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Team Leader- Old Kent Road Team  
Planning Division  
Development Management (5<sup>th</sup> Floor Hub 2)  
PO Box 64529  
London  
SE1P 5LX

**Department: Planning**  
Your reference: 19/AP/1239  
Our reference: GLA/4595/01/AJR  
Date: 23 September 2019

Dear ██████████

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

**747-759 & 767 Old Kent Road & Land at Devonshire Grove  
Local planning authority reference: 19/AP/1239**

I refer to the copy of the above planning application, which was received 2 August 2019. On 23 September 2019, the Deputy Mayor, acting under delegated authority, considered a report on this proposal, reference GLA/4595/01. A copy of the report is attached, in full. This letter comprises the statement that the Mayor is required to provide under Article 4(2) of the Order.

The Deputy Mayor considers that the application does not comply with the London Plan and draft London Plan, for the reasons set out in paragraph 78 of the above report. However, the resolution of those issues could lead to the application becoming compliant with the London Plan and draft London Plan.

If your Council subsequently resolves to make a draft decision on the application, it must consult the Mayor again under Article 5 of the Order and allow him fourteen days to decide whether to allow the draft decision to proceed unchanged, or direct the Council under Article 6 to refuse the application, 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. You should therefore send me a copy of any representations made in respect of the application, and a copy of any officer's report, together with a statement of the decision your authority proposes to make, and (if it proposed to grant permission) a statement of any conditions the authority proposes to impose and a draft of any planning obligation it proposes to enter into and details of any proposed planning contribution.

Please note that the Transport for London case officer for this application is Beth Havelock, e-mail [bethhavelock@tfl.gov.uk](mailto:bethhavelock@tfl.gov.uk).

Yours sincerely



Head of Development Management.

cc [REDACTED], London Assembly Constituency Member  
[REDACTED], Chair of London Assembly Planning Committee  
National Planning Casework Unit, DCLG  
Lucinda Turner, TfL

**747-759 & 767 Old Kent Road & Land at Devonshire Grove**

in the London Borough of Southwark

planning application no. 19/AP/1239

**Strategic planning application stage 1 referral**

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

**The proposal**

Hybrid planning application, involving full Planning Permission for a 38 Storey building (Building A) to provide 264 residential units and 260 sq.m. of commercial uses (mixed A1-A4 and B1 uses). Stopping up of the existing Devonshire Grove formation of a new road reconfiguration. Outline planning permission for comprehensive mixed-use development for the following uses in four Buildings (B, C, D and E): up to 301 residential units (Class C3), up to 6,675 sq.m. of retail (A1-A5 uses), up to 4,480 sq.m. of office/light industrial (B1a-B1c use) and up to 980 sq.m. of institutional/assembly/leisure use (D1/D2 use). Creation of a new public realm, landscaping and associated works.

**The applicant**

The applicant is **Barkwest Limited** and the architect is **Allies and Morrison**.

**Strategic issues summary**

**Principle:** A residential-led mixed-use development is broadly supported in the Old Kent Road Opportunity Area. The scheme must demonstrate a minimum of 7,800 sq.m. of floorspace designed at a specification for B1c land use is provided and secured. The applicant must also confirm whether the site lies within the designated Consultation Distance of a Major Hazard Site. (paragraphs 14-27).

**Housing:** 35% affordable housing by unit. The quantum of affordable housing is below the 50% threshold for developments on strategic industrial land and public land. Early and late stage viability review mechanisms must be secured. A revised financial viability appraisal (FVA) must be provided which addresses the detailed comment provided under separate cover, to ensure that the maximum amount of affordable housing is delivered. (paragraphs 28-39).

**Urban Design:** The height massing and layout of the scheme is supported in the surrounding emerging context of the Old Kent Road Opportunity Area. The Council must secure compliance with Building Regulations M4 (2) and M4 (3) by condition. (paragraphs 40-54).

**Sustainable Development:** Further revisions and information are required before the energy proposals can be considered acceptable and the carbon dioxide savings verified. An amended drainage strategy and water consumption information are required, and the applicant must further embed urban greening principles. (paragraphs 55-65).

**Transport:** The applicant must demonstrate the development integrates with the OKR Healthy Streets scheme and enter into a section 278 agreement for the section of Old Kent Road adjacent to the development. Cycle parking and blue badge parking spaces must be increased and secured. Financial contribution must be secured towards improvements to the bus network. Other matters to be secured by condition. (paragraphs 66-74).

