

**Site at Malt Street, Bianca Road & Latona Road****in the London Borough of Southwark****planning application no. 17/AP/2773****Strategic planning application stage 1 referral**

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008.

**The proposal**

Hybrid application for mixed use redevelopment comprising up to 1,282 residential units (420 in detailed Phase 1), 4,513sq.m. of light industrial floorspace and 2,487sq.m. flexible commercial space in buildings between 7 and 44 storeys.

**The applicant**

The applicant is **Berkeley Homes** and the architect is **Rolfe Judd**.

**Strategic issues summary**

**Principle of development:** The principle of a high density mixed use development within the Old Kent Road Opportunity Area, which re-provides the site's existing industrial floorspace, is supported, and the mix of uses is in general accordance with London Plan Policy 4.4, Policy E7 of the draft London Plan and the draft Old Kent Road Area Action Plan. (Paras 17-28)

**Housing and affordable housing:** 35% by habitable room with a 70/30 split in favour of affordable rent. The viability information will be tested to determine the maximum level of affordable housing, affordability and appropriate review mechanisms. Grant funding must be investigated. (Paras 28-41)

**Design and heritage:** The layout, design and massing is broadly supported in line with the aspirations for the Opportunity Area, but further information on the function of the civic square, the activation of public routes and the relationship with adjoining development sites must be submitted. The proposal would cause less than substantial harm to heritage assets which are outweighed by the benefits of the proposals, in accordance with the NPPF (Paras 41-61)

**Transport:** In advance of the Bakerloo Line Extension (BLE) and other improvements, there is limited capacity on the public transport network to accommodate additional travel generated by this development. Therefore, contributions towards improvements for bus and active travel are required. The applicant must address the identified deficiencies in the proposed public realm. Cycle and car parking are not currently compliant with draft London Plan requirements and this should be further addressed. Conditions and obligations are required. (paras.69-79)

Further information on **Waste, Energy and Drainage** is required.

**Recommendation**

That Southwark Council be advised the application does not fully comply with the London Plan and draft London Plan, for the reasons set out in paragraph 83 of this report. However, the resolution of those issues could lead to the application becoming compliant with the London Plan and draft London Plan.

## Context

1 On 28 August 2017, the Mayor of London received documents from Southwark Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. With agreement from the applicant and the Council, the Mayor's Stage 1 report was delayed pending the resolution of land use principles, and the applicant submitted a comprehensive set of revisions for consideration in November 2018. Further amendments have been made to the proposals in January 2019. Under the provisions of The Town & Country Planning (Mayor of London) Order 2008, the Mayor must provide the Council with a statement setting out whether he considers that the application complies with the London Plan and draft London Plan, and his reasons for taking that view. The Mayor may also provide other comments. This report sets out information for the Mayor's use in deciding what decision to make.

2 The application is referable under Categories 1(A), 1(B), 1C(c) and 3E of the Schedule to the 2008 Order:

- *1(A) 'Development which comprises or includes provision of more than 150 houses, flats or houses and flats';*
- *1B(c) 'Development (other than development which only comprises the provision of houses, flats or houses and flats) which comprises or includes the erection of a building or buildings outside Central London and with a total floorspace of 15,000 square metres';*
- *1C(c) 'Development which comprises or includes the erection of a building of more than 30 metres high and is outside of the City of London'; and*
- *3E 'Development which does not accord with one or more provisions of the development plan in force in the area in which the application site is situated; comprising more than 2,500 sq.m. of floorspace for a specific Use Class'.*

3 Once Southwark Council has resolved to determine the application, it is required to refer it back to the Mayor for his decision as to whether to direct refusal; take it over for his own determination; or allow the Council to determine it itself.

4 The environmental information for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 has been taken into account in the consideration of this case.

5 The Mayor of London's statement on this case will be made available on the GLA website [www.london.gov.uk](http://www.london.gov.uk).

## Site description

6 The application site is an irregularly shaped piece of land, approximately 2.2 hectares in area, located on land to the south of Malt Street and north of Latona Road. The site is bound to the west by Bianca Road/Haymerle Road and Space Studios, with the Surrey Canal Park further to the west. To the north is an Asda supermarket and its car park. The east of the site is bounded by large retail warehouses which front on to Old Kent Road and associated car parks. Across Latona Road to the south is the Friary housing estate.

7 The site is within the Old Kent Road Opportunity Area. Southwark Council has prepared a draft Area Action Plan (AAP) for the area, which identifies this site as being within Sub Area 2 (Cantium Retail Park and Marlborough Grove). The site is part of identified opportunity site OKR10 (Land bounded by Glengall Road, Latona Road and Old Kent Road), which includes the

Cantium Retail Park to the north. The draft AAP envisages that this opportunity site will accommodate up to 4,200 new homes and 3,100 jobs, as well as a linear park along the alignment of the Surrey Canal.

8 The majority of the site (approximately 2.1 hectares) is currently designated as Strategic Industrial Land (SIL) in the London Plan and a Preferred Industrial Location (PIL) in Southwark Council's adopted Core Strategy. In 2015, an application to establish a Housing Zone (HZ) covering Old Kent Road and Peckham was approved by the GLA, and the HZ boundary encompasses this site, though no specific HZ proposals have been developed by the Mayor of London for this site or its environs at this moment.

9 The site is not within a conservation area, nor does it contain any listed buildings. It is within 200 metres of the nearest conservation area (Glengall Road Conservation Area). Part of the site falls within the backdrop of protected view 3A.1 (Kenwood Viewing Gazebo to St Paul's Cathedral).

10 The site is within 150 metres of the Old Kent Road and its five bus routes, but is currently remote from underground and rail stations. The nearest station is Queens Road Peckham which is approximately 1.5 kilometres from the site. The nearest underground station is Elephant and Castle which is approximately 2.5 kilometres from the site. The Public Transport Access Level (PTAL) of the site is currently moderate at 3. This has the potential to rise significantly with the planned Bakerloo Line Extension which would have stations on the Old Kent Road, although this is not yet a confirmed scheme and if it does go ahead, it is unlikely to be operational until 2030 at the earliest.

