwise agreed in writing

257. The S106 heads of terms agreed would satisfactorily mitigate against the adverse impacts of the proposed development.
258. In the event that a satisfactory legal agreement has not been entered into by 21<sup>st</sup> of October 2021, it is recommended that the Director of Planning refuses planning permission, if appropriate, for the following reason:

“The proposal fails to provide an appropriate mechanism for securing the in lieu payment for affordable housing, the highways works and financial contributions towards transport mitigation. The proposal therefore fails to demonstrate conformity with strategic planning policies and fails to adequately mitigate the particular impacts associated with the development in accordance with saved policies 2.5 'Planning obligations' and 4.4 'Affordable Housing' of the Southwark Plan (2007), Strategic Policies 8 'Student Housing' and '14 'Delivery and implementation' of the Core Strategy (2011), and London Plan (2021) policies 3.12 'Negotiating affordable housing' and' 8.2 'Planning obligations', as well as guidance in the council's Section 106 Planning Obligations and Community Infrastructure Levy SPD (2015).”

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

259. 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.
260. Based on the floor areas provided in the submitted CIL Form dated 16<sup>th</sup> September 2020, the gross amount of CIL is approximately £1,517,076.93 consisting £478,037.50 of Mayoral CIL and £1,039,039.43 of Borough CIL. It should be noted that this is an estimate, and the floor areas will be checked when related CIL Assumption of Liability Form is submitted after planning approval has been obtained.

### **OTHER MATTERS**

261. None

### **CONCLUSION ON PLANNING ISSUES**

262. The major redevelopment of the site is supported and delivers many of the key aspirations of the AAP. The mix uses of commercial and student accommodation are considered to be acceptable. The scheme would also make a significant off-site contribution to affordable housing and would secure uplift in employment.

263. The proposed development would reduce car dependency whilst significantly increasing cycle provision within the development. The enhancement of the footways on Old Kent Road, Hyndman Street and Ruby Street Road with general improvements to the immediate public realm would make the visual amenity and pedestrian experience improved through comfort and circulation and ease when entering, visiting or passing along the site.
264. The development would deliver a high standard of student accommodation units, which complies the standards and principles as set out in the London Plan 2021 and the emerging New Southwark Plan.
265. The scheme would provide a 373sqm Pocket Park to the rear of the building that complies with the aspirations of the OKR AAP. The Pocket Park would provide a continuation of the “green chain” linking the new Linear Park on the alignment of the former Surrey Canal with Livesey Park. The retention of the TPO trees that are to be incorporated into significant landscape enhancements of the site is also welcomed and supported.
266. The impacts of the scheme on neighbouring properties in relation to daylight and sunlight would not result in detrimental harm to the living conditions of neighbouring occupiers, nor would the design and massing of the development impact on the surrounding area.

## STATEMENT OF COMMUNITY INVOLVEMENT

267. Consultation was carried out by the applicant prior to the submission of the planning, and during the consideration of the application. The consultation undertaken was carried out with the local community and key stakeholders from the area. This is summarised in the tables below, which are taken from the submitted Statement of Community Involvement.

**Table: List of meetings**

Meetings	Date	Attendees	Summary of discussions
Pre application meetings	29/05/2020 10/09/2020  Pre-app meeting 1 discussed possibility of a mixed use residential scheme with meeting two discussing student housing	Council officers	Extent of public consultation agreed and discussion of land use, scale and form, building line and frontages, architecture, housing mix and tenure, quality of accommodation, amenity and play space, amenity impacts, environmental considerations, trees, transport, flood risk and drainage, ecology, planning obligations and Community Infrastructure Levy
Councillor meetings	04/09/2020	Cllr. Evelyn Akoto, Cllr. Richard Livingstone, Cllr Michael Situ – Old Kent Road ward councillors	Correspondence from Old Kent Road ward councillors stating <i>“After discussion amongst the three of us, we don’t think that we could support a student development at this site. As you know, there have been a</i>