**Recommendation**

That Southwark Council be advised that the scheme does not currently comply with the London Plan for the reasons set out in paragraph 78 of this report, but that the possible remedies set out in that paragraph could address these deficiencies.

## Context

1 On 2 August 2019, 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 will 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.

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

- 1A: *"Development which comprises or includes the provision of more than 150 houses, flats, or houses and flats"*
- 1B (1.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 more than 15,000 square metres."*
- 1C (1.c): *"Development which comprises or includes the erection of a building which is more than 30 metres high and is outside the City of London."*
- 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 square metres of floorspace for that 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](http://www.london.gov.uk).

## Site description

5 The application site comprises an area of approximately 1.2 hectares, bound by Old Kent Road (A2) to the south-west, Sylvan Grove to the south-east, and adjoining Devon Street on the site's northern-most boundary. The site currently comprises a HSS Hire Shop, a Petrol Filling Station and a vacant portion which is owned by Southwark Council and currently used as a temporary travellers site. Prior to use as a travellers site, the vacant portion was occupied by a Council depot.

6 Beyond Old Kent Road to the south of the site the former Toys R Us development site is situated. To the north is the Daisy Business Centre and beyond that is the Southwark Refuse and Recycling Plant. The site is bisected in a north-south direction by Devonshire Grove, which links Old Kent Road with the Devon Street Roundabout serving the Southwark Refuse and Recycling Centre to the north. Adjoining the site to the east is an Iceland food warehouse and residential block and to the west is a storage unit.

7 The site is within the Old Kent Road Opportunity Area and the Old Kent Road and Peckham Housing Zone. The site is also within the Protected Vista Extension for view 3A.1 (Kenwood Viewing Gazebo to St Paul's Cathedral) and 2A.1 Parliament Hill summit to St Paul's Cathedral. A portion of the site is a designated Old Kent Road Strategic Industrial Location.

8 The site records a Public Transport Access Level (PTAL) of 3 indicating moderate public transport accessibility on a scale of 0-6b, where 1a is the lowest and 6b is the highest. There are several bus stops within 500 metres of the site that serve bus routes to and from central London with connections to tube stations including Bakerloo services at Elephant and Castle and Northern, Jubilee and national rail services at London Bridge.

## **Details of the proposal**

9 The proposal is a hybrid planning application for the comprehensive redevelopment of the site following the demolition of all existing buildings. The scheme involves the following components:

- Stopping up of the existing Devonshire Grove and formation of a new road configuration.
- Full planning permission for a 38 Storey building (Building A) to provide:
  - 264 residential units (C3 use) and;
  - 260 sq.m. of commercial floorspace (mixed A1-A4 and B1 uses).
- Outline Planning Permission for a comprehensive mixed-use development, involving the creation of a new public realm, and containing the following uses in four Buildings (Buildings B, C, D and E):
  - up to 301 residential units (Class C3);
  - up to 6,675 sq.m. of retail (A1-A5 uses);
  - up to 4,480 sq.m. of office/light industrial (B1a-B1c use);
  - up to 980 sq.m. of institutional/assembly/leisure uses (D1/D2 use).

## **Case history**

10 The scheme has been subject to pre-application advice. An advice note (GLA 4595) was issued in June 2018 which outlined officer's broad support for the land use, scale and density of the proposal; subject to further consideration of the replacement of industrial land and matters of housing, affordable housing, urban design, inclusive design, sustainability and transport being further addressed.

## **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 relevant material considerations:

- The National Planning Policy Framework;
- National Planning Practice Guidance;
- Draft London Plan – consolidated suggested changes version (July 2019), which should be taken into account on the basis explained in the NPPF; and
- 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 and 31 May 2018 consultation response to Southwark Council's draft Old Kent Road AAP.
- Mayor of London's 6 March 2018 response to the submission version of Southwark's draft New Southwark Plan.
- Letter from the leader of Southwark Council to Jules Pipe, Deputy Mayor for Planning, Skills and Regeneration dated 02/09/18.
- The Affordable Housing and Viability SPG. This must now be read subject to the decision in *R (McCarthy & Stone) v the Mayor of London*.