11 Since the original submission of the application a number of new schemes have come forward on development sites surrounding the application site. These include Nyes Wharf (GLA ref: 4453, LPA ref: 17/AP/4596) which occupies a plot on Latona Road and is surrounded by the current application site on three sides. Southwark Council resolved to approve an application for mixed use redevelopment in buildings up to 18 storeys in September 2018. A planning application for the mixed use redevelopment of Cantium Retail Park (GLA ref: 4580, LPA ref: 18/AP/3246) has been submitted to Southwark Council and is currently under consideration. Application proposals for the mixed use redevelopment of the former Civic Centre at Livesey Place (GLA ref: 4422, LPA ref: 18/AP/3284) are also under consideration.

## **Details of the proposal**

12 The application seeks consent for the demolition of existing buildings and redevelopment of the site to provide up to 1,282 residential units and 7,000 sq.m. of light industrial, flexible commercial and community floorspace, public realm, cycle and car parking. A hybrid application has been submitted comprising the following detailed and outline elements:

- Detailed application: Redevelopment of the central area (Phase 1) including 4 buildings (7, 15 and 44 storeys), to provide 420 residential units, 1,197 sq.m. GEA of Class B1(c) light industrial floorspace and 785 sq.m. GEA of non-residential floor space (Use Class A1-A4, B1,D1 and D2), an energy centre, public open space and public realm and 90 car parking spaces and 697 cycle spaces.
- Outline application (scale, layout, landscaping, access and appearance reserved) for the erection of seven buildings ranging in height from 5 to 39 storeys (max height 132.9 metres AOD) to provide up to 88,052sq.m. floorspace GEA, comprising up to 862 residential units, up to 3,316 sq.m. GEA of Class B1(c) light industrial floorspace and up to

1,702sq.m. GEA of non-residential floor space (Use Class A1-A4, B1, D1 and D2), 4 car parking spaces and up to 1,453 cycle spaces, with associated open space and public realm.

## Case history

13 In July 2016, a pre-application meeting was held with GLA officers regarding similar proposals. At this point, whilst the broad direction of travel for the Old Kent Road Opportunity Area was acknowledged, the location of the site within a Strategic Industrial Location was highlighted. It was concluded that a strategic solution to consolidating industrial land would need to be reached before the land uses could be considered acceptable. The need to ensure that the proposals work effectively with surrounding sites (some which have in the meantime come forward as application proposals – see para. 11 above) to promote meaningful place-shaping was also key to the acceptability of the proposals.

## Strategic planning issues and relevant policies and guidance

14 For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan in force for the area is the Southwark Council Core Strategy DPD (2011), saved Southwark Plan Policies (2007) and the London Plan 2016 (consolidated with alterations since 2011)

15 The following are also relevant material considerations:

- The National Planning Policy Framework;
- National Planning Practice Guidance;
- Draft London Plan (consultation draft December 2017 incorporating early suggested changes published August 2018);
- Draft Area Visions and Site Allocations for the New Southwark Plan (February 2017);
- New Southwark Plan: Proposed Submission Version (November 2017);
- Draft Old Kent Road Area Action Plan (December 2017);
- Southwark Borough Views Background Paper (2017); and
- Letter from the leader of Southwark Council to Jules Pipe, Deputy Mayor for Planning, Skills and Regeneration dated 02/09/18.

16 The relevant issues and corresponding policies are as follows:

- Opportunity Areas *London Plan*
- Industrial Land/ Employment *London Plan*
- Housing/ affordable housing *London Plan; Housing Strategy; Housing SPG; Affordable Housing and Viability SPG; Play and informal recreation;*
- Urban design/Heritage *London Plan; Shaping Neighbourhoods: Character and Context SPG; Housing SPG; Shaping Neighbourhoods: Play and Informal Recreation SPG; London View Management Framework*
- Inclusive design *London Plan; Accessible London: achieving an inclusive environment SPG*
- Climate change *London Plan; Sustainable Design and Construction SPG; Mayor's Climate Change Adaptation Strategy; Mayor's Climate Change Mitigation and Energy Strategy; Mayor's Water Strategy*
- Transport *London Plan; the Mayor's Transport Strategy*

## Principle of development

17 The application site falls within the area covered by Southwark Council's draft Old Kent Road Area Action Plan (draft OKR AAP) as well as the Old Kent Road Opportunity Area identified in the London Plan and draft London Plan. The majority of the site (approximately 2.1 hectares) also falls within a currently protected Strategic Industrial Location (SIL). The draft London Plan identifies the Old Kent Road Opportunity Area as being capable of providing a minimum of 12,000 new homes and 5,000 new jobs and envisages the Bakerloo Line Extension (BLE) enabling significant residential and employment growth.

18 The BLE programme and the location of its potential tube stations is subject to ongoing discussions between Southwark Council and TfL; as is the quantum of development the area could sustainably support in advance of the BLE, what additional transport measures would be needed in the interim, and how new development can fairly contribute towards these costs. GLA officers have worked closely with Southwark Council officers to agree the broad geography and phasing of development in the area covered by the OKR AAP to help provide certainty to communities, local businesses and developers in advance of committed funding and also powers for the BLE and a clear timetable for its delivery. GLA officers accept that the application site is within an area identified as suitable to come forward for high density redevelopment in advance of the BLE but subject to other transport mitigations of the development's impact.

### Industrial land

19 London Plan Policy 2.17 requires boroughs to promote, manage and where appropriate protect strategic industrial land, and London Plan Policy 4.4 commits the Mayor to work with boroughs to adopt a rigorous approach to industrial land management, to ensure a sufficient stock of industrial land and premises is retained, and to plan, monitor and manage the release of surplus industrial land where it can contribute to strategic and local planning objectives, especially the provision of new housing. Draft London Plan Policy E5 confirms that non SIL uses within SIL should be refused unless there has been a strategically co-ordinated process of SIL consolidation carried out through a planning framework or Development Plan document review process (and adopted as policy in a Development Plan), or as part of a co-ordinated masterplanning process in collaboration with the GLA.

