Southwark Free School, South Bermondsey
in the London Borough of Southwark
planning application no. 13/AP/0065

Strategic planning application stage 2 referral

The proposal
Demolition of existing building and the erection of a part 6, part 19 storey building (maximum height from ground 61.3 metres) with basement for a mixed use scheme comprising 158 residential dwellings, primary school for Southwark Free School, sixth form for City of London Academy and a combined community use, with associated amenity and play space, basement car and cycle parking and landscaping.

The applicant
The applicant is SCCD developments and the architect is HLM Architects.

Strategic issues
Southwark Council has resolved to refuse permission for this application. The Mayor must consider whether the application warrants a direction to take over determination of the application under Article 7 of the Mayor of London Order 2008.

Having regard to the details of the application, the matters set out in the committee report and the Council’s draft decision notice the development has a significant impact on the implementation of the London Plan and there are sound planning reasons for the Mayor to intervene in this particular case and issue a direction under Article 7 of the Mayor of London Order 2008.

The Council’s decision
In this instance Southwark Council has resolved to refuse permission.

Recommendation
That Southwark Council be directed that the Mayor will act as the local planning authority for the purposes of determining the above application.

Context
1 On 2 April 2013, 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. This was referred to the Mayor under Category 1A and 1C of the Schedule to the Order:
**Category 1A:** Development which comprises or includes the provision of more than 150 houses, flats, or houses and flats.

**Category 1C:** Development which comprises or includes the erection of a building of more than 30m.

2 On 8 May 2013, the Mayor considered planning report PDU/3060/01, and subsequently advised Southwark Council that the application was generally acceptable in strategic planning terms however account should be taken of the comments set out in paragraph 60 of that report.

3 A copy of the above-mentioned report is attached. The essentials of the case with regard to the proposal, the site, case history, strategic planning issues and relevant policies and guidance are as set out therein, unless otherwise stated in this report. On 4 June 2013, Southwark Council, resolved to refuse planning permission for the application and on 5 June 2013 advised the Mayor of this decision. On 12 June 2013, Southwark Council withdrew the stage 2 referral until further notice. On the 5 July 2013 Southwark Council re-referred the case back to the Mayor. Under the provisions of Article 5 of the Town & Country Planning (Mayor of London) Order 2008 the Mayor may allow the draft decision to proceed unchanged, or issue a direction under Article 7 that he is to act as the local planning authority for the purpose of determining the application and any connected application. The Mayor has until 18 July 2013 to notify the Council of his decision and to issue any direction.

4 The Council’s draft decision notice includes the following reasons for refusal:

- Loss of Strategic Industrial Land;
- The proposal does not satisfactorily mitigate against the adverse noise conditions of Rotherhithe New Road and Verney Road and thereby fails to protect the quality of life and amenity of future occupiers against significant harm;
- The proposal represents and overdevelopment of the site;
- The proposals provides an inadequate level of affordable housing;
- The proposal would result in adverse transport impacts;
- Height, massing and design;
- Poor architecture and urban design.

5 The Mayor’s decision on this case, and the reasons, will be made available on the GLA’s website [www.london.gov.uk](http://www.london.gov.uk).

**Article 7: Direction that the Mayor is to be the local planning authority**

6 The initial policy test regarding the Mayor’s power to take over and determine applications referred under categories 1 and 2 of the schedule to the Order is a decision about who should have jurisdiction over the application rather than whether planning permission should ultimately be granted or refused.

7 The policy test consists of the following three parts, all of which must be met, unless the application is referable under category 1A in which case test (b) does not apply, in order for the Mayor to take over the application:

a) significant impact on the implementation of the London Plan;
b) significant effects on more than one borough; and
c) sound planning reasons for his intervention.

8 Parts (a) and (b) of the test identify the impact an application would have on the Mayor’s policies and the geographical extent of the impact, whilst part (c) deals with the reasons for the Mayor’s intervention, having regard to the Council’s draft decision on the application. In this instance part (b) of the test does not apply, as the application is referable under category 1A of the order. Therefore the policy tests to be met in this instance are:

a) Significant impact on the implementation of the London Plan; and
b) Sound planning reasons for his intervention.

9 These tests are intended to ensure that the Mayor can only intervene in the most important cases. This report considers the extent to which the policy tests under Article 7(1) apply in this case and whether, therefore, the Mayor could direct that he is to be the local planning authority and apply the tests set out under Article 7(3) of the Order 2008.

Policy test 7(1) (a): Significant impact on the implementation of the London Plan

10 The following sections consider the policy context and extent of the impacts on the implementation of the London Plan.

Education

London Plan objectives

11 London Plan policy 3.18A sets out that the Mayor will support provision of education facilities to meet the demands of a growing and changing population and to enable greater educational choice, particularly in parts of London with poor educational performance. Paragraph 3.98 of the London Plan defines poor performance as areas where fewer than 30% of pupils achieve five or more A*-C grades at GCSE including GCSEs in English and Maths. In 2011/12 58.8% of pupils in Southwark achieved this benchmark. Whilst this is not poorly performing as defined in the London Plan this is below the London average of 62.3% and the Inner London average of 60.8%.

12 The proposal provides a three form entry free school and sixth form space and as such provides much needed school places for a growing population and by providing a free school it is enabling greater educational choice. The proposal is in line with this London Plan policy in this regard.

13 London Plan policy 3.18B sets out that the Mayor strongly supports the establishment of new schools and steps to enable local people and communities to do this. This school is a free school and has been set up by a group including local people and it is in line with London Plan policy in this regard.

14 London Plan policy 3.18 C sets out that development proposals which enhance education and skills provision will be supported, including new build, expansion, of existing facilities or change of use to educational purposes. Those which address the current projected shortage of primary school places will be particularly encouraged. This proposal is a primary school and meets educational need in an area with a shortage of school places. It is in line with London Plan policy in this regard.
15 London Plan policy 3.18D sets out that in particular proposals for new schools should be given positive consideration and should only be refused where there are demonstrable negative local impacts which substantially outweigh the desirability of establishing a new school and which cannot be addressed through the appropriate use of planning conditions and obligations. As set out in the Stage I report there are no demonstrable negative local impacts arising from this proposal which would substantially outweigh the desirability of establishing a new school and which could not be addressed through planning conditions or obligations. As set out later in this report the matter of noise impacts on the newly arising population that will occupy the proposal needs further consideration.