			<i>number of student developments going forward at the moment, and we are concerned that these limit the ability for new social housing to be delivered in the Old Kent Road area."</i>
	07/09/2020	Simon Bevan, Director of Planning, Colin Wilson, Head of Old Kent Road Planning Regeneration Team.	Both CW and SB felt that the scheme accorded well with the emerging Old Kent Road AAP. Both CW and SB commented that despite the recent number of student housing schemes recently proposed for the Old Kent Road the actual quantum of student housing proposed was small compared to the overall level of housing being proposed for the area.
Resident group meeting	13/08/2020	Jeanette Mason, Chair Ledbury TRA	Overall JM's response to the proposals was positive and stated that she had " <i>no qualms about students</i> " and that " <i>the Old Kent Road needed something</i> ". Nevertheless the following queries were raised: <b>Management:</b> JM asked about management arrangements to ensure that students living in the development did not disrupt other residents. <b>Social Infrastructure:</b> JM asked about the provision of social infrastructure, including enhanced bus services along the Old Kent Road and medical services. <b>Heritage:</b> JM hoped that the existing heritage in the area would be recognised. <b>Ground Floor Uses:</b> JM asked about the future of the KFC. She hoped there were no plans to put a church in on the ground floor.
Local Business Meetings	13/08/2020  27/08/2020	Tom Luck, Director, Acorn Commercial  Naomi Long, Director, Treasure House London	Overall feedback was positive with TL offering to send a letter of support.

### Public Consultation

268. Given social distancing requirements as a result of the COVID-19 pandemic, it was

determined that it would not be appropriate to hold a physical public exhibition and instead to provide an online platform via a website to publicise the development and to receive feedback. In order to publicise the website individual letters were sent to 494 local residents and businesses on the 8<sup>th</sup> of August 2020. The website was launched by the Applicant on 7<sup>th</sup> August 2020 to provide stakeholders with information on its redevelopment plans. The URL is as follows:

<http://www.671-679oldkentroad.co.uk>

269. On the website 12 proposal panels were displayed providing details about the Applicant, the KFC site, the proposed plans, the landscape strategy, elevations, scale and massing diagrams and street scenes of how the scheme might look. A feedback form, containing a questionnaire and comment space was provided to attendees. Two responses to the questionnaire at the public exhibition were received. Responses to the questions were broadly positive, and question from attendees related to the pocket park provision to the rear and the height of the development.
270. In order to provide an opportunity for local stakeholders to be able to ask questions of the project team, including the Applicant, the architect and planning consultant, a series of webinars were arranged via Zoom. These webinars were held on Thursday 27<sup>th</sup> August and Thursday 10<sup>th</sup> September, both at 5pm. The format of the webinars consisted of a formal presentation of the scheme from the architects and development, based on the website proposal panels, followed by a question and answer sessions.
271. Two people attended the webinars (both on 10<sup>th</sup> September) and feedback received from the webinar involved questions about management arrangements to deal with the potential of noisy students. It was explained that there would be a detailed management plan that would be a planning obligation and the Applicant offered to send a copy of it through. Questions were asked about the timetable for development and arrangements during construction. It stated that construction should commence in the summer of 2021 and that there would be a construction working group in place to ensure that residents were advised of progress.

### **Consultations**

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

### **Consultation Replies**

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

## **SUMMARY OF CONSULTATION RESPONSES**

274. This application was subject to a round of statutory consultation in late September 2020. The development was published in Southwark News on October 8<sup>th</sup> 2020, and

a Site Notice was displayed at the site on 9<sup>th</sup> December 2020.

275. At the time of writing, a total of two consultation responses had been received from members of the public. One response is in objection to the development, and one comment is in support of the scheme.