20 Southwark Council has prepared a number of drafts of its OKR AAP and New Southwark Plan which proposed the release of significant areas of OKR SIL and would have resulted in the loss of much important industrial capacity within the OKR AAP area, which the Mayor objected to when he was consulted. GLA officers have worked closely with their Southwark counterparts to address these concerns and have now agreed a potential geography and phasing of strategic industrial land release and consolidation to provide a degree of certainty to residents, local businesses and developers in advance of a clear BLE delivery programme and Southwark's adoption of its emerging development plan documents. Southwark Council has also committed to a retention and relocation strategy for existing industrial businesses within the OKR AAP area, confirmed its commitment to intensifying industrial uses on existing and new SIL sites and to purchase additional land to deliver these objectives. In light of these processes and commitments, GLA officers accept that part of the application site is potentially suitable for SIL release, although in line with Policy 4.4 of the London Plan and Policy E7 of the draft London Plan, any release of land from SIL should ensure no net loss of industrial capacity. Draft London Plan Policy SD1 re-iterates that there should be no net loss of industrial floorspace capacity in the Opportunity Area, and that areas that are released from SIL should seek to co-locate housing with industrial uses. Workspace for the existing creative industries should also be protected and supported.

21 The existing site provides 4,188sq.m. of industrial floorspace, which is predominantly in Use Class B8 (storage) use. The application proposals would provide up to 7,000sq.m. of commercial floorspace, of which 4,513sq.m. would be dedicated Class B1c light industrial space. The proposals would therefore more than reprovide the existing industrial floorspace, in two dedicated buildings (B10 and B11) arranged around a servicing yard. These light industrial buildings are intentionally located at the west of the application site, adjacent to the existing Space Studios, where they would contribute to forming a hub of creative industry in line with the aims of the OKR AAP and draft London Plan Policy SD1.

22 It is noted that whilst the existing industrial floorspace would be reprovided, this does not equate to the reprovision of the notional industrial capacity of the site based on a 65% plot ratio, as stipulated by draft London Plan Policy E7. However, in the context of the Opportunity Area, the provision of industrial uses on 65% of the site area would undermine the site's ability to contribute to the wider placeshaping objectives as set out in the AAP site allocation: notably, the provision of a new linear park on the alignment of the former Surrey Canal, and a significant increase in residential and employment density. The proposals will deliver a significant uplift in jobs as a result of the intensification of the industrial floorspace (up to 233 jobs could be created as a result of the active light industrial uses as opposed to the 63 jobs that exist on site in the predominantly Class B8 storage floorspace, according to the applicant's calculations based on the HCA Employment Density Guide 2015). In addition, up to 146 jobs would be created as a result of the other commercial uses proposed, using the same employment density standard. Given this, and the managed approach to the release of industrial land, the proposed reprovision of industrial floorspace is acceptable in the context of draft London Plan policies E5 and E7. Appropriate conditions must secure the use of this space for light industrial (B1c) purposes only, and design codes should clarify specifications, including minimum floor-ceiling heights, to ensure the functionality of this floorspace for light industrial use.

23 In accordance with draft London Plan Policy E7, the co-location of residential uses with industrial uses must include appropriate design mitigation of the residential elements to ensure that the industrial activities are not compromised, on "agent of change" principles. Further information should be provided on how residents will be protected from disturbance from noisy and/or late night light industrial activities and vehicle movements in buildings and servicing yards.

24 Additionally, the applicant must take all reasonable steps to facilitate the successful relocation of existing occupiers. The applicant and Southwark Council should confirm what businesses are, or were, occupying the site and how steps have been taken to relocate these businesses locally. Further information should be provided on this prior to any Stage 2 referral.

25 In accordance with draft London Plan Policy E3, the applicant is proposing that 10% of the workspace will be affordable. This is strongly supported, and information on the level of discount on market rents that will be offered to tenants should be provided prior to a Stage 2 referral. The affordable workspace, with the discount as agreed with the GLA and the Council, should be secured by s106 agreement in any planning permission.

#### Office and retail uses

26 The detailed and outline proposals combined would provide a total of 2,487 sq.m. of mixed use commercial and community uses comprising use classes A1-A4, B1, D1 and D2. The balance of non-residential uses would be clearly in favour of light industrial land uses, and the provision of small-scale office and retail uses would be consistent with the aims of the OKR AAP site allocation, which seeks a range of high street uses and small offices on the site. The proposed quantum of retail and office use is below the threshold of 2,500 sq.m. above which, according to the NPPF, an impact assessment is required. It is noted that development proposals in the wider OK10 site allocation area would redevelop the existing large-format retail stores at the adjacent Cantium

Retail Park, leading to an overall loss of retail floorspace in this area. The provision of the proposed quantum of retail uses on this site is unlikely to compete with the Old Kent Road as the primary shopping destination. The proposed land uses are thus supported in principle.

## Housing

27 London Plan Policy 3.3 'Increasing housing supply', in seeking to increase the supply of housing in London, sets borough housing targets, and in Table 3.1 puts the minimum annual monitoring target for the Borough of Southwark at 2,736 additional homes per year between 2015 and 2025. The draft London Plan sets an annual target of 2,554 per year for the period 2019 to 2028. The scheme would deliver up to 1,282 new homes, which equates to 48% of the London Plan annual target, making a significant contribution to the delivery of new homes in London.

### Proposed land uses - conclusion

28 Although the majority of the proposed development is on SIL, given the coordinated approach to the managed release of industrial land set out above, the proposed land uses are considered appropriate in strategic planning terms and generally comply with London Plan Policies 2.13, 2.17, 3.1, 3.3, 3.16, 4.4 and 4.8 and draft London Plan Policies E4, E5, GG2, H1, S1 and SD1. The mix of uses proposed is acceptable and consistent with the aims of the Old Kent Road Area Action Plan.