16 London Plan policy 3.18E sets out that development proposals which maximise the extended or multiple use of educational facilities for community or recreational use should be encourage. This proposal is being delivered in partnership with Bede House, a local voluntary organisation and community use of the facilities outside of school hours is proposed.

17 London Plan policy 3.18F sets out that development proposals that encourage co-location of services between schools and colleges and other provision should be encouraged in order to maximise land use, reduce costs and develop the extended school or college’s offer. On-site or off-site sharing of services between schools and colleges should be supported. This proposal locates the Southwark Free School and an extension of the City of London Academy Sixth Form on the site thus maximising land-use and reducing costs. There is some sharing of facilities on-site, notably the MUGA and the sixth form will also share facilities with the City of London Academy’s main site. As such the proposal meets London Plan policy.

Strategic context of the application

18 The Revised Early Minor Alterations to the London Plan set out in supporting text 3.102 that local authorities’ strategic role in the new system will be to take a proactive, positive and collaborative approach to development that will widen choice in education, promoting a good supply of strong schools and to encourage the development of Academies and Free Schools.

19 It also sets out that London’s population will continue to be younger than elsewhere in England and Wales and that by 2031 its school age population is projected to increase by almost 17%. The Mayor’s 2020 Vision further notes that 4,000 new classes are needed in London by 2020 (this figure derives from the GLA Population Projections 2011 Round SHLAA based. GLA calculation based on growth in number of population aged 4 to 10 and an assumption of 30 pupils per class).

20 As set out above London Plan policy 3.18 (Education facilities), confirms that the Mayor will strongly support the provision of new schools. The policy also encourages developments that would maximise the extended or multiple use of educational facilities for community or recreational use. The National Planning Policy Framework confirms that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities and that local planning authorities should:

- Take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education;
- Give great weight to the need to create, expand or alter schools, and;
- Work with schools promoters to identify and resolve key planning issues before applications are submitted.

21 The proposal is in line with the National Planning Policy Framework. The Government’s 2011 Policy statement (Planning for schools development) states that there should be a presumption in favour of the development of state-funded schools.

Impact on the implementation of the London Plan
As set out in the consultation report, Southwark Council has identified a shortage of between 15 and 21 forms of entry for primary school places by 2016 across the borough. For the purposes of planning for educational need the Council has split the borough into five planning areas. This site is in the Bermondsey and Rotherhithe planning area. The need is highest in the Bermondsey and Rotherhithe planning area where 6.5-8 forms of entry are required by September 2016 as the Council set out in its November 2012 report to Cabinet. The Council has identified the potential for expansion of five schools in Bermondsey and Rotherhithe ward however it is understood that these expansion plans are not confirmed. As such the need for a school in the area has been established.

The provision of this free school, which provides 420 primary school places and 30 nursery school places together with sixth form space which it is understood will facilitate the expansion of the City of London Academy sixth form as well as free up space for expansion at the main site, will make a significant contribution to the provision of school places in Southwark and will contribute to London-wide provision to support an expanding population.

In either not supporting its delivery or delaying it, the need remains and as such this would have a significant impact on the implementation of the London Plan. The matter of Strategic Industrial land was considered at the consultation stage and its release to an educational led housing scheme was broadly accepted given the transitional status of the site on the edge of the SIL designation and adjacent to existing housing.

Having regard to the details of the proposal, therefore; the Council’s committee report; and, the draft reasons for refusal, GLA officers are not currently of the view that there are demonstrable negative local impacts which at this stage substantially outweigh the strong desirability of the school expansion, and which cannot be addressed through the appropriate use of planning conditions and obligations. GLA officers will, nevertheless, undertake to carry out a full assessment of the local impacts, including those arising to new occupants of the proposed development, and report these to the Mayor when he determines the application.

Given that it is not currently accepted that there are demonstrable negative local impacts that outweigh the desirability of the school expansion, Southwark Council’s resolution to refuse the proposed school expansion threatens to undermine the strategic objectives of Policy 3.18 of Greater London’s spatial development strategy, and, therefore, has a significant impact on the implementation of the London Plan.

**Housing**

**London Plan objectives**

London Plan Policy 3.3 states that the Mayor will seek to ensure the housing need identified in paragraphs 3.17 and 3.18 is met, particularly through provision consistent with at least an annual average of 32,210 net additional homes across London. London Plan Policy 3.11 states that the Mayor will, and boroughs and other relevant agencies and partners should, seek to maximise affordable housing provision and ensure an average of at least 13,200 more affordable homes per year in London over the term of the Plan.

**Strategic context of the application**

London Plan Policy 3.3 states that boroughs should seek to achieve and exceed the relevant minimum borough annual average housing target in Table 3.1, which sets a target for Southwark of 2,005 homes. The Council’s current and past performance against development plan targets is considered below. This application includes 158 new homes which would make a significant contribution to these strategic targets.

**Impact on the implementation of the London Plan**
The proposed provision of 158 new homes represents 7.8% of Southwark’s annual monitoring housing target as set out by the London Plan, and makes a significant contribution to the strategic housing target identified by London Plan Policy 3.3.

The Mayor sets out minimum housing targets in Table 3.1 of the London Plan. Southwark Council has consistently met the housing delivery targets. However this has increased since the publication of the Core Strategy, and is likely to increase further with the current review of housing targets underway. The Council’s resolution to refuse the scheme therefore threatens to undermine the strategic objectives of Policy 3.3 within Greater London’s spatial development strategy, and, therefore, has a significant impact on the implementation of the London Plan.

**Policy test 7(1)(c): Sound planning reasons for intervening**

Having regard to the details of the proposal and the Council’s draft reasons for refusal, together with the outstanding issues identified by the Mayor in his original comments which are examined in more detail below, there are sound planning reasons to take over this application and these are the need to provide for school places and the need to provide housing, and affordable housing.