276. The main issues raised by the objection comment are:

- The buildings would be too tall and would harm the character and appearance of the area;
- There would be harmful overlooking and loss of privacy;
- There would be detrimental loss of daylight and sunlight, and overshadowing from the development;
- The proposal give rise to anti social behaviour ,noise disturbance, and littering
- The use is not suitable for the area and any development on site would be provided for residential affordable housing

277. Officer response: All of the issues raised in the objection is addressed in full in the main body of the report.

278. The comment supporting the proposed development raised the following point:

- The development, particularly at ground floor, will integrate with other consented developments in the immediate area in complementing the overall redevelopment of OKR13.

#### GLA

279. The GLA's Stage 1 response considers the principle of development and proposed land uses to be appropriate and generally in compliance with London Plan policies. The design is also considered acceptable, along with the provision of 35% affordable student accommodation. However, Further information relating to overheating, potential to connect to the SELCHP district heating network and PV potential must be submitted before the on-site reduction of carbon dioxide can be determined.

280. Officer response: The S106 Agreement will include mechanisms for the development to connect to the SELCHP network in the future. Overheating issues are addressed in the main body of this report.

#### TfL

281. Cycle parking: The cycle parking proposed for the student element of this development appears to be very good but on close inspection is not fully compliant with the London Cycling Design Standards. The layout of the basement should be revised such that cyclists need pass through fewer doors to access the stores – the London Cycling Design Standards Chapter 8 specifies a maximum of two doors (see centre column of page 5 under heading 8.2.1, and the whole of 8.5.3 on page 20), within which must be included the ground floor front door and lift doors. It would appear that heating and water building services could reasonably be relocated within

the basement to allow the cycle store to be better placed to provide good access between there and the cycle lifts.

282. Officer Response: As part of the recommendation to grant planning permission, a condition regarding final design details of the cycle parking provision to be provided within the scheme is attached to this decision. The wording of the condition means that TfL will be consulted before the condition can be discharged, and the condition will require the cycle standards to be constructed to London Cycle Design Standards, including resolving the door issue.
283. Car Parking: This development should provide sufficient parking for disabled students. Considering Policy T6.1(G) that could potentially be 27 spaces, and clearly there is insufficient room either on-site or on the surrounding road network for this number. TfL would expect all rooms to be covered by a nominations agreement with a higher education institution that can demonstrate that it can and will offer disabled students accommodation closer to the campus. Subject to this prerequisite which should be secured through an appropriate mechanism, the development can be car-free including for disabled persons. The provision of a token single disabled persons' parking place is therefore unnecessary. Further, given the requirement to reverse on or off the highway of Ruby Street just at the point where students are most likely to gather, the provision of that single space would appear to be inappropriate and contrary to the Mayor's Vision Zero ambition for road safety. We recommend it is removed from the scheme.

Policy T6.5(A) would indicate the commercial element of the scheme requires a minimum of one disabled persons' parking place. However, in this case we would expect the Council to provide this on-street if such a space becomes necessary, rather than designing an on-site space for this purpose.

284. Officer Response: Transport Officers are encouraged that The proposal is car free. In acknowledging the provision of but does provide 1 off street disabled parking bays, if this bay is not required for disabled student or employee the bay should be prioritised for servicing and/or extending cycle parking provision and not for private car parking.

#### London Underground

285. No comments received from consultation request.

#### Metropolitan Police

286. The Designing Out Crime Officer has advised that the development can attain secure by design accreditation. The Met Officer has recommended a condition be attached regarding the need for the development to attain secure by design accreditation.
287. Officer response: The recommended conditions are included with this recommendation.

### Natural England

288. No comments received from consultation request.

### Environment Agency

289. Planning permission should only be granted subject to the conditions recommended.

290. Officer response: The recommended conditions are included.

### Historic England (HE)

291. No comments received from consultation request.

### Arqiva

292. Arqiva has considered whether this development is likely to have an adverse effect on our operations and have concluded that the development will not impact on any of our SHF or RBL links.

### Thames Water

293. The proposed development is located within 15m of a strategic sewer and as such Thames Water recommends the following condition be attached to any approval given. "No piling shall take place until a Piling Method Statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement". Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure.