## Housing

29 The proposed unit mix for the development is set out in the tables below. The outline element would comprise of up to 88,052sq.m. of residential floorspace, equating to up to 862 residential units.

Detailed element housing mix:

Unit type	Private for sale	Intermediate	Affordable rent	Total units	% of total units
<b>Studio</b>	9	0	0	9	<b>2%</b>
<b>1 bed</b>	133	24	14	171	<b>41%</b>
<b>2 bed</b>	123	24	27	174	<b>41%</b>
<b>3 bed</b>	24	0	42	66	<b>16%</b>
<b>Total</b>	<b>289</b>	<b>48</b>	<b>83</b>	420	<b>100%</b>
		<b>131 units (31% by unit; 35% by habitable room)</b>			

Outline element indicative housing mix:

Unit type	Private for sale	Intermediate	Affordable rent
<b>Studio</b>	0-10%	0-10%	0
<b>1 bed</b>	30-40%	15-25%	35-45%
<b>2 bed</b>	40-50%	55-65%	30-40%
<b>3 bed</b>	0-15%	10-20%	20-30%

### Affordable housing

30 London Plan Policy 3.12 seeks the maximum reasonable amount of affordable housing. The Mayor's Affordable Housing and Viability SPG establishes a pan-London threshold of 35% affordable housing without grant with a strategic target of 50%. The Mayor's SPG sets out a preferred tenure split of at least 30% low cost rent (social or affordable rent, significantly less than 80% of market rent), at least 30% intermediate (with London Living Rent and shared ownership being the default tenures), and the remaining 40% to be determined by the local planning authority. The SPG approach is formalised within draft London Plan Policies H5, H6 and H7. Draft London Plan Policy H6 sets an affordable housing threshold of 50% for industrial land. Southwark's Local Plan seeks a minimum of 35% affordable housing, split 70:30 between social/affordable rent and intermediate rent.

31 Since the original submission of the application, which proposed 21% affordable housing by habitable room, the applicant has made revisions to increase the quantum of residential development, and is now proposing to provide 35% affordable housing by habitable room in both the detailed and outline phases, with a 70:30 split in favour of affordable rented tenure.

32 The increased quantum of affordable housing is welcomed, as is the intention to secure a proportionate amount of affordable housing in Phase 1. However, as set out above the application site is in predominantly industrial use and the proposals would not re-provide the industrial capacity of the site on a 65% plot ratio. The application does not therefore follow the Fast Track Route with 35% affordable housing (as the threshold level would be 50% in this instance), and it must therefore be considered under the viability tested route. A financial viability assessment has been submitted, and is currently subject to independent review by the Council. GLA officers will robustly interrogate the applicant's submitted viability evidence to ensure that the maximum amount of affordable housing is secured. The applicant must also investigate the use of grant funding to increase the affordable housing provision.

33 The affordability of the units must accord with the requirements of Policy H7 of the draft London Plan, the Mayor's Affordable Housing and Viability SPG, and the London Plan Annual Monitoring Report. Draft policy and the SPG sets out a preferred tenure split of at least 30% low cost rent (social or affordable rent, significantly less than 80% of market rent), at least 30% intermediate (with London Living Rent and shared ownership being the default tenures), and the remaining 40% to be determined by the local planning authority. The current proposals are for 70% low cost rent which accords with Southwark Council's minimum requirements and draft London Plan Policy H7. The affordability levels for the rented and shared ownership units must be confirmed prior to Stage 2. The Mayor expects affordable rented units to be offered at significantly lower than 80% discount market rent with a preference for the Council to secure these units at London Affordable Rent or social rented levels. The affordability of the shared ownership intermediate units should be informed by the Mayor's qualifying income levels, as set out in the Mayor's Affordable Housing and Viability SPG, and the London Plan Annual Monitoring Report. Rent level assumptions and income thresholds must be secured accordingly by the Council in the S106 agreement. GLA officers will work with the Council to agree affordability levels of all affordable tenures as part of the review of viability.

34 The draft London Plan and the Mayor's Affordable Housing & Viability SPG set out expectations for viability review mechanisms to be secured through S106 agreements, including early implementation reviews (if an agreed level of progress has not been made within an agreed time after grant of permission), and late stage reviews (usually triggered at 75% of private sales). It is noted that this is a phased, mid-to-long term scheme, and the imposition of late stage reviews are not inconsistent with the London Plan and are required by draft London Plan Policy H6. Further discussions will be required to determine appropriate review mechanisms for this scheme and GLA officers request early engagement into the wording of the draft S106 agreement to ensure that appropriate wording for review mechanisms, as well as obligations around phasing and delivery of affordable housing, are secured.

35 The Council must publish the financial viability assessment including any review, in accordance with Policy H6 of the draft London Plan and the Mayor's SPG and to ensure transparency of information. At present, only an executive summary of the viability information has been published, and a full version must be made available on the Council's website.

#### Residential quality and housing mix

36 London Plan Policy 3.5 and Policy D4 of the draft London Plan promotes quality in new housing provision, with further guidance provided in the Housing SPG. The scheme has been designed to meet and exceed London Plan and draft London Plan minimum residential space standards. However, given the high density proposed, the scheme must meet the highest possible residential quality.

37 The layouts for the four residential buildings contained within the detailed component of the application show that a maximum of eight units would share a core at each level, and that no single-aspect north-facing units are proposed. This is welcomed. The arrangement of blocks shown indicatively in the outline component has the potential to provide efficient residential layouts and minimisation of single aspect units. The principle of core-to-unit ratios and no north facing single aspect units must be secured in the design codes for the outline elements of the scheme.

38 As mentioned above, consideration will need to be given to the 'Agent of Change' principles with regards to the co-location of industrial and residential uses, as set out in draft London Plan Policy D12, and the applicant must demonstrate that the scheme has been designed to enable existing noise generating uses and activities to remain viable, and fully detail any required mitigation measures.