13 The relevant issues and corresponding policies are as follows:

- Principle *London Plan; Land for Industry and Transport SPG;*
- Housing *London Plan; Housing SPG; Housing Strategy; Affordable Housing and Viability SPG – which must be read subject to the decision in R (McCarthy & Stone) v. Mayor of London;*
- Urban design *London Plan; Shaping Neighbourhoods: Character and Context SPG; Housing SPG, Shaping Neighbourhoods: Play and Informal Recreation SPG;*
- Inclusive design *London Plan; Accessible London: achieving an inclusive environment SPG;*
- Sustainable development *London Plan; Sustainable Design and Construction SPG; Mayor's Environment Strategy;*
- Transport *London Plan; the Mayor's Transport Strategy*

## **Principle of development**

14 The application site falls within the area covered by Southwark Council's draft Old Kent Road Area Action Plan (draft OKR AAP) as well as the Old Kent Road Opportunity Area identified in the London Plan and draft London Plan. A portion of the site is also a protected Strategic Industrial Location (SIL). The draft London Plan identifies the Old Kent Road Opportunity Area as being capable of providing a minimum of 12,000 new homes and 5,000 new jobs and envisages the Bakerloo Line Extension (BLE) enabling significant residential and employment growth. On this basis the comprehensive redevelopment of the site for a residential led mixed-use development is broadly supported, subject to the following further considerations.

15 The BLE programme and the location of its potential tube stations are subject to ongoing discussions between Southwark Council and TfL; as is the quantum of development the area could sustainably support in advance of the BLE, what additional transport measures would be needed in the interim, and how new development can fairly contribute towards these costs. GLA officers have worked closely with Southwark Council officers to agree the broad geography and phasing of development in the area covered by the OKR AAP to help provide certainty to communities, local businesses and developers in advance of committed funding and also powers for the BLE and a clear timetable for its delivery. The application site has been identified by Southwark, GLA and TfL officers as one which could come forward in advance of the BLE providing that public transport capacity (particularly busses) is significantly improved and no more than 9,500 new homes are permitted across the Old Kent Road AAP area from 1 April 2018, in advance of a BLE construction contract being in place. The need for a Grampian s106 condition that would restrict implementation will therefore need to be assessed at determination stage in light of the number of homes permitted by Southwark in the AAP area at that time.

## Industrial land

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

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

18 In accordance with the principles of 'no net loss' outlined in paragraph 6.45 and Policy E7 of the draft London Plan, industrial floorspace must be re-provided at a rate equivalent to the existing floorspace which exists on the site, or which could be accommodated on the existing site at a 65% plot ratio, whichever is greater. Where the 65% plot ratio is applied to the 1.2-hectare development site, it is noted that re-provision of 7,800 sq.m. of industrial floorspace is required.

19 The existing site currently provides for the following employment land uses:

<b>Site</b>	<b>Use Class</b>	<b>Site area</b>
Former HSS Hire store	B8 – storage and distribution	0.37 hectares
BP petrol filling station	Sui Generis	0.14 hectares
Former Southwark Council Depot	Mixed B2/B8	0.21 hectares
<b>Total</b>	-	<b>0.72 hectares (7,200 sq.m)</b>

20 By contrast the proposed scheme would provide the following employment land uses:

<b>Buildings</b>	<b>Flexible retail (A1-A5 use)</b>	<b>Flexible workspace (B1a-c use)</b>	<b>Non-residential institution/assembly (D1/D2 use)</b>	<b>Total</b>
Building A (detail application)	260 sq.m	N/A	N/A	260 sq.m.
Buildings B, C, and D (outline application)	3,465 sq.m	3,465 sq.m	980 sq.m	7,910 sq.m.
Building E (outline application)	210 sq.m	1,015 sq.m	N/A	1,225 sq.m.
<b>TOTAL</b>	<b>3,935 sq.m</b>	<b>4,480 sq.m</b>	<b>980 sq.m</b>	<b>9,395 sq.m.</b>

21 Whilst the applicant has indicated that 4,480 sq.m. of commercial floorspace has been designed to potentially accommodate B1c land uses, the flexible designation of these land uses (ranging from B1a-c) does not adequately secure use of these areas as replacement industrial land use. Furthermore, the quantum of replacement industrial space falls short of the 7,800 sq.m. required to satisfy the 65% plot ratio test outlined in paragraph 6.4.5 and Policy E4 of the draft London Plan.

