

Ruby Triangle
Sandgate Street
in the London Borough of Southwark
planning application no. 18/AP/0897

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

Demolition of existing buildings and redevelopment of the site to provide to 1,165 residential units and 9,254 sq.m. of commercial and community floorspace in buildings between 14 and 48 storeys.

The applicant

The applicant is **Ruby Triangle Properties Ltd** and the architect is **Farrells (London) LLP**.

Strategic issues summary

Principle of development: the inclusion of residential units on this protected industrial site in the Old Kent Road Opportunity Area is not currently supported, in line with London Plan Policies 2.17 and 4.4 and draft London Plan Policy E6. The balance of uses proposed does not accord with London Plan Policy 4.4 and Policy E7 of the draft London Plan. Should the site be considered suitable for mixed-use development the applicant must increase industrial floorspace to address the requirements of draft London Plan Policy E7 and the draft Old Kent Road Area Action Plan. (Para's 15-30)

Affordable housing: 35% by habitable room with a 72/28 split in favour of affordable rent. GLA officers will robustly interrogate the applicant's viability assessment to ensure the maximum level of affordable housing is delivered. The applicant must investigate the use of grant funding to increase provision further. Early implementation and late stage review mechanisms must be secured. Should the applicant deliver 50% affordable housing the late stage review mechanism will be negated. (Para's 33-36)

Design and Heritage: The principle of including tall buildings to optimise housing delivery on this opportunity area site could be supported subject to clearly demonstrating how layout, heights and massing have been informed by a plan-led approach that takes account of projected uplifts in transport and social infrastructure capacities. Further work is needed to improve residential and design quality. The proposal would not result in harm to the nearby Listed Buildings or Conservation Areas in accordance with the NPPF (Para's 37-64)

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

Recommendation

That Southwark Council be advised the application does not comply with the London Plan and draft London Plan, for the reasons set out in paragraph 85 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 18 May 2018, 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 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 Mayor of London's statement on this case will be made available on the GLA website www.london.gov.uk.

Site description

5 The 1.36ha site is located to the north-east of Old Kent Road and currently contains a variety of community, industrial and commercial activities including a (safeguarded) waste facility, place/s of worship, catering and car sales and repair businesses, a data storage business, art storage facilities and a copying company. The site is bound on three sides by adopted highway consisting of Sandgate Street, Ruby Street and Old Kent Road. A residential property and the Carpetright site adjoin the site on its southern boundary.

6 This part of the Old Kent Road has historically been in industrial and manufacturing use which is reflected by the majority of the site being designated as Strategic Industrial Land (SIL), in this case a Preferred Industrial Location. The surrounding land use context is characterised by a mixture of industrial, commercial and residential uses and is predominantly low rise in nature raising to approximately five storeys in height, with the exception of the Ledbury Estate towers on the southern side of Old Kent Road which are fourteen storeys in height. To the east of the site are three decommissioned gas holders, one of which is Grade II Listed (Gasholder 13). Opposite to the site to the south is the Grade II Listed Livesey Museum building. The Grade II Listed Caroline Gardens, complex which is also a Conservation Area is located a short distance to the south east of the site.

7 The site falls within the area covered by the Council's draft Old Kent Road Area Action Plan (OKR AAP) and the Old Kent Road Opportunity Area as identified in the London Plan and draft London Plan. As discussed below, it also falls within the backdrop of protected views 3A.1 (Kenwood Viewing Gazebo to St Paul's Cathedral) and 2A.1 (Parliament Hill summit to St Paul's Cathedral). An application to establish a Housing Zone (HZ) covering the Old Kent Road and Peckham was approved by the GLA in 2015, the boundary of which also 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.

8 The A2 (Old Kent Road) forms the nearest section of the Transport for London Road Network (TLRN). The site itself is well served by several bus routes, but is fairly remote from underground and rail stations, with the nearest rail station being South Bermondsey, about a 1km walk from the site and the nearest underground station the Elephant and Castle which is approximately 2 km away. The site's Public Transport Access Level (PTAL) is 3-4 on a scale of 0 to 6b where 6b is the highest. This however has the potential to significantly increase should the Bakerloo Line be extended and new stations built on the Old Kent Road. It is noted that this is not yet a confirmed transport scheme, and if it were to go ahead, would be unlikely to be operational before 2030.