39 London Plan Policy 3.8 and draft London Plan Policy H12 encourage a full range of housing choice. It is recognised that central or urban sites may be most appropriate for schemes with a significant number of one and two beds, and that the number of family sized affordable homes provided should be driven by local and strategic need and that some families live in units smaller than three bedrooms. The proposal includes a range of one to three bed units, with 50% of the affordable rented units as family sized units in the detailed phase, and 20-30% in the outline phases. The proposed housing mix is supported.

#### Children's play space

40 Policy 3.6 of the London Plan and Policy S4 of the draft London Plan, seeks to ensure that development proposals include suitable provision for play and recreation. Further detail is provided in the Mayor's Supplementary Planning Guidance (SPG) 'Shaping Neighbourhoods: Play and Informal Recreation', which sets a benchmark of 10 sq.m. of useable child play space to be provided per child, with under-fives play space provided on-site as a minimum.

41 Based on the indicative housing mix, the child yield of the development would be approximately 450 children, including approximately 200 under-fives. This figure would be dependent on the final tenure and housing mix secured. The applicant has identified 5,400 sq.m. of on-site play space, however the majority of this would be in the form of "playable" space within general landscaped areas rather than dedicated play areas. There is a requirement for approximately 2,000 sq.m. of dedicated doorstep play for under-fives in the scheme, but the applicant has only demonstrated that 450sq.m. would be provided. The applicant must show how the required doorstep play (based on the final housing and tenure mix) will be fully accommodated in accordance with London Plan Policy 3.6 and draft London Plan Policy S4. Details of the play space and its provision must be secured by condition.

## Urban design

42 The design principles in chapter seven of the London Plan and Chapter 3 of the draft London Plan place expectations on all developments to achieve a high standard of design which responds to local character, enhances the public realm and includes architecture of the highest quality that defines the area and makes a positive contribution to the streetscape and cityscape.

43 The London Plan and draft London Plan both require developments to make the most efficient use of land and to optimise density, using an assessment of site context and a design-led approach to determine site capacity. The scheme would have a residential density of approximately 555 units per hectare. This significantly exceeds the guidance ranges in Table 3.3 of the London Plan and thresholds for increased scrutiny of design quality set out in draft London Plan Policy D6 (Part C). It is noted that the scheme's design has been independently reviewed by Southwark Council's Design Review Panel, and this is welcomed in accordance with draft London Plan Policy D6. Given the location of the site within the Opportunity Area and the emerging OKR AAP, potential local transport facilities and optimisation of land use, the increased density on this site could be supported. In line with Policy D6, a management plan detailing day-to-day servicing and delivery arrangements and long-term maintenance implications, as detailed in paragraph 3.6.8 of the draft London Plan will also be required. The agreed maintenance plan should be secured by condition as part of any permission.

### Layout

44 The proposals seek to draw on the principles described in the draft AAP of creating new east-west and north-south links through the site, including the key priority to create a linear park linking Old Kent Road with the existing Surrey Canal Park. The proposals have been developed on the basis of these key routes, and would introduce a simple sequence of street-based development and public realm which aligns with the existing and proposed street network. The layout principles embodied within the masterplan are thus logical and supported in principle. The north-south link through the site, connecting Old Kent Road to the Friary Estate to the south, would lead to immediate benefit for existing surrounding residents by creating a more direct link to Old Kent Road. The broad width and landscaping for this route is appreciated in this context. The creation of an east-west linear park is a key aim of the draft AAP and the proposal seeks to realise this as far as the applicant's site boundaries allow. The alignment of the routes should be verified against the Council's current intention for connectivity and public realm in the wider OKR area.

45 Notwithstanding this, the applicant must address the identified deficiencies in the footway widths addressed at para. 72 in the transport section below, as part of the overall public realm proposals.

46 The site sits at the centre of the planned primary east-west and north-south routes, and intends to mark this space with a central square and tall building. As discussed at the pre-application stage, the large central square and tall marker building would be most successful in urban design terms if this space had a civic function. This could be provided by revisiting the use proposed at ground level within Building B9, which is currently proposed to be a residential-led building with Class B1a office space at ground floor. The introduction of a community/public service or cultural use under Class D1/D2 in the ground floor of this building would lend a civic presence to this central public space, and should be considered further.

47 The clustering of light industrial uses in the western part of the site is discussed above, and is welcomed as a way of introducing a hub of creative industry which builds upon the success of Space Studios. This layout also ensures that servicing and deliveries associated with the industrial use do not impinge on the wider masterplan area, and gives the opportunity for the sharing and consolidation of the existing Space Studios service yard, subject to agreement with the adjacent landowner.

48 Whilst the majority of public facing edges along the main routes are flanked with good levels of active frontage, there are some areas that are dominated by inactive service and plant frontage. Of particular concern is the northern boundary of the site, where buildings back on to adjacent sites. Whilst it is acknowledged that buildings will need some plant and storage areas, there is potential for these buildings to flank an east-west route running along the northern boundary of the site between this site and adjacent development sites. The provision of a long frontage of service entrances and blank facades would undermine the safety and attractiveness of this route and this must be carefully addressed. As it stands, it is unclear whether there is public access to the space between the northern buildings and the site boundary and this should be clarified.

49 The relationship of the proposed buildings with the adjacent existing and emerging developments also needs further consideration. Building B7, on the boundary with Nye's Wharf, would present a two storey blank façade to this consented development, directly adjacent to the site boundary. The design of this block appears unresolved and could have an overbearing effect on the Nye's Wharf residential units and courtyard. The relationship between Building B5 and the adjacent proposed residential block at the Cantium retail park must be carefully considered to ensure that each development works successfully together, both in terms of residential amenity to each site, and the activation of the ground level route between buildings as addressed above.

50 The relationship of the new proposals to existing residential properties on the Friary Estate to the south of the site is also important. The scale of the development would step down to address this lower rise street frontage, and this is welcomed, as are the proposals in the outline submission to improve the landscaping in front of the estate for the benefit of estate residents. However, further work should be done to ensure full activation of the frontage with Latona Road to provide a welcoming pedestrian environment. Particular attention should be given to the service areas on Buildings B7 and B9, which currently front on to Latona Road.