294. As required by Building regulations part H paragraph 2.36, Thames Water requests that the Applicant should incorporate within their proposal, protection to the property to prevent sewage flooding, by installing a positive pumped device (or equivalent reflecting technological advances), on the assumption that the sewerage network may surcharge to ground level during storm conditions. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer.

295. We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges

typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer.

296. On the basis of information provided, Thames Water would advise that with regard to water network infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommend the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development. There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way.
297. The proposed development is located within 15m of our underground water assets and as such we would like the following informative attached to any approval granted. The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures.
298. Officer Response: Recommended conditions and informatives have been included in the draft decision notice.

#### London Fire Brigade

299. An undertaking should be given that, access for fire appliances as required by Part B5 of the current Building Regulations Approved Document and adequate water supplies for fire fighting purposes, will be provided.

Officer response: This will be secured by condition.

Pre commencement Condition to read as follows.

Details of access for fire appliances as required by part 5B of the Building Regulations and details of adequate water supplies for fire fighting purposes should be provided prior to the implementation of the scheme and should be secured in perpetuity on completion of the scheme

Reason; To meet the requirements for fire safety set out in policy D12 of the London Plan 2021

### **Community Impact Statement / Equalities Assessment**

300. 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.
301. The protected characteristics are: race, age, gender reassignment, pregnancy and maternity, disability, sexual orientation, religion or belief, sex, marriage and civil partnership.
302. The Council must not act in a way which is incompatible with rights contained within the European Convention of Human Rights
303. 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.

### **Relevant Planning History**

304. The subject site has been subject to two relevant planning applications of note which was the pre-application advice submitted for this proposal under references 20/EQ/0104 and 20/EQ/0190
305. Pre-application advice was provided in advance of the submission of this application, details of which are held electronically by the Local Planning Authority. A number of meetings were held with the applicant and discussions centred on the provision of the pocket park, the height and massing of the development, affordable student

accommodation, and the re-provision of commercial floorspace. Additionally, the amenity space, the quality of the residential accommodation and potential impacts upon surrounding occupiers were discussed during the pre-application stage.

### **Planning History of Adjoining Sites**

306. The Council has received a number of planning applications in this part of Old Kent Road Opportunity Area. These include the following:

307. 18/AP/0564 16 Peckham Park Road and 1 Livesey Place

Application type: FULL

Demolition of existing buildings and construction of a part three, part four storey building with retail and warehouse (A1) use on the ground floor and 5 residential units (3 x 2-bedroom and 2 studio flats) on upper floors.

Decision: Granted with Grampian Condition (3rd August 2018).

308. 17/AP/2773 Malt Street Regeneration Site, Land Bounded By Bianca Road, Latona Road, Haymerle Road, Frensham Street, and Malt Street

Application type: FULL and OUTLINE

Hybrid application comprising a full planning application for Phase 1 (the “Detailed Component”) and outline planning permission (the “Outline Component”) for Phases 2 and 3:

Detailed Component (Phase 1):

Full planning permission for the demolition of existing buildings and structures and redevelopment of the central area for the erection of a total of 4 buildings, two at 7 storeys (Buildings B9 and B12), one at 15 storeys (Building B10), and one at 44 storeys (Building B4) (max height 147.12m AOD) to provide 420 homes, 1,197 sqm GEA of Class B1(c) floorspace and 785 sqm GEA of non-residential floor space within classes A1-A4 (retail), Class B1 (business) and Class D1 (public services) and D2 (entertainment and leisure) use, an energy centre (750 sqm) and new public open space and public realm with on street and basement car parking spaces and cycle spaces.