22 In the context of draft London Plan policies E5 and E7, and in order to satisfy the principle of no net loss of industrial capacity within the Old Kent Road Opportunity Area, the applicant must demonstrate that a minimum of 7,800 sq.m. of industrial floorspace is re-provided within the scheme, and that the space is suitably designed at a specification suitable for B1c land uses. Appropriate conditions must also be secured to ensure the use of this space for light industrial (B1c) purposes only.

### Equality

23 A Traveller site had recently occupied the portion of land owned by Southwark Council in the sites western portion, which was previously used as a Council Depot. London Plan Policy 3.1 and draft London Plan Policy GG1 highlight the diverse nature of London's population and underscore the importance of building inclusive communities to guarantee equal opportunities for all, through removing barriers to, and protecting and enhancing, facilities and services that meet the needs of specific groups and communities. Policy H16 of the draft London Plan requires boroughs to actively plan to protect existing pitch or plot capacity for Gypsy, Traveller, Travelling Showpeople or Circus People; and to ensure inclusive, balanced and cohesive communities are created as a result of new residential developments.

24 In addition, the Equality Act 2010 places a duty on public bodies, including the GLA and the Mayor, in the exercise of their functions, to have due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. This requirement includes removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic and taking steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it. The Act defines protected characteristics, which includes race.



25 Southwark Council Officers have confirmed that the travellers community which had occupied the former depot site, had done so on a temporary basis under a temporary planning approval which has since expired. The community has now relocated back to its former permanent site on Ilderton Road and the former depot site is now cleared and vacant. On this basis, it is considered that the existing traveller community continues to be provided for within the London Borough of Southwark. A further equality impact assessment is not required, and the scheme complies with Policies 3.1 of the London Plan, GG1 and H16 of the draft London Plan.

### Gasholders

26 Paragraph 45 of the NPPF states that local planning authorities should consult the appropriate bodies when planning, or determining applications, for development around major hazards. The site is believed to be located within the designated Consultation Distance of a Major Hazard Site (Old Kent Road Gas Holder Station, 709 Old Kent Road) and as such the Health and Safety Executive (HSE) should be consulted during the course of the application assessment process.

27 The applicant must confirm whether the site lies within the designated Consultation Distance of a Major Hazard Site (Old Kent Road Gas Holder Station, 709 Old Kent Road) and, if so, what measures have been implemented to ensure public safety. Where recommended by the HSE, such measures may include adoption of a Grampian Condition which restricts the occupation of the development until such time as the hazardous substance consent has been revoked in its entirety for the nearby gasholder site.

## **Housing**

### Affordable housing

28 London Plan Policy 3.12 requires the maximum reasonable amount of affordable housing in all schemes. London Plan Policies 3.11 and 3.12, draft London Plan Policies H5 and H6, and the Mayor's Affordable Housing and Viability SPG also set a strategic target of 50% affordable housing in all new developments. At the local level, the Southwark Local Plan sets a strategic target of 35% for the Old Kent Road area.

29 The Mayor's Affordable Housing and Viability SPG and policy H6 of the draft London Plan set out the 'threshold approach' to planning applications. The Mayor's SPG and Policy H1 of the draft London Plan recognises that the generally lower existing use values for industrial land allows for higher levels of affordable housing to be provided on such sites, and therefore where surplus industrial land is deemed suitable for release for housing in line with London Plan policies 2.17, 3.7 and 4.4, such sites should fully contribute towards the delivery of the strategic affordable housing target. On this basis, to capture the uplift in land values towards increased affordable housing provision, the Mayor's SPG and policies H6 and H7 of the draft London Plan set out that schemes on industrial land, such as the application site, that provide 50% affordable housing on site without public subsidy and meet the preferred strategic tenure split, would not be required to submit viability information nor be subject to a late stage review. Under the proposed revisions to policy H6 in the draft London Plan, the 50% threshold for fast track consideration may reduce to 35% where the scheme results in no net loss of industrial capacity.

30 Policies H5 and H6 of the draft London Plan also identify that developments on public land, such as the former Southwark Council Depot, should contribute fully to the delivery of the strategic target of 50% affordable housing delivery, and therefore set the fast track threshold for developments on public land at 50% affordable housing and compliant with the Mayor's Preferred Tenure Mix.

31 The preferred tenure mix is outlined in policy H7 of the draft London Plan as at least 30% low cost rent (social rent or affordable rent), at least 30% intermediate (London Living Rent or shared ownership) and the remaining 40% as determined by the local planning authority.