### Height and massing

51 The tall building strategy envisaged within the draft APP is that the tallest buildings will be located along Old Kent Road, with the tallest elements ('tier one') marking stations and crossings including the point at which the proposed Surrey Canal Linear Park crosses Old Kent Road. The proposals would introduce two very tall buildings at 44 and 35 storeys, with further tall buildings of 27, 24, 16, 15 and 12 storeys. The tallest 44 storey tower would be located centrally within the site, marking the central square and crossing point between the main north-south route through the site and the Surrey Canal park. Whilst the tall buildings would be set back from the Old Kent Road frontage, there is a logic to the proposed height strategy, which steps up to form a focal point within the site, and the heights are consistent with emerging developments such as the adjacent Cantium Retail Park site, where buildings up to 48 storeys are proposed. This is notwithstanding comments above about the function of the civic square and its relationship to the tall building, which should be addressed further.

52 The simple form of architecture with high quality facing materials, and the slender form of the tallest building, are also supported. The Council should seek to secure key details

including facing materials, window reveals, balconies and rooflines to ensure an exemplary quality of architecture is delivered in the detailed phase. Having regard to the outline phases, detailed design codes must be secured which address architectural quality and key urban design principles such as the maximum proportion of inactive frontages.

### Strategic views

53 The London Views Management Framework Supplementary Planning Guidance 2012 (LVMF SPG) provides detailed guidance on each of the management plans for assessing development in the background of a strategic view. In addition, paragraphs 63, 67, and 77-79 provide an overview of how development should be managed in the background of different types of strategic views. The impact the proposal may have on these protected views must be carefully assessed to ensure no harm would result to its composition as required by London Plan 7.12 C and Policy HC4 of the draft London Plan which confirms that: 'Development proposals in the background of a view should give context to the landmarks and not harm the composition of the view as a whole.'

54 The applicant has undertaken a townscape and visual impact assessment views testing the impact of the proposed development in strategic views from Parliament Hill (2A.1) and Kenwood House (3A.1) as well as two Local Protected Views (Nunhead Cemetery and One Tree Hill). The proposed view 3A.1 demonstrates that the building would be visible to the right of Guys Hospital and St Paul's Cathedral, and would not detract from the viewer's ability to recognise the Strategically Important Landmark, or harm the composition of the view as a whole. Similarly, with regard to view 2A.1, the building would appear to the right of the Shard and Guys Hospital and would not be seen directly behind St Paul's Cathedral or the Palace of Westminster.

55 Consideration has also been given to the scheme's impact on locally protected views in accordance with London Plan Policy 7.12 and Policy HC4 of the draft London Plan. In relation to the Nunhead Cemetery view toward St Paul's, the applicant's townscape assessment demonstrates that the proposal would not be visible in this view. In relation to the view from One Tree Hill the proposals would be a new townscape feature in the foreground of the City backdrop, but would not detract from the viewer's ability to discern important landmarks such as St Paul's Cathedral or the Shard.

56 In summary the proposal would not harm the composition of strategic and local protected views in accordance with London Plan 7.12 C, Policy HC4 of the draft London Plan and the LVMF SPG.

## **Heritage**

57 The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the statutory duties for dealing with heritage assets in planning decisions. In relation to listed buildings, all planning decisions should '*should have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses*' and in relation to conservation areas, special attention must be paid to '*the desirability of preserving or enhancing the character or appearance of that area*'.

58 The NPPF states that when considering the impact of the proposal on the significance of the designated heritage asset, great weight should be given to the asset's conservation. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Significance is the value of the heritage asset because of its heritage interest, which may be archaeological, architectural, artistic or historic, and may derive from a heritage asset's physical presence or its setting. Where a proposed development will lead to 'substantial harm' to or total loss of the significance of a designated heritage asset, local planning

authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Where a development will lead to 'less than substantial harm', the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. Policy HC1 'Heritage conservation and growth' of the draft London Plan, as well as London Plan Policy 7.8, states that development should conserve heritage assets and avoid harm, which also applies to non-designated heritage assets.

59 The application site does not fall within a conservation area, nor does it contain any listed buildings. There are several listed buildings and structures within 500 metres of the buildings from which the new development would be visible, including 2-9 Canal Grove (Grade II listed), 1-50 Clifton Crescent, the Celestial Church of Christ (Grade II), the Church of Our Lady of Seven Dolours (Grade II), and the mural depicting the history of the Old Kent Road (Grade II).

60 The proposed scale of the development would also mean it would potentially be visible across a wide area, including parts of the Glengall Road Conservation Area, Trafalgar Avenue Conservation Area, Cobourg Road Conservation Area, Hatcham Conservation Area, Thorburn Road Conservation Area, Caroline Gardens Conservation Area and Peckham Hill Street Conservation Area. Of these identified heritage assets, the proposals have the potential to cause most impact on the Glengall Road Conservation Area and the listed buildings within it. London Plan Policy 7.8 and Policy HC1 of the draft London Plan confirm that development affecting heritage assets and their settings should conserve their significance by being sympathetic to their form, scale, materials and architectural detail.

61 The submitted townscape, visual and heritage assessments have considered these matters and conclude that the proposal would give rise to harm to the setting of the Glengall Road, Cobourg Road, Caroline Gardens conservation areas and the listed buildings within them due to the scale of the development that would be visible within the setting. However this harm is less than substantial, should be seen in the context of the changing nature of the Old Kent Road Opportunity Area and proposals of a similar scale within the OKR AAP area, and is outweighed by the public benefits of the scheme. Having regard to the statutory duty in respect of listed buildings in the Planning (Listed Buildings and Conservation Areas) Act 1990, and the relevant paragraphs in the NPPF in relation to listed buildings and conservation areas, GLA officers consider that the proposed buildings respond to the changing context of the area, and would bring about substantial improvements in the quality of the existing environment by introducing permeable public routes through the site, including the linear park and improved public realm. Additionally, the proposals would regenerate this part of the Old Kent Road Opportunity Area by bringing about a substantial increase in jobs and homes, including affordable homes. Whilst there would be some harm to the setting of heritage assets by reason of larger buildings becoming visible in the backdrop to nearby listed buildings and conservation areas, GLA officers consider this harm to be less than substantial, and decisively outweighed by the public benefits of the scheme as outlined above. The proposals therefore accord with Policy 7.8 of the London Plan and Policy HC1 of the draft London Plan.