Details of the proposal

9 The application seeks consent for the demolition of existing buildings and redevelopment of the site to provide to 1,165 residential units and 9,254 sq.m. of commercial and community floorspace in buildings between 14 and 48 storeys.

Case history

10 On 20 April 2017, a pre-application meeting was held with GLA officers regarding the above proposal. It was concluded that in the absence of an agreed strategy for the broad geography and phasing of industrial land release in the area covered by the draft OKR AAP, to help provide certainty to local businesses and developers in advance of a Government commitment and clear timetable for the Bakerloo Line Extension (BLE), the principle of introducing residential into this currently protected industrial site was contrary to the London Plan and draft London Plan, and was not supported. GLA officers agreed to continue to engage with the applicant to address strategic issues with regards to land use principles, urban design, housing and affordable housing, sustainability and transport to ensure the proposal would be otherwise acceptable whilst discussions with the Council were being finalised.

Strategic planning issues and relevant policies and guidance

11 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)

12 The following are also relevant material considerations:

- The National Planning Policy Framework;
- National Planning Practice Guidance;
- Draft London Plan (consultation draft December 2017) which should be taken into account on the basis described in the NPPF;
- 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);
- Mayor of London's 23 November 2016 consultation response to Southwark Council's draft Old Kent Road APP;
- Mayor of London's 6 March 2018 response to the submission version of Southwark Council's draft New Southwark Plan; and
- Mayor of London's 31 May 2018 response to the Old Kent Road Area Action Plan December 2017

13 In addition, on 5 March 2018, the Government published the draft revised National Planning Policy Framework for consultation. Consultation closed on the 10 May 2018. This should be taken into account appropriately in accordance with its early stage of preparation.

14 The relevant issues and corresponding policies are as follows:

- Opportunity Areas *London Plan*
- Industrial Land/ Employment *London Plan*
- Retail *London Plan*
- Places of Worship *London Plan; Planning for Equality and Diversity SPG*
- 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

15 The application site falls within the area covered by the Council's draft Old Kent Road Area Action Plan (draft OKR AAP) as well as Old Kent Road Opportunity Area identified in the London Plan and draft London Plan. It 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) as enabling significant residential and employment growth. The BLE programme and location of its tube stations is subject to ongoing discussion between TfL, GLA and Southwark and Lewisham Councils. These discussions include 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.

16 Once this strategy is agreed in partnership with the Council, a number of currently protected industrial sites, such as this, could be released to provide land for new open spaces, schools and homes; where such release is accepted, the Mayor will expect all existing employment floorspace to be re-provided and will also expect significantly higher levels of affordable housing to be delivered in accordance with Policies E7 and H6 of the draft London Plan. It is equally important that certain strategic and local industrial areas are retained in accordance with Policies E5 and E6 of the draft London Plan, as they provide important local jobs and help sustain London's wider economy.

17 GLA officers are working in partnership with Southwark Council officers to agree the broad geography and phasing of industrial land release in the area covered by the draft OKR AAP to help provide certainty to local businesses and developers in advance of a Government commitment and clear timetable for the BLE. Until such time as this strategy has been agreed, the introduction of residential into this currently protected industrial site is contrary to London Plan Policies 2.17 and 4.4 and draft London Plan Policies E4, E5 and E7, and cannot be supported at this stage. GLA officers will continue to engage with the applicant to address the outstanding concerns raised in this report to ensure the proposal is otherwise acceptable whilst discussions with the Council are being finalised.

Future land uses

18 Should the site be confirmed as being suitable for release from its current partial SIL designation and employment use, Policy 4.4 of the London Plan and Policy E7 of the draft London Plan encourages development plans and planning frameworks to take a proactive approach to the intensification of industrial uses and promotes residential co-location. Such an approach should ensure that the new industrial uses deliver an increase in floorspace, that appropriate yard space is reprovided, the residential and industrial uses can satisfactorily co-exist, and the intensified industrial uses are operational in advance of any residential component. Draft London Plan Policy SD1 re-iterates that there should be no net loss of industrial floorspace in the Opportunity Area.

19 Underpinning this policy is the GLA's latest Industrial Land Demand Study (2017), which highlights increasing overall demand for industrial and warehousing floorspace to support growth in London's economy and population. It also points to the importance of locations in inner London, such as this, in providing sustainable last mile distribution functions to service the Central Activities Zone (CAZ).