32 The total proposed residential accommodation would be delivered as 560 units at the following size and tenure mix.

<b>Units</b>	<b>Market housing</b>	<b>Social Rent</b>	<b>Shared Ownership</b>	<b>Total</b>
<b>Studio</b>	20 units	0 units	0 units	<b>20 units (4%)</b>
<b>One bed</b>	149 units	62 units	17 units	<b>228 units (41%)</b>
<b>Two bed</b>	135 units	42 units	37 units	<b>214 units (38%)</b>
<b>Three bed</b>	58 units	34 units	6 units	<b>98 units (17%)</b>
<b>Total</b>	<b>362 units (65%)</b>	<b>138 units (25%)</b>	<b>60 units (10%)</b>	<b>560 units</b>

33 The proposed quantum of affordable represents an offer of 35% by unit. The affordable housing offer has not been quantified on a habitable room basis and this information must be provided to inform viability discussions prior to the return of the application at Stage 2. The proposed level of affordable housing is determined to fall below the 50% threshold for developments on strategic industrial land and on public land, therefore the scheme is ineligible for fast track consideration. Early and late stage viability review mechanisms must be secured.

34 The applicant has submitted a financial viability appraisal (FVA) and an initial review by GLA officers indicates that further discussions are necessary to maximise the provision of affordable housing. Detailed comments on the submitted FVA have been forwarded to the applicant and Southwark Council under separate cover in this regard, and GLA officers will continue to robustly scrutinise the viability appraisal to ensure that the maximum amount of affordable housing is delivered.

#### Residential unit size mix

35 London Plan Policy 3.8 and Draft London Plan Policy H12 encourage a full range of housing choice, with affordable family housing noted as a strategic priority. This is supported by the London Plan Housing SPG, which seeks to secure family accommodation within residential schemes, particularly within the social rented sector, and sets strategic guidance for councils in assessing their local needs. Policy 3.11 of the London Plan states that within affordable housing provision, priority should be accorded to family housing.

36 The overall proportion of family size accommodation within the scheme is 17%, which increases to 20% within the affordable housing components of the scheme and 25% within the social rented tenure. The quantum of family sized housing is supported, as is the increased proportion of family sized units within the affordable housing tenures.

#### Children's playspace

37 London Plan Policy 3.6 and draft London Plan Policy S4 set out the expectation that housing proposals should make provision for play and informal recreation, based on the expected child population generated by the scheme and an assessment of future needs. Using the methodology within the Mayor's Shaping Neighbourhoods: Play and Informal Recreation SPG, it is anticipated that there will be approximately 269 children within the development based on current housing mix. The guidance sets a benchmark of 10 sq.m. of useable child playspace to be provided per child, with

under-5-year olds playspace provided on-site as a minimum. As such the development should make provision for 2690 sq.m. of playspace within the application site boundaries.

38 The design and access statement provided with the application identifies a total of 1,645 sq.m. of children's playspace across the development site, which includes the provision of 850 sq.m. of designated playspace for 0-5 year olds. The quantum of play space proposed falls significantly below the guidance outlined in the Mayor's Shaping Neighbourhoods: Play and Informal Recreation SPG, and the applicant should revise the scheme to include greater provision of designated playspace within the podium garden and new areas of public realm. In the event that all of the required playspace is unable to be accommodated on site, suitable financial contribution towards the upgrade of playspace available in the surrounding area should be secured in the s106 agreement.

39 The quality and design of equipment provided in play areas must be secured by planning conditions. The applicant must also demonstrate that all playspace is available to all children within the development and not segregated by tenure type, in accordance with Policy S4 of the draft London Plan. The ongoing availability of all playspace to all children in the development must be secured by appropriate conditions of approval.

## **Urban design and heritage**

40 The design principles of chapter seven in the London Plan and chapter three of the draft London Plan outline that all developments should achieve a high standard of design which responds to local character, enhances the public realm and provides architecture of the highest quality. In particular, Policy 7.5 of the London Plan and Policies D1 & D2 of the draft London Plan require architecture to make a positive contribution to a coherent public realm, streetscape and wider cityscape, incorporating the highest quality materials and design appropriate to the surrounding context. The proposed scheme was previously subject to pre-application advice, and this has helped to inform the design approach to the proposal adopted by the applicant which is welcomed.