## **Inclusive design**

62 London Plan Policy 3.8 'Housing Choice' and Policy D5 of the draft London Plan requires that 90% of new housing meets Building Regulation requirement M4(2) 'accessible and adaptable dwellings' and 10% meets Building Regulation requirement M4(3) 'wheelchair user dwellings', that is, designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users. The application has demonstrated that these requirements will be met and the plans identify the location of the wheelchair accessible homes. The Council should secure M4(2) and M4(3) requirements by condition.

## **Climate change**

### Energy

63 In accordance with the principles of London Plan Policy 5.2 and Policy SI2 of the draft London Plan, the applicant has submitted an energy statement, setting out how the development proposes to reduce carbon dioxide emissions. In summary, the proposed strategy comprises: energy efficiency measures (including a range of passive design features and demand reduction measures); a CHP-led site heat network; and renewable technologies (comprising PV panels). The approach proposed would achieve a 35% carbon dioxide reduction for both the domestic and the non-domestic buildings.

64 Further information is required to be provided on energy performance, energy demand, cooling and overheating, district heating and the Combined Heat and Power proposals, including the NOx emissions. Full details of the information requirements have been forwarded directly to the applicant.

65 The carbon dioxide savings for the domestic elements of the scheme fall short of London Plan and draft London Plan targets, which require zero carbon. The applicant must explore the potential for additional measures to deliver further carbon dioxide reductions including maximising the use of photovoltaic panels. Once all opportunities for securing further feasible on-site savings on the domestic elements have been exhausted, a carbon offset contribution should be secured to mitigate any residual shortfall.

### Flood Risk

66 A Flood Risk Assessment (FRA) has been provided, which confirms that the site is within Flood Zone 3 and is protected by flood defences and as a result, has low risk of tidal or fluvial flooding and low risk of surface and ground water flooding. Appropriate flood risk mitigation measures are proposed and the proposals are acceptable in terms of London Plan Policy 5.12 and draft London Plan SI12.

### Sustainable drainage

67 A Drainage Strategy has been provided, which proposes attenuation storage to restrict the 100 year (plus 40% climate change) post-development discharge rate to 50% of the existing rate. No assessment of greenfield runoff rate has been made, and no consideration has been given to the practicality of discharging at greenfield rate, or three times greenfield rate, where greenfield runoff rate is not possible. The proposals do not currently comply with London Plan Policy 5.13 and draft London Plan Policy SI13 and further information must be submitted. Attenuation tanks are proposed as the main SuDS measure, which does not satisfy the requirements of London Plan Policy 5.13 and draft London Plan Policy SI13.

68 The application states that all dwellings will be designed to comply with the requirements of the Building Regulations Part G and will have a maximum indoor water consumption of 105 l/person/day which complies with London Plan Policy 5.15 and draft London Plan Policy SI.5. However, the Applicant should consider water harvesting and reuse to reduce consumption of wholesome water across the entire development site. This can be integrated with the surface water drainage system to provide a dual benefit.

### Urban Greening

69 In line with London Plan Policy 5.10 and draft London Plan Policy G5, development proposals should contribute to the greening of London by including urban greening as a fundamental element of site and building design. Prior to Stage 2 referral, a calculation of the proposal's Urban Greening Factor should be provided, as set out in draft London Plan Policy G5.

## **Transport**

### Principle of development

70 As set out above, the GLA, TfL and Southwark Council are discussing ways to align new development within the OKR opportunity area with BLE delivery milestones. This work is yet to be concluded, and at the moment there is only limited capacity within the local public transport network to accommodate the additional homes and jobs the draft OKR AAP and the draft London plan envisage and support. Some new development could be accommodated in advance of the BLE should the area's existing primarily bus-based transport networks are improved and if active travel measures are promoted and delivered. Acceptable schemes would however have to fully contribute toward these initiatives.

### Bakerloo Line Extension

71 Current proposals for the BLE involve running tunnels close to but not directly below this site, and so conflict between building foundations is not currently anticipated. However, this should be reviewed as foundation design is developed to demonstrate that there is no conflict or that any conflict can be resolved through foundation design changes.

### Cycling, Walking and the Public Realm

72 The surrounding area currently presents a generally poor environment for walking and cycling, and to support active travel in line with draft London Plan policies and to meet transport needs pre-BLE, a significant contribution from this development is expected towards improvements in the wider area, in accordance with Policy T4 of the draft London Plan. This includes contribution towards the Healthy Streets scheme under development for Old Kent Road and for local highways improvements, together with delivery of the linear park and other routes within the development. The routes through the site must be open 24/7. These contributions and obligations should all be secured in the s106 and where appropriate via a s278 agreement.

73 The site entrance from Malt Street has a footway on only one side of the road, and that footway is less than 2 metres wide. This does not provide adequate pedestrian facilities to serve the development and must be addressed. Furthermore,, there are areas within the outline element of the proposal which appear to offer a poor pedestrian environment with, for example, a footway of less than 2 metres width between block B4 (detailed)/B5 (outline) and the Nye's Wharf site. While these would be resolved through the development of these other adjacent sites, failure to do so would compromise the public realm unacceptably, and so consideration should be given to placing appropriate Grampian conditions on those elements.

74 To support cycling by the occupiers of the development, and as part of a network for the whole Opportunity Area, a proportionate contribution towards the costs of a new cycle hire docking station and land is sought. Similarly a contribution toward a wayfinding scheme for the area would be appropriate and should be secured. Further discussion on the appropriate contributions for the above-mentioned items is necessary between the applicant, the Council and TfL officers.