**Matters the Mayor must take account of**

As set out in Article 7(3)(a)(b) in deciding whether to give a direction to become the Local Planning Authority, the Mayor must take account the extent to which the council of the London Borough in which the development is or is to be situated is achieving, and has achieved the applicable development plan targets for new housing, including affordable housing, and the extent to which the council of the London Borough is achieving, and has achieved any other targets set out in the development plan which are relevant to the subject matter of the application. In this instance therefore targets with respect to education and housing are relevant.

**London Plan targets**

- **Education**: London Plan Policy 3.18 sets out that the Mayor will support provision of education facilities to meet the demands of a growing and changing population, particularly those which address the current projected shortage of primary school places, and those which are in parts of London with poor educational performance. However, the London Plan does not set specific numeric targets in this regard.

- **Housing**: London Plan Policy 3.3 states that the Mayor will seek to ensure the housing need identified in paragraphs 3.17 and 3.18 of the Plan is met, particularly through provision consistent with at least an annual average of 32,210 net additional homes across London. London Plan Policy 3.3 states that boroughs should seek to achieve and exceed the relevant minimum borough annual average housing target in Table 3.1, which sets a target for Southwark of 2,005 homes. London Plan Policy 3.11 states that the Mayor will, and boroughs and other relevant agencies and partners should, seek to maximise affordable housing provision and ensure an average of at least 13,200 more affordable homes per year in London over the term of the Plan.

**Southwark Local Plan targets**

- **Education**: Southwark Core Strategy Strategic Objective 1B sets out to ‘Achieve educational potential’. Strategic policy 4 sets out the objective to building new schools and improve existing schools to provide improved educational opportunity. The Core Strategy does not specifically identify numeric targets for school expansion, however, the delivery and implementation plan (Core Strategy Table 1) identifies various new and improvement provision identified for delivery within the current plan period.
• **Housing**: The Council adopted the relevant London Plan housing targets at the time of the Core Strategy was being considered (in the context of the 2008 London Plan). This has now been superseded by the 2011 London Plan housing target in Table 3.1, which sets a target for Southwark of 2,005 homes where affordable provision should be maximised having regard to the London wide target of 13,200 affordable homes per year.

**Response to relevant education targets**

33 Paragraph 3.98 of the London Plan defines poor performance as areas where fewer than 30% of pupils achieve five or more A* to C grades at GCSE, including GCSEs in English and Maths. In 2011/12 58.8% of pupils in Southwark achieved this benchmark. Whilst this is not poorly performing as defined in the London Plan this is below the London average of 62.3% and the Inner London average of 60.8%.

34 Whilst this is the case, DfE data demonstrates that the academic attainment within the borough has consistently improved year on year since 2009, but that it remains below the national and London average. The Council’s most recent Annual Monitoring Report (AMR) covers the period from April 2010 to March 2011. With respect to school provision, the AMR sets out that during the 2010/11 period the Council increased provision of D1 provision largely due to the delivery of New City Academy following the demolition of Geoffrey Chaucer and Joseph Lancaster Schools and the construction of a four storey building from former Waverly Lower School and the redevelopment land at Saul, Sharpness and Painswick Court to provide single storey secondary school for students with profound learning difficulties. The Council has taken a generally positive approach, however as previously reported the Council has identified a shortage of between 15 and 21 forms of entry for primary school places by 2016 across the borough and as such, the need for provision remains significant.

**Response to relevant housing targets**

35 The Southwark Core Strategy, which covers a fifteen year plan period from 2011-2026, establishes the following:

**Housing**: Core Strategy Strategic Targets Policy 1 establishes a borough wide target of 24,450 net new homes over the plan period.

**Affordable housing**: Core Strategy Strategic Policy 6 establishes a borough wide target of a minimum of 8,558 net affordable housing units.

36 The Council’s most recent Annual Monitoring Report covers the period from April 2010 to March 2011 and also includes figures for preceding years. During this period there were 1,826 net additional homes delivered in the borough, which is 194 homes above the Council’s annual monitoring target of 1,630 for 2010-11. It is 179 homes short of the current borough target of 2,005 set out in the London Plan, which supersedes that in the Core Strategy albeit for the monitoring period starting 2011. Over the previous five year period, from 2005/06 to 2008/09 there were 8,307 net additional homes delivered, which equates to an annual completion rate of 1,661 net additional homes.

37 In terms of affordable housing, of the 1,596 new self contained dwellings provided over the monitoring period 692 (gross) 522 (net) were affordable. These figures broadly equate to 43% gross delivery of affordable units which is a 7% decrease over the previous year. This compares to a figure of 50% in 2009/10 and 36% in 2008/9.

38 Overall these figures show that Southwark Council has historically had a good record of bringing forward housing and affordable housing. It should, however, be noted that based on previous performance the Council will fall short of the current housing target in the London Plan, which exceeds and supersedes that in the Southwark Core Strategy.
Matters the Mayor must take account of - conclusion

39 Educational standards in Southwark are below the national average and below the London average. The Council’s annual monitoring report does however show improvement particularly between 2009-10 period, with less improvement between 2010-11. Historically, Southwark has exceeded its housing delivery target which is fully supported.

40 Having had regard to the matters above, and notwithstanding Southwark Council’s generally good performance with respect to improving education and housing delivery, GLA officers are of the view that given the established need for primary school places in the borough and in this area in particular; the challenges in securing the capital funding necessary to deliver the Council’s social infrastructure programme; and, the increase housing targets that it is particularly important that the provision of the proposed self-funding educational infrastructure with enabling housing is fully considered by the Mayor to address the strategic objectives of the London Plan.

Other strategic planning issues

41 Notwithstanding the above, should the Mayor make a direction to take over the application or if the Mayor does not take the application over and the scheme is considered at appeal, or a revised application submitted, the applicant should have regard to the following matters considered below.

42 The Stage 1 report set out the following outstanding issues:

- **Housing and affordable housing**: the level of three bed units is welcomed however the social rented units should be replaced with affordable rented units and consideration should be given to the inclusion of some intermediate units in the affordable element. The viability is currently being assessed and an independent assessment will need to be commissioned either by the GLA or the Council.

- **Child playspace**: the arrangements for access to the MUGA for residents should be clarified and secured in the section 106 agreement.