### Density

41 London Plan Policy 3.4 seeks to optimise the potential of sites having regard to local context, design principles and public transport accessibility. Draft London Plan Policy D6 outlines that the higher the density of a scheme, the greater the level of scrutiny is expected, particularly of the qualitative aspects of design set out in draft London Plan Policy D4. The application proposes a density of approximately 470 units per hectare which exceeds the preferred density ranges outlined in table 3.2 of the London Plan. Notwithstanding this, the London Plan and draft London Plan both note that preferred density ranges should not be applied mechanistically. The density of the scheme can be supported in the surrounding emerging context of the Old Kent Road Opportunity Area, subject to demonstration that the scheme continues to present a high quality of design which mitigates issues of residential quality that may result from overdevelopment of the site.

### Layout, scale, height and massing

42 The design approach of providing stepped building heights within a landscape containing a new public square (Devonshire Square) and podium amenity spaces remains consistent with that presented in pre-application discussions and is broadly supported. Smaller pockets of public space situated along Sylvan Green, the new public square and the use of trees and plantings contribute positively to the public realm.

43 The overall height and massing of the scheme is acceptable and responds to emerging developments in the surrounding area, including the nearby future underground station for the extended Bakerloo Line.

44 The proposal sits within protected vista extension 3A.1, view from Kenwood viewing gazebo to St Paul's Cathedral, which is identified in the London View Management Framework SPG. The taller element of the proposal is visible in the background of a townscape view, however it does not cause negative impact on the composition of the view and setting of landmarks within it. Notwithstanding this, the applicant is required to provide additional verified views which demonstrate the cumulative impact of the proposal in the context of emerging developments in the area, in order for the impacts to be fully assessed.

45 The proposed ground floor layout of buildings offers good levels of active frontage. Retail frontages are optimised along Old Kent Road on the site's southern boundary, and this is strongly supported.

46 At pre-application stage, some concern was raised regarding the potential overshadowing of the public realm resulting from the height and location of 'Block E'. However, this has been adequately addressed in the submitted proposal.

### Residential quality

47 London Plan Policy 3.5, Policy D4 of the draft London Plan and the Mayor's Housing SPG all require housing developments to be of the highest quality internally and externally, and to have adequately-sized rooms with convenient and efficient layouts that are functional, fit for purpose and meet the changing needs of Londoners over their lifetimes.

48 The scheme demonstrates a high level of consideration given to the layout of residential floorplans, resulting in acceptable residential quality. The scheme incorporates a high proportion of dual aspect units, and there are no single aspect units which are north facing, which is welcomed.

49 All residential units incorporate recessed balconies, and the of communal amenity spaces featuring double height terraces and roof terraces is supported.

### Heritage

50 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 for development in conservation areas "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."'. The NPPF states that when considering the impact of the proposal on the significance of the designated heritage asset, great weight should be given to the asset's conservation. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Significance is the value of the heritage asset because of its heritage interest, which may be archaeological, architectural, artistic or historic, and may derive from a heritage asset's physical presence or its setting. Where a proposed development will lead to 'substantial harm' to or total loss of the significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Where a development will lead to 'less than substantial harm', the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. Policy HC1 'Heritage conservation and growth' of the draft London Plan, as well as London Plan Policy 7.8, states that development should conserve heritage assets and avoid harm, which also applies to non-designated heritage assets. Case law outlines that a finding of harm to the setting of a listed building is a consideration to which the decision maker must give considerable importance and weight.

51 The application site contains no listed buildings and is not situated within a conservation area. Notwithstanding this, the site is in close proximity to a number of heritage assets including a series of Grade 2 listed gasholders located 60 metres to the north across Devon Street, and the Grade 2 listed Kentish Drovers Public House which is situated adjacent the southern boundary of the site on the corner of Old Kent Road and Commercial Way. On consideration of the scale, massing and layout of the proposed development, GLA officers consider any resulting harm to the surrounding heritage assets to be 'less than substantial' in regard to the tests outlined in the NPPF.

52 The public benefits of the scheme include the optimisation of land within the Old Kent Road Opportunity Area, as well as the area covered by the draft Old Kent Road Area Action Plan, for the delivery of housing (including affordable housing) and active commercial uses. In addition, the scheme provides substantial areas of new public realm, including the new Devonshire Square and a series of smaller pocket parks. Having given the harm considerable weight and importance, the public benefits of the scheme are considered to clearly and convincingly outweigh this harm. As such the application accords with London Plan heritage policy and the NPPF.