20 The site currently comprises 10,048 sq.m. of non-residential covered floorspace, including approximately 9,261.4 sq.m. of industrial floorspace, and associated yard space. The site is subject to a SIL designation. Given the protection of industrial land uses such as the existing occupier, the applicant must take all reasonable steps to facilitate the successful relocation of existing occupiers.

21 The applicant currently proposes a residential led mixed use development which would provide 6,129 sq.m. of commercial floorspace (Use Classes A1-A5, B1, B8 and D1 space). Policy 4.4 and Policy E4 of the draft London Plan seeks to ensure there is no net loss of industrial floorspace capacity across London and Southwark is identified in the draft London Plan as a borough that must 'retain capacity' meaning the borough should seek to intensify industrial floorspace capacity. Given this position the Council must seek to ensure that at least the equivalent industrial capacity is retained on the site which must be secured as at least Use Class B1(c) (light industrial) or another appropriate industrial Use Class. Policy E7 of the draft London Plan further enforces this position by stating that mixed-use or residential development is only supported where industrial, storage or distribution floorspace is provided as part of mixed use intensification. It should be noted that the substitution of B1(c), B2 and B8 industrial floorspace with B1(a) or other commercial uses is not supported.

22 Therefore, notwithstanding the comments in paragraphs 16 and 17 above, the proposal must deliver at least the same quantum of industrial floorspace on site in line with Policy E7 of the draft London Plan before the proposed uses can be supported.

23 Furthermore, in accordance with existing and emerging policy, the Mayor will expect released industrial sites to include significantly higher levels of affordable housing as well as

contributing to social infrastructure given their generally low existing use values. This is discussed in more detail below.

Faith facilities

24 The Equality Act 2010 provides that public authorities have due regard to the need to a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act; b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics set out in the Equality Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Equality Act acknowledges that compliance with the duties set out may involve treating some persons more favourably than others, but that this does not permit conduct that would otherwise be prohibited under the Act.

25 The re-provision of the existing place of worship is strongly supported in accordance with London Plan Policies 3.16, Policies S1 of the draft London Plan and the Social Infrastructure SPG and must be secured as D1 floorspace. In addition, the facilities represent a qualitative improvement over the existing.

26 Officers are satisfied that the application material has taken into account the equality and human rights issues referred to above. Particular matters of consideration have included provision of replacement of places of worship as discussed above.

Hot Food Takeaways

27 The site is within 400 metres of Camelot Primary School and St Francis Catholic Primary School the provision of Use Class A5 is contrary to Policy E9 'Retail, markets and hot food takeaways' of the draft London Plan. While it is noted the draft London Plan has limited weight at this point in time, the applicant should remove this use from the proposal.

Waste

28 GLA records confirm that the site contains or has contained a waste management facility (Southwark Metals) which London Plan Policy 5.17H and draft London Plan Policy SI19, require compensatory provision to be provided if the site were to be lost to a non-waste use. This new provision should be within London and re-provide or exceed the maximum throughput the lost site could have achieved helping London to maintain its existing waste capacity and reduce landfill.

29 The applicant must provide full details of its waste throughputs going back at least 3 years, clarify the site's existing and potential waste throughputs (broken down into individual streams and differentiating between apportioned and non-apportioned wastes), and confirm where and how these capacities could be re-provided elsewhere in London, to be secured through a S106 agreement or planning condition.

Gas holders

30 The site is in close proximity to three gasholders which have been decommissioned, although a hazardous substance consent is still in place and falls within the Health and Safety (HSE) consultation zone; more specifically is within the middle and outer zone. The HSE has been consulted and based on the PADHI land use assessment methodology has advised the

Council that there are sufficient reasons, on safety grounds, for advising against the granting of planning permission for this development. It has, however, advised that should a Grampian-style planning condition be secured that restricted the occupation of the development until such a time that the hazardous substance consent has been revoked in its entirety it would not advise against granting planning permission on public safety grounds. GLA officers support this approach.

Housing

31 The proposed unit mix for the development is as follows:

Units	Market housing		Affordable Rent		Intermediate (shared ownership)		Total	
	Units	Hab rooms	Units	Hab rooms	Units	Hab rooms	Units	Hab Rooms
One-bed	369	738	116	232	45	90	530 (45%)	1060
Two-bed	350	1050	106	318	45	135	501 (43%)	1503
Three-bed	59	236	55	220	20	80	134 (12%)	536
Total	778	2024	277	770	110	305	1,165	3,099
			287 units (33% by unit)					
			1,075 hab rooms (35% by hab room)					

Affordable housing

32 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. Paragraphs 2.80-2.84 of the SPG sets out that it is not appropriate to consider sites within Opportunity Areas, Strategic Industrial Locations and other industrial sites under the threshold approach. 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.