- **Urban design**: the scheme is well designed, successfully accommodating both educational and residential uses. The residential quality of the proposal is high however the fire doors in the long corridors should be alarmed so they are not used as a matter of course. Noise mitigation for the single aspect units in NEC C should be conditioned.

- **Density**: given the nature of the site and the overall design quality of the scheme a density higher than the London Plan guidelines is acceptable.

- **Inclusive design**: the applicant should confirm that all the units meet lifetime homes standards. The applicant should indicate where the wheelchair accessible units are located and provide large scale plans of these units. The applicant should consider replacing the platform lift in reception with a ramp if this is possible within the constraints of the site.

- **Climate change mitigation**: The applicant should carry out an investigation to identify any existing or planned district heating networks within the vicinity of the proposed development. If there are none available the applicant should provide a commitment to ensure that the development is designed to allow future connection to a district heating network should one become available. This together with the commitment to a single site wide energy network and the provision of the photovoltaic panels should be secured by condition.
• **Climate change adaptation**: Further discussion and commitments are needed regarding flooding and drainage.

• **Transport**: further details regarding blue badge, visitor and cycle parking, clarification and further information is needed regarding trip data in order to assess whether mitigation is needed and assessment of pedestrian / cycle routes and bus stop accessibility together with a commitment towards necessary improvements.

**Housing and affordable housing**

43 The applicant has indicated that should the Mayor take the application over or should the application be considered at appeal that it would be willing to reconsider the tenure of the affordable housing. It has indicated that it could provide all affordable rented units, all intermediate units or a mixture. The impact of this on viability will need further discussion.

44 The Council assessed the applicant’s viability appraisal internally and did not commission an independent appraisal. The level of affordable housing is one of the Council’s draft reasons for refusal and there remain areas of disagreement between the Council and the applicant in respect of the viability appraisal. These include the benchmark land value applied to the site and the private residential sales values, in particular the impact of the location above a school on the residential sales values. Fundamentally however, the Council does not agree that the provision of the educational facilities should be prioritised over delivery of affordable housing. An independent assessment of the viability appraisal is currently being commissioned by the GLA and therefore subject to the outcome of that review further discussion will be required should the scheme progress either through a Mayoral direction or appeal.

**Child playspace**

45 The applicant has indicated that arrangements for access to the MUGA by residents will be included in the section 106 agreement.

**Urban design**

46 The applicant has indicated that it would be possible for the fire doors to be alarmed to break up the length of the corridors. Should the Mayor take over the application, or the application be considered at appeal or a revised application submitted the application should be amended such that the number of units per core is reduced and the corridors therefore shortened. Matters regarding noise in considered later in this report.

**Inclusive design**

47 The applicant has confirmed that all units will be built to lifetime homes standards. Plans have been provided of a typical wheelchair accessible unit and their locations have been indicated on submitted plans. Currently thirteen private and three affordable units are proposed. The applicant has indicated that it is willing to discuss the split further. The applicant has investigated replacing the platform lift in reception with a ramp however it has confirmed that this is not possible due to the constraints of the site. This should be considered in further detail.

**Climate change mitigation**

48 The applicant has confirmed that there is no district heating system currently proposed nearby. The application is however designed so that it can connect to a district heating system in the future. The applicant has also confirmed that a single network for all uses is proposed. These matters together with the provision of photovoltaic panels should be conditioned.
The applicant has submitted further details of its drainage strategy and these confirm that a 50% reduction in surface water discharge rate will be achieved. These measures should be secured by condition together with the matters relating to residual risk of flooding set out in the Stage I report.

**Transport**

At consultation stage, TfL highlighted a number of concerns and also requested further information.

TfL is content that, if permission is granted, a condition requiring the preparation and approval of a car park management strategy would address the issues previously raised about car parking.

The applicant has now confirmed the amount of cycle parking proposed for the various parts of the development and also its type. These proposals comply with London Plan policy 6.13 and the standards in Table 6.3.

The principle of an improved crossing of Rotherhithe New Road proposed by the applicant to serve the primary school in particular is welcomed by TfL. If planning permission is granted it should be suitably secured through agreement with Southwark Council as the highway authority.

As requested at the consultation stage, a PERS audit has been undertaken of the pedestrian and cycle routes serving the site. The identified footway widening to be delivered as part of the development within the application site should be secured by condition. The audit also indicates that improvements to the route between the proposed Sixth Form centre and the existing secondary school on St James’ Road to the north of the application site could be appropriate. Further discussions are to take place on the need for such works as it has now been confirmed that Sixth Form science teaching will be at the existing secondary school as well as staff being shared across both sites.

More information has been given to, and obtained by, TfL to finalise assessment of the impact of demand generated by the development on bus capacity. Having considered these details TfL has concluded that bus capacity should not be an issue in this case.

**Summary**

Most of the issues raised at consultation stage have been satisfactorily resolved or could be addressed through condition or section 106 obligations as accepted by the applicant. Further work and discussions should take place on the pedestrian links to enable confirmation of any need for improvement and any subsequent necessary conditions and/or section 106 obligations which could be attached to any permission.

**Other further matters**

**Noise**

Since the consultation stage the matter of noise has been considered in further detail. The GLA had raised concern to ensure that noise matters were conditioned to ensure that there were no single aspect units exposed to noise category C. The GLA has since commissioned independent noise experts to review that applicant’s noise assessment. The conclusions suggest that further work is required before the proposals can be considered acceptable in terms of exposure to noise to the new population on the site. This matter will need to be addressed prior to any decision.
Other alternative sites

58 At the consultation stage the GLA noted that the Education Funding Agency had carried out a site search of the area in order to establish the most suitable location for the Southwark Free School. This identified the current site as the only suitable site which is immediately available. Since the Council’s decision, a further four sites had been suggested by the Council as possible alternative locations. At this stage and following discussion with the Council and review by the EFA, the suitability of these other sites for the delivery of the school has been discounted.