### Car and cycle parking

75 In line with draft London Plan policy T6 and taking account of future PTAL, this development should be car-free except parking for accessible spaces for people with disabilities. Whilst the reduction in proposed car parking post submission is noted, 90 general parking spaces are still proposed, which is not compliant with draft London Plan policy. The proposed 3% ratio for accessible spaces meets draft London Plan standards initially, but a car parking design and management plan will be required to show how this could be increased to a total of 10% if necessary. The s106 agreement should include CPZ and permit free provisions. Electric vehicle charging points are proposed in line with the minimum policy requirement and should be secured.

76 The supporting documentation does not demonstrate that the proposed number of cycle parking places meets the quantum requirements set out in the draft London Plan. Further, the limited information provided shows that a very small proportion will be provided in an accessible form, with the vast majority supplied in hanging or other vertical racks. Such racks are not suitable for non-standard or children's bikes and cannot be used by those without physical strength and dexterity. Consequently they do not meet the quality standards required in the draft London Plan. Significant alterations to the proposed scheme will be required in order to meet these standards, and should be addressed prior to determination. A policy compliant car free development would free up space, for more and better cycle parking in line with these draft London Plan standards.

### Public Transport

77 Until the BLE is delivered, buses will be the main mode of public transport for users of the proposed development, but the network does not have the capacity for this additional demand. Consequently a proportionate contribution toward bus service improvements over a five-year period, commensurate with the impact of the development, together with a proportionate contribution toward bus priority and infrastructure as part of the Healthy Streets scheme for the Old Kent Road and on local roads, is sought in accordance with draft London Plan Policy T4. This must be discussed further with the Council and TfL.

### Servicing

78 The applicant should provide a robust assessment of the demand for servicing compared to the provision proposed to provide assurance that it is sufficient. The submitted draft Delivery & Servicing Plan is welcomed but requires considerable improvement, and so a revised plan should be secured by condition.

### Travel Plan and Construction Management Plan

79 Travel Plans for each of the main uses is supplied but require improvement to meet acceptable standards. A Construction Logistics Plan and a Construction Management Plan should all be appropriately secured.

## **Local planning authority's position**

80 The applicant has engaged with Southwark Council planning officers throughout the pre-application and post-application stage and has submitted recent amendments to the scheme in

response to officers' concerns. It is understood that the Council planning officers are broadly supportive of the principles of the redevelopment. A planning committee in March/April is likely.

## Legal considerations

81 Under the arrangements set out in Article 4 of the Town and Country Planning (Mayor of London) Order 2008, the Mayor is required to provide the local planning authority with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. Unless notified otherwise by the Mayor, the Council must consult the Mayor again under Article 5 of the Order if it subsequently resolves to make a draft decision on the application, in order that the Mayor may decide whether to allow the draft decision to proceed unchanged, or direct the Council under Article 6 of the Order to refuse the application, or issue a direction under Article 7 of the Order that he is to act as the local planning authority for the purpose of determining the application. There is no obligation at this present stage for the Mayor to indicate his intentions regarding a possible direction, and no such decision should be inferred from the Mayor's statement and comments.

## Financial considerations

82 There are no financial considerations at this stage.

## Conclusion

83 London Plan and draft London Plan policies on industrial land; housing; affordable housing; urban design; inclusive design; transport; and climate change are relevant to this application. The application currently does not fully comply with the London Plan and draft London Plan. The following strategic issues must be addressed for the application to fully accord with the London Plan and draft London Plan:

- **Principle of development:** The principle of a high density mixed use development within the Old Kent Road Opportunity Area, which re-provides the site's existing industrial floorspace, is supported, and the mix of uses is in general accordance with London Plan Policy 4.4, Policy E7 of the draft London Plan and the draft Old Kent Road Area Action Plan.
- **Affordable housing:** 35% by habitable room with a 70/30 split in favour of affordable rent. The viability information will be tested to determine the maximum level of affordable housing, affordability and appropriate review mechanisms. Grant funding must be investigated.
- **Design:** The layout, design and massing is broadly supported in line with the aspirations for the Opportunity Area, but further information on the function of the civic square, the activation of public routes and the relationship with adjoining development sites must be submitted. The proposal would cause less than substantial harm to heritage assets which are outweighed by the benefits of the proposals, in accordance with the NPPF. Details must be secured to ensure the delivery of a high quality development in the outline phases.
- **Energy:** The applicant must explore the potential for additional measures to deliver further carbon dioxide reductions. Once all opportunities for securing further feasible on-site savings have been exhausted, a carbon offset contribution should be secured to mitigate any residual shortfall.
- **Drainage:** A revised surface water drainage strategy must be submitted to demonstrate compliance with London Plan Policy 5.13 and draft London Plan policy SI3. The

applicant should calculate the proposal's Urban Greening Factor, in line with Draft London Plan policy G5, and seek to meet the target score.

- **Transport:** In advance of the Bakerloo Line Extension (BLE) and other improvements, there is limited capacity on the public transport network to accommodate additional travel generated by this development. Therefore, contributions towards improvements for bus and active travel are required. The applicant must address the identified deficiencies in the proposed public realm. Cycle and car parking are not currently compliant with draft London Plan requirements and this should be further addressed. Conditions and obligations are required.

---

for further information, contact GLA Planning Unit:

**Julietta McLoughlin, Chief Planner**

020 7983 4271 email [julietta.mcloughlin@london.gov.uk](mailto:julietta.mcloughlin@london.gov.uk)

**John Finlayson, Head of Development Management**

0207 084 2632 email [john.finlayson@london.gov.uk](mailto:john.finlayson@london.gov.uk)

**Lyndon Fothergill, Team Leader**

020 7983 4419 email [lyndon.fothergill@london.gov.uk](mailto:lyndon.fothergill@london.gov.uk)

**Katherine Wood, Team Leader, Case Officer**

020 7983 5743 email [katherine.wood@london.gov.uk](mailto:katherine.wood@london.gov.uk)

---