33 The applicant proposes 387 affordable units which equates to 35% by habitable room (33% by unit) with a 72:28 in favour of affordable rented tenure. As the application site is industrial land and within an Opportunity Area it must therefore be considered under the viability tested route, and GLA officers will robustly interrogate the applicant's submitted viability to ensure that the maximum amount of affordable housing is secured, given the low existing value. Early implementation and late stage review mechanisms must be secured in accordance with Policy H6 of the draft London Plan; should the application deliver 50% affordable housing in accordance with draft London Plan the requirement for a late stage review will be negated. The applicant should also investigate the use of grant funding to increase the affordable housing provision.

34 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. GLA officers will work with the Council to agree affordability levels of all affordable tenures as part of the review of viability.

35 A draft of the s106 agreement should be provided to the GLA for review as soon as one is made available to ensure that the review mechanisms have been applied as required by draft London Plan Policy H6.

36 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.

Residential quality and housing mix

37 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 will need must meet the highest possible residential quality. The arrangement of blocks and positioning of cores gives potential to create efficient residential layouts however, there are a number of instances where the number of units sharing the same core at each level exceeds the recommended eight units per core of the Mayor's Housing SPG. This is particularly evident in Blocks A and C where there are up to 11 units sharing the same core. In addition, this has created a high proportion of single aspect units (50% overall) and high number of long and enclosed corridor spaces.

38 The GLA will work with the Council and the applicant to reconfigure the floorplans to ensure that no more than eight units share the same core at each level and corridor spaces are designed to be passively lit and ventilated, while providing views out of the upper levels of the towers. The inclusion of rooftop amenity space is welcomed however this should be redesigned to ensure that all spaces are designed to be directly accessed from each core.

39 In addition, there are a number of north facing single aspect units in block B and block C1 which should be designed out of the scheme. This can be achieved by reconfiguring the unit layouts of the two taller towers to provide dual aspect corner units on their northern frontages. The footprints of towers should also be minimised (Tower C1 currently has nine units per floor) to create slender building proportions and optimise the amount of dual aspect units overall.

40 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.

41 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 four bed units, with 20% of the affordable rented units as family sized units. The proposed housing mix is supported.

Children's play space

42 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.

43 The total play space required based on the guidance set out in the Mayor's Shaping Neighbourhoods: Play and Informal Recreation SPG is 3,100 sq.m. The scheme would deliver 5,000 sq.m. of on-site play space. The quantum, location and quality of the proposed play space accords with London Plan Policy 3.6 and draft London Plan Policy S4. Details of the play space must be secured by condition.

Urban design

44 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.

45 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 net density of 2,744 hr/ha. 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). However, whilst a high density mixed-use redevelopment could be supported (subject to full resolution of the transport capacity matters set out in this report), the applicant must address concerns raised below with the proposed residential quality, public realm and active frontage contrary to draft London Plan Policies D1, D4, D7 and D8 and London Plan Policy 7.4.

46 Given the site's density, the applicant should forward full details of the scheme's Design Review/s, provide floor area and site coverage ratios, demonstrate the areas infrastructure is or will be sufficient to accommodate the scale of development proposed, fully address the design matters identified in this report and submit a management plan that sets out servicing, delivery requirements and the longer-term maintenance implications of its proposal.

47 The principle of introducing street frontages to the edges of the site and creating an open space in the heart of the site is welcomed. The applicant should however set out how the scheme will respond to the AAP's wider pedestrian and public realm framework, including key desire lines and connections with both existing and future transport connections. A block plan showing the scheme in the context of the envisaged layout of OKR13 and wider OKR area has been provided, which includes a simple sequence of street based development and public realm that aligns with the existing and proposed street network. This is welcomed, but should be verified against the Council's evolving approach to connectivity as its plans for the area develop.

48 The provision of a zone of public realm at the northern edge of the site between blocks C and B has potential to link with a larger zone of public realm at the junction of Sandgate/Ruby Street to create a buffer zone between the possible future school site and storage/distribution sites to the east. Consideration must be given to how the proposed public realm connects with wider public realm works and connections outside of its red line boundary to ensure consistent and high quality public realm is delivered.