Outline Component (Phase 2 and 3):

Outline planning permission (scale, layout, landscaping, access and appearance reserved) for the demolition of existing buildings and structures and the erection of a seven buildings (B1, B2, B3, B5, B6, B7, B11) ranging in height from 5 to 39 storeys (max height 132.9m AOD) to provide up to 88,052sqm floorspace GEA, comprising up to 880 residential units, up to 3,316 sqm GEA of Class B1(c) floorspace and up to 1,702sqm GEA of non-residential floor space within Classes A1-A4 (retail), Class B1 (business), Class D1 (public services) and D2 (entertainment and leisure) use and car parking spaces at ground level and cycle spaces, with associated new open

space, public realm, car parking and associated works.  
Totals: Up to 1,300 homes and up to 7,000sqm commercial floorspace.

Decision: Resolution to grant, subject to a legal agreement (30/10/2020)

309. 18/AP/0897 Ruby Triangle Site, Land bounded by Old Kent Road, Ruby Street and Sandgate Street

Application type: FULL

Full planning permission is sought for demolition of existing buildings and structures on the site, and redevelopment consisting of three buildings at maximum heights of 17 storeys (including mezzanine) ( +64.735m AOD), 48 Storeys (+170.830m AOD) and 40 storeys (including mezzanine) (+144.750m AOD), plus single storey basement under part of the site. Development would provide 1,152 residential dwellings (Class C3), retail, business and community spaces (Classes A1, A2, A3, A4, B1(a),(b),(c) and D1), public sports hall and gym (Class D2), public and private open space, formation of new accesses and alterations to existing accesses, energy centre, associated car and cycle parking and other associated works.

Decision: Granted subject to Legal Agreement (06/06/2019)

310. 18/AP/3246 Land at Cantium Retail Park, 520 Old Kent Road

Application type: FULL

Demolition of existing buildings and redevelopment of the site to provide a new basement level and buildings ranging from 3 to 48 storeys in height (max height 159.05m above ground level) comprising up to 1,113 residential units (Class C3), up to 5,659 sq. m of office floorspace (Class B1(a)), up to 2,228 sq. m of retail floorspace (Class A1), up to 2,336 sq. m of flexible space including use within Classes A1, A3, B1(a), B1(b), D1, D2 and / or Sui Generis (Theatre) within Block B and up to 596 sq. m of flexible space within Classes A1, A2 and / or A3 within Block C together with associated access, car parking, landscaping and infrastructure works.

Decision: Resolution to grant, subject to a legal agreement, referral to the GLA and Secretary of State (5th March 2019).

311. 19/AP/1710 – 651-657 Old Kent Road

Application type: FULL

Demolition of existing buildings on the site and the comprehensive mixed-use redevelopment of the site comprising of two buildings of 10-storeys plus mezzanine (up to 38.900m AOD) and 19-storeys plus mezzanine (up to 71.500m AOD), comprising 262 residential units (Use Class C3 use), 2,736sqm GEA of flexible retail and commercial floorspace (Class A1/A2/A3/A4/B1 uses) at ground and mezzanine level, new public park, private and communal amenity space, associated car and cycle parking, access and servicing arrangements, plant and other associated works.

Decision: Resolution to grant, subject to a legal agreement, referral to the GLA and Secretary of State (1st June 2020).

### **Planning Policy**

312. The statutory development plans for the Borough comprise the National Planning Policy Framework 2019, London Plan 2021, Southwark Core Strategy 2011, and saved policies from The Southwark Plan (2007 - July). The site also falls within the area covered by the draft Old Kent Road Area Action Plan (December 2017).

### **Planning Policy Designations**

313. The application site is found within the following Planning Policy Designations:
- The Old Kent Road Opportunity Area;
  - Draft OKR AAP site OKR 13;
  - The Urban Density Zone;
  - Bermondsey Lake Archaeological Priority Zone;
  - The Air Quality Management Area;
  - Public Transport Accessibility Level (PTAL) of 3;
  - Extended background area (Wider Setting Consultation Area) of LVMF views 2A.1, 3A.1, and 6A.1 and
  - Flood Zone 3
314. This application was determined in accordance with the development plan unless material considerations indicate otherwise; and the following national framework, regional and local policy and guidance are particularly relevant.