Response to consultation

59 Seven objections were received from local residents, together with one from Cllr Livingstone (ward councillor) on the following grounds: impact on daylight and sunlight; impact on quality of life; over development; flawed site selection; height; increase in traffic noise; noise impact of open air play space; impact on traffic congestion; loss of industrial land; loss of potential for job creation and growth; does not reflect the vision for the Old Kent Road Action Area Plan; lack of affordable housing; does not meet Southwark’s policies on environmental standards; there is no clear plan for construction waste; wind tunnel effect; causes pollution; impact on bus services; impact on local health provision; impact on local infrastructure; it will destroy an area of archaeological significance; impact on crime; loss of privacy; impact on satellite television reception; parking needs to be increased; design; air quality impacts; the area has sufficient schools and nursery facilities particularly due to the provision of Compass Free School that will be opening nearby in September (officer note- this is a secondary school); not enough social space for the sixth form and this will lead to loitering on the street.

60 Two letters of comment were received which sought clarification on the impact of the development on parking for, and access to, a neighbouring business; safety of the children in an industrial area. It also asks for clarification of measures to prevent business interruption during construction as well as on the impact of loss of business space. Further information was also requested regarding construction impact and impact on ground water levels, surface water drainage and impact on existing parking conditions.

61 Eleven letters of support were received. The City of London Academy support the application on the grounds of need for school places and that this proposal will enable it to develop specialist sixth form provision. Bede House, a local Southwark charity, support the proposal on the grounds that the redevelopment would significantly improve the quality of life of local people. It is currently in discussion with the City of London Academy to plan how it would work in partnership to run youth facilities from the site. Ledbury Tenants and Residents Association supports the proposal and sets out it would be a great asset to the community and would regenerate the area. The Vice-Chair of Governors of the Southwark Free School sets out that there is a need for the provision of new high quality education which would be provided by this proposal. Seven other letters of support were received on the grounds of the need for new homes and schools and that there is a lot of other industrial space in the borough.

62 Natural England set out that the development would benefit from green infrastructure provision. It sets out that it is not clear if it will impact on statutorily protected sites, species or habitats. It sets out that the Council should encourage opportunities to incorporate biodiversity into their proposals such as green/brown roofs, landscaping, nesting and roosting sites and sustainable drainage.

63 The Environment Agency has no objections subject to suitable conditions being included on the decision notice.
English Heritage set out that the application should be determined in accordance with national and local policy guidance, and on the basis of the Council’s specialist conservation advice.

Thames Water recommended the inclusion of conditions and informatics.

The London Fire and Emergency Planning Authority set out that it had no observations at this time.

The matters raised above that have not been dealt with in this report or the Stage I report will need to be addressed if the Mayor takes the application over or the application goes to appeal.

**Legal considerations**

Under the arrangements set out in Article 5 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor has the power to issue a direction under Article 7 that he is to act as the local planning authority for the purpose of determining the application and any connected application. The Mayor may also leave the decision to the local authority. If the Mayor decides to direct that he is to be the local planning authority, he must have regard to the matters set out in Article 7(3) and set out his reasons in the direction.

**Financial considerations**

Should the Mayor take over the application he would be responsible for holding a representation hearing and negotiating any planning obligation. He would also be responsible for determining any reserved matters applications (unless he directs the council to do so) and determining any approval of details (unless the council agrees to do so).

**Conclusion**

Having regard to the details of the application, the matters set out in the committee report and the Council’s draft decision notice the development has a significant impact on the implementation of the London Plan and there are sound planning reasons for the Mayor to intervene in this particular case and issue a direction under Article 7 of the Order 2008. These sound planning reasons are the need to provide for school places and the need to provide housing, and affordable housing.

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for further information, contact Planning Decisions Unit:

**Colin Wilson, Senior Manager – Planning Decisions**
020 7983 4783 email colin.wilson@london.gov.uk

**Justin Carr, Strategic Planning Manager (Development Decisions)**
020 7983 4895 email justin.carr@london.gov.uk

**Emma Williamson, Case Officer**
020 7983 6590 email emma.williamson@london.gov.uk
planning report PDU/3060/01

8 May 2013

Southwark Free School, South Bermondsey

in the London Borough of Southwark

planning application no. 13/AP/0065

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<th>Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>That Southwark Council be advised that the application is generally acceptable in strategic planning terms however account should be taken of the comments set out in paragraph 60 of this report.</td>
</tr>
</tbody>
</table>
Context

On 2 April 2013 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. Under the provisions of The Town & Country Planning (Mayor of London) Order 2008 the Mayor has until 14 May 2013 to provide the Council with a statement setting out whether he considers that the application complies with the 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.

The application is referable under Category 1A and 1C of the Schedule to the Order 2008:

Category 1A: Development which comprises or includes the provision of more than 150 houses, flats, or houses and flats.

Category 1C: Development which comprises or includes the erection of a building of more than 30m.

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.

The Mayor of London’s statement on this case will be made available on the GLA website www.london.gov.uk.

Site description

The site is located in Bermondsey. The A2 Old Kent Road, about 100m away, is the nearest part of the Transport for London Road Network (TLRN). The nearest bus stops are on Old Kent Road and Rotherhithe New Road. South Bermondsey station is approximately 700m away. The site records a moderate public transport accessibility level (PTAL) of 3 to 4 on a scale of 1-6, where 6 is the highest.

The site is strategic industrial land and it has an extant permission for a waste transfer station. It is currently in temporary use for various low intensity industrial type uses.

The site is located adjacent to residential and industrial accommodation.

Details of the proposal

Demolition of existing building and the erection of a part 6, part 19 storey building (maximum height from ground 61.3m) with basement for a mixed use scheme comprising of 158 residential dwellings, primary school for Southwark Free School, sixth form for City of London Academy and a community centre, with associated amenity and play space, basement car and cycle parking and landscaping.

The proposed school, sixth form and residential units will be incorporated into a contemporary style development which is six storeys in the north-eastern and centre of the site and terminates in a nineteen storey tower at the south-western end of the site on the junction of Rotherhithe New Road and Verney Road.
Southwark Free School will have 2,210 sq.m. of floorspace within the north and central section which will span both the ground and first floors of the building. The school space will provide for 420 primary school places and 30 nursery school places. The school will be accessed from both Verney Road and Rotherhithe New Road. The school opened in September 2012 in temporary accommodation and it is looking for additional/alternative accommodation to facilitate intakes in September 2013 and 2014 prior to the opening of the proposed facility.