49 As discussed at pre-application stage, the ability to deliver the full extent of open space is largely dependent on the neighbouring site at the junction of Hyndman Street/Old Kent Road and the Council and applicant must continue to engage with neighbouring landowners to ensure that the full extent of open space can be delivered. Details of phasing must be provided to

demonstrate how the scheme can operate and be accessed prior to delivery of the scheme's potential open space

50 Clarification on the status of the residential property fronting Old Kent Road is needed as retaining this building places limitations on the ability to create a direct route into the site from Old Kent Road of sufficient width to accommodate the significant uplift in footfall the scheme will generate. Consideration must be given to pulling the eastern building line of block A further away from the existing residential property to ensure sufficient space is provided for pedestrian and cyclist access towards the residential lobby of block A.

51 While the majority of public facing edges are flanked with good levels of active frontage, there are some areas including the central portion of block C's frontage onto the open space and the northern edge of block A which should be revised. The large extent of inactive car park frontage onto the central green space raises particular concern and options for wrapping the car park with commercial frontage to help enliven the green space should be explored.

52 While the intention to animate the sports hall edge of the green space with views into the building is understood, the lack of a physical interface or entrances into the sports facility from the green space risks limiting activity levels and extent of passive surveillance onto the green space. Further details including landscaping measures are needed to demonstrate how the sports hall frontage can positively connect with and enliven the scheme's open space.

53 The proposed scale and massing would represent a significant step change in scale to the existing relatively low-rise character of the area, particularly along the Ruby Street edge where the proposed three towers range from 26 to 46 storeys. The principle of including tall buildings to optimise housing delivery on this opportunity area site could be supported subject to the applicant clearly demonstrating how layout, heights and massing have been informed by a planned approach that takes account of projected uplifts in transport and social infrastructure capacities.

54 In line with the comments above on residential layouts, the footprints of towers should be reduced to improve the proportions of each tower and avoid broad, overbearing frontages. This would also allow the separation distance of the block C towers to be increased, as this appears limited at present.

55 The simple form of architecture with high quality facing materials, distinction between the base, middle and tops of each building element and well-defined, deep set window reveals is welcomed.

Strategic views

56 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.'

57 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), Kenwood House (3A.1) and Blackheath Point (6.A.1) towards St Paul's Cathedral as well as two

Local Protected Views (Nunhead Cemetery and One Tree Hill). The proposed view 2A.1 demonstrates that the building would be visible to the right of Guys Hospital, in the background of the view of St Paul's and would not detract from the viewer's ability to recognise the landmark, or harm the composition of the view as a whole. With regards to view 3A.1, the building would fall behind the Shard and would therefore not be visible behind St Pauls Cathedral. The building would be a prominent feature of the capitals skyline as seen in view 6.A1 creating an additional point of interest in this viewpoint.

58 Consideration has also been given to the schemes 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 scheme would form an interesting addition to the townscape in a similar manner to its impact on strategic view 6.A.1.

59 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

60 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'*.

61 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 assets 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.

62 The application site does not fall within a conservation area, nor does it contain any listed buildings however it does contain two nineteenth century buildings on its southern boundary (fronting Old Kent Road) which have been identified by the Council as non-designated heritage assets. The site is located in close proximity to several listed buildings and structures including the Grade II Listed Gasholder, Livesey Museum building, Grade II listed buildings consisting of 2-9 Canal Grove, and the mural depicting the history of the Old Kent Road. Its proposed scale 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. 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.

63 The submitted townscape, visual and heritage assessments have considered these matters and conclude that the proposal would give rise to less than substantial harm to a small number of designated heritage assets however this 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 whilst referencing elements of neighbouring heritage assets in terms of materiality and design. In addition, the proposal results in an improvement upon the existing environment. GLA officers are satisfied that the proposal does not harm the setting of the neighbouring heritage assets and therefore accords with Policy 7.8 of the London Plan and Policy HC1 of the draft London Plan.

Inclusive design

64 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

65 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 site heat network; and renewable technologies (comprising PV panels). The approach proposed would achieve a 32% carbon dioxide reduction on the residential elements and a 27% carbon dioxide reduction on the commercial elements.

66 The applicant has provided evidence of initial consultation with the operators of the SELCHP District Heating Network. This connection opportunity should be fully investigated before considering an on-site heating strategy. In addition, the CHP proposed is currently considered slightly undersized. The applicant must provide the analysis used to determine the size of the CHP including, suitable monthly demand profiles for heating, cooling and electrical loads.