### **Adopted Policy**

#### National Planning Policy Framework

315. 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.
316. Paragraph 212 states that the policies in the Framework are material considerations which should be taken into account in dealing with applications.

Section 2 - Achieving sustainable development  
Section 5 - Delivering a sufficient supply of homes  
Section 7 - Ensuring the vitality of town centres  
Section 8 - Promoting healthy and safe communities  
Section 9 - Promoting sustainable transport  
Section 11 - Making effective use of land  
Section 12 - Achieving well designed places  
Section 15 - Conserving and enhancing the natural environment  
Section 16 - Conserving and enhancing the historic environment

317. National Planning Policy Guidance (2014) is a web-based resource which brings together planning guidance on various topics into one place.

#### London Plan 2021

318. The London Plan is the regional planning framework and was adopted on March 2nd 2021. The most relevant policies are those listed below.

Policy SD1 – Opportunity areas  
Policy SD6 - Town centres and high streets  
Policy D3 - Optimising site capacity through the design-led approach  
Policy D4 – Delivering good design  
Policy D5 - Inclusive Design  
Policy D7 – Accessible housing  
Policy D8 – Public realm  
Policy D9 – Tall buildings  
Policy D12 – Fire safety  
Policy H1 – Increasing housing supply  
Policy H3 - Monitoring housing targets  
Policy H4 – Delivering affordable housing  
Policy H15 - Purpose built student accommodation  
Policy S3 - Education and childcare facilities  
Policy E9 – Retail, markets and hot food takeaways  
Policy HC1 - Heritage conservation and growth  
Policy HC3 – Strategic and local views  
Policy G4 – Open space  
Policy G5 – Urban greening  
Policy G6 - Biodiversity and access to nature  
Policy G7 - Trees and Woodlands  
Policy SI 1 – Improving air quality  
Policy SI 2 – Minimising greenhouse gas emissions  
Policy SI 3 – Energy infrastructure  
Policy SI 4 – Managing heat risk  
Policy SI 5 – Water infrastructure  
Policy SI 12 – Flood risk management  
Policy SI 13 – Sustainable drainage  
Policy T2 – Healthy streets  
Policy T4 – Assessing and mitigating transport impacts  
Policy T5 – Cycling  
Policy T6 – Car parking  
Policy T7 – Servicing, deliveries and construction  
Policy DF1 – Delivery of the Plan and Planning Obligations

319. The 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 London Plan 2016 target of 2,500 homes and 1,000 jobs.

### Mayoral SPGs

320. The following Mayoral SPGs are relevant to the consideration of this application:

London View Management Framework (2012)  
Use of planning obligations in the funding of Crossrail (2010)  
Affordable Housing and Viability SPG (2017)

### Core Strategy 2011

321. 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 2 - Sustainable Transport  
Strategic Policy 4 - Places for Learning, Enjoyment and Healthy Lifestyles  
Strategic Policy 6 - Homes for People on different incomes  
Strategic Policy 8 - Student Homes  
Strategic Policy 12 - Design and Conservation  
Strategic Policy 13 - High Environmental Standards

### Southwark Plan 2007 (July) - Saved Policies

322. 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:

Policy 1.1 - Access to employment opportunities  
Policy 1.7 - Development within Town and Local Centres  
Policy 2.5 - Planning obligations  
Policy 3.2 - Protection of amenity  
Policy 3.3 - Sustainability assessment  
Policy 3.4 - Energy efficiency  
Policy 3.6 - Air quality  
Policy 3.7 - Waste reduction  
Policy 3.9 - Water  
Policy 3.11 - Efficient use of land  
Policy 3.12 - Quality in design  
Policy 3.13 - Urban design  
Policy 3.14 - Designing out crime  
Policy 3.15 - Conservation of the Historic Environment  
Policy 3.16 - Conservation Areas  
Policy 3.18 - Setting of Listed Buildings, Conservation Areas and World Heritage Sites  
Policy 3.19 – Archaeology