An outdoor play space will be provided on the southern side of the building. This will be subdivided for the different age groups of the school.

At the opposite end of the development covering ground, first and second floors of the tower 2,185 sq.m. of sixth form space will be provided. This will provide additional accommodation for the sixth form already located at the City of London Academy. The sixth form will be provided with a main access on the south-western elevation of the tower. The sixth form will have access to the multi use games area (MUGA) which is located on the ground floor.

The sixth form space will also be utilised by Bede House, a leading Southwark charity, which will provide some of its community projects and youth activities from the site.

The MUGA will be positioned within the centre of the development and will occupy a void created in the ground and first floors of the building. The MUGA will be used by both schools during the day and in the evening it will be available for use by the residents of the flats and the general community.

The remaining floors above the school are occupied by residential accommodation comprising 158 units. 64 duplexes are proposed on the lower floors. The residential mix is set out below:

<table>
<thead>
<tr>
<th>Unit size</th>
<th>Private</th>
<th>Affordable</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 bed</td>
<td>13</td>
<td>2</td>
</tr>
<tr>
<td>2 bed</td>
<td>91</td>
<td>2</td>
</tr>
<tr>
<td>3 bed</td>
<td>44</td>
<td>6</td>
</tr>
<tr>
<td>Total</td>
<td>148</td>
<td>10</td>
</tr>
</tbody>
</table>

The development includes a basement level beneath the tower and sixth form facilities. This will provide 16 Blue Badge car parking spaces for the wheelchair accessible units, a further disabled parking space for the non-residential floorspace and 15 residential parking spaces.

**Case history**

A formal pre-application meeting was held with the GLA on 1 November 2012. The pre-application advice report set out that given that the NPPF sets out that education proposals should be given a priority, subject to the design being considered acceptable for a school and confirmation of educational need, the loss of SIL and waste use would be considered to be on balance acceptable.

Planning permission was granted on 19 June 2012 for the use of the site as a waste transfer station dealing with metals and the erection of acoustic screening along the site boundary.

An application for a waste transfer station dealing with non-ferrous metals was allowed on appeal in July 2012, following refusal by Southwark Council.
Planning permission was refused on 9 August 2011 for the continued use of the ground floor of 399 Rotherhithe New Road as a place of worship and the car park to be used by the church for a temporary period of five years. Prior to this application being refused there had been two previous refusals and an enforcement notice served for the same use.

**Strategic planning issues and relevant policies and guidance**

The relevant issues and corresponding policies are as follows:

- **Housing**
  - London Plan; Housing SPG; Housing Strategy; draft Revised Housing Strategy; Shaping Neighbourhoods: Play and Informal Recreation SPG; Shaping Neighbourhoods: Character and Context, draft SPG

- **Affordable housing**
  - London Plan; Housing SPG; Housing Strategy; draft Revised Housing Strategy

- **Density**
  - London Plan; Housing SPG

- **Urban design**
  - London Plan; Shaping Neighbourhoods: Character and Context, draft SPG; Housing SPG; London Housing Design Guide; Shaping Neighbourhoods: Play and Informal Recreation SPG

- **Mix of uses**
  - London Plan

- **Regeneration**
  - London Plan, the Mayor’s Economic Development Strategy

- **Transport**
  - London Plan; the Mayor’s Transport Strategy

- **Crossrail**
  - London Plan; Mayoral Community Infrastructure Levy

- **Parking**
  - London Plan; the Mayor’s Transport Strategy

- **Retail/town centre uses**
  - London Plan; draft Town Centres SPG

- **Employment**
  - London Plan; Land for Industry and Transport SPG

- **Access**
  - London Plan; Accessible London: achieving an inclusive environment SPG; Planning and Access for Disabled People: a good practice guide (ODPM)

- **Tall buildings/views**
  - London Plan, London View Management Framework SPG

- **Ambient noise**
  - London Plan; the Mayor’s Ambient Noise Strategy

- **Education**
  - London Plan

- **Sustainable development**
  - 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

- **Waste/minerals**
  - London Plan; the Municipal and Business Waste Management Strategies; PPS10

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 April 2011 Southwark Core Strategy, 2007 Southwark Plan and the 2011 London Plan.

The following are also relevant material considerations:

- The draft Revised Early Minor Alteration to the London Plan

**Land use**
London Plan policy 3.18 (Education facilities), confirms that the Mayor will strongly support the provision of new schools. The policy also encourages developments that would maximise the extended or multiple use of educational facilities for community or recreational use. The National Planning Policy Framework confirms that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities and that local planning authorities should:

- Take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education;
- Give great weight to the need to create, expand or alter schools, and;
- Work with schools promoters to identify and resolve key planning issues before applications are submitted.

The Government’s 2011 Policy statement (Planning for schools development) states that there should be a presumption in favour of the development of state-funded schools.

The site is Strategic Industrial Land and as such is protected for continued industrial use. Southwark is in the limited category for loss of industrial land and the GLA Land and Industry SPG sets out that 25 hectares of industrial land could be released 2011-2031. In addition the site has an extant permission for waste use and as such its loss is protected.

The proposal would accommodate both a primary school and additional sixth form space for the City of London Academy Sixth form. It is understood that the provision of this sixth form space will provide for an additional 100 sixth form places and will free up space for expansion of the City of London Academy at its current site. A partnership with the local voluntary organisation Bede House will enable community use out of school hours. This community use should be secured in the section 106 agreement.

It is understood that the residential development is necessary to fund the school redevelopment. The viability of the proposal is currently being assessed.

Southwark Council has identified a shortage of between 15 and 21 forms of entry for primary school places by 2016 across the borough. The need is highest in the Bermondsey and Rotherhithe areas where 6.5-8 forms of entry are required by September 2016 as set out in its November 2012 report to Cabinet. The Council has identified the potential for expansion of five schools on Bermondsey and Rotherhithe however it is understood that these expansion plans are not confirmed. As such the need for a school in the area has been established.

The Education Funding Agency has carried out a site search of the area in order to establish the most suitable location for the Southwark Free School. This identified the current site as the only suitable site which is immediately available.