67 The carbon dioxide savings for both the domestic and non-domestic elements of the scheme fall short of London Plan and draft London Plan targets. 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.

Drainage

68 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. However, the area just outside the red line boundary to the north has medium and high risk of surface water flooding. To mitigate the risk of flooding to the buildings, the FRA suggests raising property entrances above the potential flood level of the adjacent areas with surrounding ground levels falling away from the buildings and all residential uses are located at the first flood or above. This approach should mitigate the relatively small areas of surface water flood risk and the proposals are acceptable in terms of London Plan Policy 5.12 and draft London Plan SI12.

69 A Drainage Strategy has been provided, which states that the site will manage rainwater achieve the greenfield runoff rate of 15.5 l/s, (a 66.6% improvement) through the use of combined blue and green roofs, permeable paving, open attenuation and a connection to the combine sewer. This approach complies with London Plan Policy 5.13 and draft London Plan Policy SI13.

70 The application states that all dwellings will be designed to comply with the requirements of the Building Regulations Part G which does not to comply with London Plan Policy 5.15 and draft London Plan Policy SI.5 which require all new residential developments to achieve 105 litres or less per day, equivalent to the 'optional' requirements of the Building Regulations. The applicant must provide additional information that demonstrates that all dwellings must achieve water consumption of 105 litres per person per day or less.

Transport

71 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, and the scheme as currently presented fails to do so in a number of areas.

72 Blocks B and C have been set back from the site boundary to Ruby Street and the north of Sandgate Street to provide a more generous space for pedestrians (which should be adopted as highway). However, this is not the case for the Block A frontage to Sandgate Street, and so a footway width as low as 2.4 metres is proposed. Further, to address pedestrian-vehicle visibility issues for vehicles emerging from the basement car park, on-street cycle parking stands are proposed which reduces the effective width of the footway to 1.2 metres. Additionally a number of doors are proposed to open onto the footway. This effective width of footway is not considered appropriate for the setting of the buildings proposed or for pedestrian access to this site and to the school which the AAP proposes for the northern end of Sandgate Street. Concerns may in part be resolved by an anticipated (for which detail is not yet available) scheme by Southwark for Sandgate Street, though this could reduce the available space for on-street parking for people with disabilities or for servicing. GLA officers will work with TfL, Southwark and the Council to resolve this issue.

73 A "Healthy Streets" scheme for Old Kent Road is currently under design development. The emerging design proposes effective widening of the carriageway to provide for segregated

cycle lanes behind a “floating bus stop” island, and therefore requires the remaining footway along the Old Kent Road to remain clear of obstructions to allow freedom of pedestrian movement. It is noted that further on-street cycle parking, together with tree planting, is indicated on the footway of Old Kent Road. While this aspiration is welcomed, this conflicts with the Healthy Streets scheme and must be removed from the design.

74 Users of this proposed development will benefit from the Healthy Streets scheme, specifically in relation to proposed improvements to the pedestrian environment, pedestrian crossings, cycling facilities and bus priority. It is therefore appropriate that a financial contribution is sought toward this, in accordance with London Plan Policy 6.7 and Policy T4 of the draft new London Plan. In addition, A pedestrian environment review has been undertaken over a limited area. This review area should be extended. It is noted that the limited audit identified deficiencies on the local road network for which the Local Planning Authority should seek improvement. Funding for Legible London wayfinding should also be secured

75 The quantum of cycle parking proposed meets London Plan standards however its design does not meet the London Cycle Design Standards and is therefore unacceptable in its current form. Revised cycle parking arrangements must be submitted demonstrate compliance with London Plan Policy 6.9 and Policy T5 of the draft London Plan.

76 No audit of cycling infrastructure is provided in support of the application. While the Healthy Streets scheme will significantly improve cycling on Old Kent Road, there are many other links that could be used by cyclists to access the development, including (for example) to local schools and parks. This audit, and funding toward any deficiencies highlighted must be secured. In addition, an obligation should be secured to deliver a cycle docking station on the site.

77 The proposals are predominantly car free, with the exception of 27 blue badge car parking spaces, and like for like replacement of existing parking spaces used by the car hire business (40 cars and 4 vans) which is welcomed. However, the quantum of blue badge parking must be increased to at least 1 space per 3% of dwellings. A car parking design and management plan indicating how the residential provision could be expanded to one space per 10% of dwellings must be secured as required by this policy in accordance with London Plan Policy 6.13 and Policy T6.1 of the draft London Plan.