Policy 3.20 – Tall Buildings  
Policy 3.22 – Important Local Views  
Policy 3.28 - Biodiversity  
Policy 4.4 - Affordable Housing  
Policy 4.5 - Wheelchair Affordable Housing  
Policy 4.7 - Non Self-Contained Housing for Identified User Groups  
Policy 5.2 - Transport Impacts  
Policy 5.3 - Walking and Cycling  
Policy 5.4 - Public Transport Improvements  
Policy 5.6 - Car Parking

Supplementary Planning Documents (SPDs)

323. The following Southwark SPDs are relevant to the consideration of this application:

Sustainable design and construction SPD (2009)  
Sustainability assessments SPD (2009)  
Sustainable Transport SPD (2010)  
Affordable housing SPD (2008 - Adopted and 2011 - Draft)  
Technical Update to the Residential Design Standards SPD (2011 and 2015)  
Section 106 Planning Obligations and Community Infrastructure Levy SPD (2015)  
Development Viability SPD (2016)  
Student Housing Study (March 2011)

**Emerging Planning Policy**

New Southwark Plan

324. 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.
325. The Examination in Public (EiP) commenced on 22<sup>nd</sup> February and the amendments within the Proposed Changes to the Submitted New Southwark Plan will be considered along with the consultation responses received at each stage of public consultation. It is anticipated that the plan will be adopted later in 2021 following the EiP.
326. 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. The most relevant policies of the NSP are as follows:

Policy P5 - Student homes  
Policy P12 - Design quality  
Policy P17 - Efficient use of land  
Policy P20 - Conservation of the historic environment and natural heritage  
Policy P34 - Towns and local centres

Policy P49 - Highways impacts  
Policy P50 - Walking  
Policy P52 - Cycling  
Policy P54 - Parking standards for disabled people and the mobility impaired  
Policy P55 - Protection of amenity  
Policy P59 - Biodiversity  
Policy P60 - Trees  
Policy P67 - Reducing flood risk  
Policy IP3 - Community infrastructure levy (CIL) and section 106 planning obligations

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

327. 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 5 years, with a first draft published in 2016. A further preferred option of the Old Kent Road AAP (Regulation 18) was published in December 2017 and concluded consultation on 21 March 2018. The December 2020 draft version is out to consultation from 11 January 2021 to 5 April 2021. As the document is still in draft form, it can only be attributed limited weight.

AAP 6 - Businesses and Workspace  
AAP 7 - Town centre, leisure and entertainment  
AAP 8 – Tall buildings  
AAP 10 - Parks streets and open spaces-The Greener Belt  
AAP 13 - Best start in life

## **ENVIRONMENTAL IMPACT ASSESSMENT**

328. No request for an Environmental Impact Assessment (EIA) was carried out in accordance with Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. It is noted that the regulations raise and amend the thresholds at which certain types of development project will need to be screened in order to determine whether an environmental impact assessment is required. The development could be considered an urban development project under Schedule 2 of the Regulations. As the development would not introduce more than 150 dwellings it is therefore not necessary to assess the potential impact against Schedule 2 of the EIA Regulations.

### **Human rights implications**

329. 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.

330. This application has the legitimate aim of providing new mixed use development. 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.

## SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

331. N/A

## BACKGROUND INFORMATION

### BACKGROUND DOCUMENTS

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

### APPENDICES

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

## AUDIT TRAIL

<b>Lead Officer</b>	Simon Bevan, Director of Planning	
<b>Report Author</b>	Troy Davies, Team Leader	
<b>Version</b>	Final	
<b>Dated</b>	31 March 2021	
<b>Key Decision</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Strategic Director of Finance and Governance	No	No
Strategic Director of Environment and Leisure	No	No
Strategic Director of Housing and Modernisation	No	No
Director of Regeneration	No	No
<b>Date final report sent to Constitutional Team</b>		31 March 2021