The site is located in the Old Kent Road Action Area as designated in Southwark’s Core Strategy. The Core Strategy sets out that an Area Action Plan will be developed, which will include plans for the provision of housing, employment and small, local shops. The vision for the area includes an aspiration for new homes to overlook streets and spaces. As such this proposal is broadly in line with the Council’s aspirations for the area and education facilities would be needed to support increased housing.

The applicant has submitted evidence of the lack of demand for industrial sites in the area and given the site’s transitional status between the industrial and residential areas, the low intensity of the current use, the local objections to the previous waste applications, the potential level of release set out in the Mayor’s Land and Industry SPG and the priority for education set out by the NPPF this is considered to be, on balance, acceptable.
Housing and affordable housing

31.6% of units overall are 3 bed plus and 60% of the affordable units are 3 bed plus. The housing mix is supported and is in line with the Mayor’s Housing SPG and revised Housing Strategy.

It is understood that the residential accommodation is needed to enable the construction of the school. The applicant has provided 10 affordable units representing 6% affordable housing overall. GLA officers are currently assessing the viability and an independent assessment will also need to be commissioned either by the GLA or the Council. These affordable units are currently envisaged to be 10 social rented units. These should be provided as affordable rented units in line with GLA and Government policy. Consideration should also be given to the mix including some intermediate units.

The London Plan sets out that the priorities for section 106 contributions are affordable housing and transport, although it is accepted that in certain circumstances other priorities are acceptable. In this instance the provision of a school on-site as a priority and the consequent impact on the level of provision of affordable housing in terms of the viability and planning benefit is accepted.

Child playspace

Using the Child Playspace SPG methodology the site generates a child yield of 28. As such 280 sq.m. of child playspace should be provided. 327 sq.m. of child playspace is provided on-site for 0-11’s on the roof of the residential building. Over 12’s play will be provided on-site in the MUGA and off-site where that there are three playspaces for older children within 800m of the application site which have sufficient capacity. The applicant should set out the hours that residents will have access to the MUGA and these should be secured in a community use agreement.

Urban design

The scheme is well designed, successfully accommodating both educational and residential uses on a narrow and constrained site without compromising the quality of the surrounding sites. The proposed 18 storey element is taller than the surrounding building heights however there are a number of tall towers in the wider area. The character of the area is very urban and a well placed taller building would not look out of place in this context. There is a good design rationale for the placement of the taller building on the southern end of the site. It terminates views from St James Street and Old Kent Road, and this is acceptable in strategic policy terms. The building is well proportioned, and should make a positive contribution to the skyline, however CGI’s of views from both these streets should be provided in order to confirm that there are no adverse impacts on the local area. The materials information submitted with the application gives some assurance that the building will be of sufficient quality. It is understood that it is unlikely that the final materials will be selected prior to determination and that the selection of materials will be conditioned. This is acceptable and GLA officers should be consulted on the discharge of this condition.

Locating the school on the ground floor and residential uses above allows one edge of the site to be lined by classrooms and entrances to the residential units above, and the other to be lined with the entrance to the school and the playground, both providing good levels of activity and animation on to the public realm which is welcomed. The proposed visual permeability into the school playground is particularly important to achieve this.

The school playground facilities have been imaginatively provided on this constrained urban site and it is understood that the school intends to use nearby open spaces for formal games provision.

The residential quality of the proposal is generally high; unit sizes exceed London plan standards, cores are all individually accessed from the public realm and there are a high number of dual aspect
units (87%). However at pre-application stage concerns regarding the length of communal corridors in the scheme were raised. The London Housing Design Guide/Housing SPG advises that no more than eight units should share the same communal space. A low number of households sharing the communal spaces will strengthen the sense of ownership that residents have over the space, improving security and minimising maintenance requirements. To address the issue raised at pre-application stage the applicant has introduced fire doors to the corridors and community amenity spaces within the corridors, which allow light into the corridors. These fire doors should be alarmed to ensure that the doors are not used as a matter of course.

The noise assessment sets out that part of the site will be in noise exposure category C. the London Housing Design Guide/Housing SPG sets out that there should be no single aspect units in NEC C. Four single aspect units are located within NEC C. Whilst this is regrettable, given the constraints of the site, and provided acceptable noise mitigation is conditioned, this is on balance acceptable.

**Density**

London Plan Policy 3.4 seeks to optimise the potential of sites having regard to local context, design principles and public transport accessibility. The site has a public transport accessibility level of three-four, and its immediate setting is urban in character. The London Plan density matrix therefore suggests a residential density of between 200 and 700 habitable rooms per hectare for sites with a PTAL of three-four.

GLA officers have calculated the density of the proposal, based on net residential area as 1,430 habitable rooms per hectare. Given the nature of the site, the mixed use character of the scheme and the overall very high design quality of the scheme, and the incorporation of a much needed (free) school, this is considered to be acceptable in this instance.

**Inclusive design**

10% of all units are wheelchair adaptable and each of these has been allocated a blue badge parking bay in the basement. The applicant should confirm that all the units meet lifetime homes standards. The applicant should indicate where the wheelchair accessible units are located and provide large scale plans of these units.

With regard to the school accommodation the applicant should consider replacing the platform lift in the reception with a ramp if this is possible within the constraints of the site. The applicant has confirmed that all lifts with the education accommodation are fully enclosed.

**Climate change mitigation**

The applicant has followed the energy hierarchy and is proposing to reduce carbon emissions by 27%, thus exceeding the London Plan requirement. In total, 2% savings will be achieved from energy efficiency measures. Both air permeability and heat loss parameters will be improved beyond the minimum backstop values required by building regulations. Other features include energy efficient lighting and mechanical ventilation with heat recovery. A total of 23% savings will be achieved from a combined heat and power plant which has been sized to provide the domestic hot water load as well as a proportion of the space heating. The school and the residential units will be connected in a single site wide heat network. 10.5 kWp of roof mounted photovoltaic panels are proposed which would give a further 2% savings.

The applicant should carry out an investigation to identify any existing or planned district heating networks within the vicinity of the proposed development. If there are none available the applicant should provide a commitment to ensure that the development is designed to allow future
connection to a district heating network should one become available. This together with the commitment to a single site wide energy network and the provision of the photovoltaic panels should be secured by condition.