78 The site is not within an existing Controlled Parking Zone (CPZ) and so there is no way of securing a car-free development. It is therefore recommended that the Local Planning Authority secures funding for a new CPZ or extension to a nearby CPZ, and residents excluded for eligibility for on-street parking permits, in line with London Plan Policy 6.11 and draft London Plan Policy T6.1.

79 Until the BLE is delivered, buses are likely to be used to access London Underground and rail services, with the dominant movement for those and for bus-only trips being northbound on Old Kent Road in the morning peak and southbound in the evening peak. These services are already at or very close to capacity, and so a contribution toward improvements over a five-year period, commensurate with the impact of the development is sought in accordance with London Plan Policy 6.3 and Policy T4 of the draft London Plan.

80 Servicing is proposed from on-street spaces on surrounding the development, but no analysis has been provided to demonstrate that this is sufficient given an anticipated road scheme promoted by Southwark. Since this is a fundamental design issue, a full assessment of servicing should be provided before the planning application is determined.

81 Conditions and section 106 obligations are required to secure the following; pedestrian improvements; cycle improvements; public transport improvements; car parking design and management plan; details of cycle parking; travel plan; CPZ exclusion; electric vehicle charging points; delivery and servicing plan; and construction and logistics plan.

Local planning authority's position

82 The applicant has undertaken pre-application discussions with Southwark Council planning officers. It is understood that the Council planning officers are supportive of the of the scheme and are likely to take it to the July planning committee.

Legal considerations

83 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

84 There are no financial considerations at this stage.

Conclusion

85 London Plan and draft London Plan policies on industrial land; places of worship; hot food takeaways; waste facilities; housing; affordable housing; urban design; inclusive design; transport; and climate change are relevant to this application. The application does not 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 inclusion of residential units on this protected industrial site in the Old Kent Road Opportunity Area is not currently supported, in line with London Plan Policies 2.17 and 4.4 and draft London Plan Policy E6. The balance of uses proposed does not accord with London Plan Policy 4.4 and Policy E7 of the draft London Plan. Should the site be considered suitable for mixed-use development the applicant must increase industrial floorspace to address the requirements of draft London Plan Policy E7 and the draft Old Kent Road Area Action Plan.
- **Waste facilities:** The applicant must provide full details of its waste throughputs going back at least 3 years, clarify the site's existing and potential waste throughputs (broken down into individual streams and differentiating between apportioned and none apportioned wastes), and confirm where and how these capacities could be reprovided elsewhere in London, and this must be secured.
- **Affordable housing:** 35% by habitable room with a 72/28 split in favour of affordable rent. GLA officers will robustly interrogate the applicant's viability assessment to ensure the maximum level of affordable housing is delivered. The applicant must investigate the use of grant funding to increase provision further. Early implementation and late stage

review mechanisms must be secured. Should the applicant deliver 50% affordable housing the late stage review mechanism will be negated.

- **Design:** The principle of including tall buildings to optimise housing delivery on this opportunity area site could be supported subject to clearly demonstrate how layout, heights and massing have been informed by a plan-led approach that takes account of projected uplifts in transport and social infrastructure capacities. Further work needed to improve residential and design quality.
- **Heritage:** The proposal would not result in harm to the nearby Listed Buildings or Conservation Areas in accordance with the NPPF
- **Energy:** The applicant must prioritise connection to the SELCHP District Heating Network. In addition, 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:** Further information on water consumption required to demonstrate compliance with London Plan Policy 5.15 and draft London Plan policy SI.5
- **Transport:** There are major concerns about the capacity of the local public transport network to accommodate the additional travel generated by developments in the Old Kent Road Opportunity Area such as this in advance of the Bakerloo Line Extension and any significant pre-BLE planning permissions must secure appropriate contributions towards improvements to bus services and secure active travel measures. Further information is required on public realm improvements, cycle parking and cycle infrastructure, blue badge parking, servicing. Conditions and section 106 obligations are required to secure the following; pedestrian improvements; cycle improvements; public transport improvements; car parking design and management plan; details of cycle parking; travel plan; CPZ exclusion; electric vehicle charging points; delivery and servicing plan; and construction and logistics plan.

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