**Climate change adaptation**

**Flood risk**

The site is within Zone 3, a flood risk appraisal (FRA) has been provided which confirms that the site is protected from flooding to a high standard by the Thames Barrier and associated river walls. However, it is important that the development addresses the residual risk of flooding, especially given the presence of basement parking areas. Such measures should include:

- Subscription to the Environment Agency Flood Warning Service;
- Drawing up a flood emergency plan for each building;
- Providing safe refuge within the buildings as it is unlikely that a suitable dry access route will be available in the event of a flood;
- Ensuring that the buildings remain safe and comfortable in the event of a flood, this should include ensuring that all utility services can be maintained operational during a flood, for example by placing vital services, such as electricity supplies, lift power and control gear, in flood-proof enclosures;
- A sump within the basement to aid the removal of floodwater.

These measures should be secured by an appropriate planning condition in order for the development to comply with London Plan Policy 5.12 Flood Risk.

**Surface Water Run-off**

The drainage strategy states that the development will reduce the surface water discharge by 50%. However, the measures to achieve this are left vague with a commitment to a green roof, with an unspecified attenuation of surface water and a possibility of surface water attenuation underneath the multi-use games area. In order to guarantee a reduction in current discharge rates of 50%, which is required in order to meet London plan policy 5.13, the applicant should commit to specific measures and these should be secured via an appropriate planning condition.

**Transport**

**Parking**

15 residential car parking spaces (0.09 spaces per unit) are to be provided together with 12 blue badge spaces. The primary school and sixth form would be car free except for two blue badge spaces for each. Car parking is therefore in line with London Plan standards, as is the proposed provision of electric vehicle charging points. The transport assessment (TA) indicates that on-street parking is widely available. The four motorcycle spaces proposed are welcomed. However as all parking would be in the basement, clarification is sought as to visitor provision especially for blue badge holders.

**Access and Highways Impact**

It is accepted that traffic generation, as set out in the TA, and the location of the accesses to the development should not have an adverse impact on the local highway network, including the TLRN.
Sustainable Transport

In line with the Early Minor Alterations to the London Plan, 214 covered and secure residents’ cycle parking spaces plus 47 for the Primary School and 46 for the Sixth Form are proposed. TfL requests clarification of the type and location of the cycle parking for each part of the development and proposals for visitors’ cycles.

TfL has a number of queries about the data in the TA on public transport trips, which have been forwarded to the applicant. These clarifications are needed in order to establish if any mitigation is needed.

A new crossing is proposed on Rotherhithe New Road and general widening of footways on Verney Road and Verney Way. This is welcomed by TfL, albeit further details should be provided of the proposals and how they will be secured. In addition an audit is suggested of the pedestrian and cycle routes between the development and the surrounding area, including the linked secondary school to the north. Assessment of bus stop accessibility in line with TfL’s ‘Accessible Bus Stop Design Guidance’ should also be undertaken. Once these assessments have been completed the applicant should confirm what action it will take to resolve identified issues.

**Summary**

Overall, TfL has no objections to the principle of the proposed development. However, in order to comply with the transport policies of the London Plan, TfL requests further details regarding blue badge, visitor and cycle parking, clarification and further information is needed in order to assess the transport impacts of the development and assessment of pedestrian / cycle routes and bus stop accessibility together with a commitment towards necessary improvements.

**Local planning authority’s position**

Council officers are still assessing the application.

**Legal considerations**

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 and any connected 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**

There are no financial considerations at this stage.
Conclusion

London Plan policies on land-use principle, housing and affordable housing, child playspace, urban design, inclusive design, density, climate change mitigation, climate change adaptation and transport are relevant to this application. The application is generally acceptable in strategic planning terms and the provision of a much needed free school is very welcome. However, further discussion is needed, together with some consequent changes, on the issues set out below to ensure conformity with London Plan policy:

- **Land use principle:** the applicant has submitted evidence of the lack of demand for industrial sites in the area and given the site’s transitional status between the industrial and residential areas, the low intensity of the current use, the local objections to the previous waste applications, the potential level of release set out in the Mayor’s Land and Industry SPG and the priority for education set out by the NPPF this is considered to be, on balance, acceptable.

- **Housing and affordable housing:** the level of three bed units is welcomed however the social rented units should be replaced with affordable rented units and consideration should be given to the inclusion of some intermediate units in the affordable element. The viability is currently being assessed and an independent assessment will need to be commissioned either by the GLA or the Council.

- **Child playspace:** the arrangements for access to the MUGA for residents should be clarified and secured in the section 106 agreement.

- **Urban design:** the scheme is well designed, successfully accommodating both educational and residential uses. The residential quality of the proposal is high however the fire doors in the long corridors should be alarmed so they are not used as a matter of course. Noise mitigation for the single aspect units in NEC C should be conditioned.

- **Density:** given the nature of the site and the overall design quality of the scheme a density higher than the London Plan guidelines is acceptable.

- **Inclusive design:** the applicant should confirm that all the units meet lifetime homes standards. The applicant should indicate where the wheelchair accessible units are located and provide large scale plans of these units. The applicant should consider replacing the platform lift in reception with a ramp if this is possible within the constraints of the site.

- **Climate change mitigation:** The applicant should carry out an investigation to identify any existing or planned district heating networks within the vicinity of the proposed development. If there are none available the applicant should provide a commitment to ensure that the development is designed to allow future connection to a district heating network should one become available. This together with the commitment to a single site wide energy network and the provision of the photovoltaic panels should be secured by condition.

- **Climate change adaptation:** Further discussion and commitments are needed regarding flooding and drainage.

- **Transport:** further details regarding blue badge, visitor and cycle parking, clarification and further information is needed regarding trip data in order to assess whether mitigation is needed and assessment of pedestrian / cycle routes and bus stop accessibility together with a commitment towards necessary improvements.
for further information, contact Planning Decisions Unit:

Colin Wilson, Senior Manager - Planning Decisions
020 7983 4783   email colin.wilson@london.gov.uk

Justin Carr, Strategic Planning Manager (Development Decisions)
020 7983 4895   email justin.carr@london.gov.uk

Emma Williamson, Case Officer
020 7983 6590 email emma.williamson@london.gov.uk