### Inclusive design

53 Inclusive design principles should be embedded into the development and design process from the outset. The aims of London Plan Policy 7.2 and draft London Plan Policy D3 are to ensure that proposals achieve the highest standards of accessibility and inclusion (not just the minimum).

54 London Plan Policy 3.8 and draft London Plan Policy D5 which require that 90% of new housing meets Building Regulation requirement M4 (2) 'accessible and adaptable dwellings' and 10% of new housing meets Building Regulation requirement M4 (3) 'wheelchair user dwellings'. The Council should secure compliance with Building Regulations M4 (2) and M4 (3) by condition, and also ensure that a minimum of 10% of units are delivered as wheelchair accessible units from the outset. The future marketing of the private wheelchair accessible homes must ensure that prospective occupiers are aware of the accessibility and adaptability of these units. The applicant is encouraged to consider how the units will be marketed and demonstrate how this would be secured in the s106 agreement.

## **Sustainable Development**

### Energy

55 The Energy Hierarchy has been followed and the proposed energy strategy is broadly supported; however, further revisions and information are required before the proposals can be considered acceptable to comply with Policies 5.2 and 5.13 of the London Plan as well as Policies S12 and S13 of the draft London Plan. Detailed comments have been forwarded to the LPA and the applicant under separate cover in this regard.

56 The domestic carbon dioxide savings exceed the on-site target set within Policy 5.2 of the London Plan, representing an overall saving equivalent to a 39% reduction compared with a 2013 Building Regulations compliant development. Notwithstanding this, the proposed energy strategy is not in accordance with draft London Plan policy and must be revised. Domestic buildings are required to meet the zero-carbon target and subsequently remaining regulated carbon dioxide emissions, equivalent to 245 tonnes of carbon dioxide per annum, must be met through an adequately secured contribution to the borough's offset fund.

57 The non-domestic carbon dioxide savings do not achieve the target set within Policy 5.2 of the London Plan, representing an overall saving equivalent to a 24% reduction compared with a 2013 Building Regulations compliant development. The applicant should consider the scope for additional measures aimed at achieving further carbon reductions, and any remaining emissions must be offset

through an adequately secured contribution to the borough's offset fund.

58 The applicant is proposing to install a combined heat and power (CHP) unit; however, given the scale of the development and proximity to a potential district heating network this is not acceptable. The applicant should prioritise a connection to the SELCHP heat network as the energy strategy going forward, gas boiler plant should be used in any interim period. Should Veolia or Southwark provide any reason that a connection cannot be agreed in future and should not be assumed at this stage then the applicant will be required to investigate other low or zero carbon heating technologies for the site.

59 The applicant should confirm the net photovoltaic (PV) area that is being proposed and estimated the kWh of annual renewable energy generation. A detailed roof layout should be provided demonstrating that the roof's potential for a PV installation has been maximised. The applicant is required to maximise the on-site savings from renewable energy technologies, regardless of the London Plan targets having been met, and therefore the PV proposals should be reviewed.

#### Flood risk and drainage

60 Detailed comments regarding flood risk and drainage have been forwarded to the LPA and applicant under separate cover. Review of the submitted information has confirmed that the approach to flood risk management for the proposed development does not comply with Policy 5.12 of the London Plan and Policy SI12 of the draft London Plan. A Flood Warning and Evacuation Plan must be provided.

61 The surface water drainage strategy for the proposed development does not comply with policy 5.13 of the London Plan and policy SI.13 of the draft London Plan, as it does not give appropriate regard to the drainage hierarchy. Further details on how SuDS measures at the top of the drainage hierarchy will be included in the development should be provided. Additional attenuation storage volume calculations, attenuation tank dimensions, exceedance assessment information, and SuDS maintenance information should also be provided.

62 The proposed development does not meet the requirements of policy 5.15 of the London Plan and policy SI.5 of the draft London Plan as it does not meet the residential water consumption targets of these policies.

#### Green infrastructure

63 The consideration of the site in the context of the wider green network is positive, and green links should continue to inform the design. 46% of the detailed element is open space and includes planting areas with large trees planted in connected planting beds, as well as individual street trees. The application proposes the removal of 11 trees. The arboricultural assessment considers all 11 trees to be of low quality and value. The Proposed Development would increase the number of trees on site and therefore makes adequate replacement for those removed.

64 The Applicant should embed urban greening as a fundamental element of site and building design, in line with London Plan policy 5.10 and draft London Plan Policies G1 and G5. Features such as street trees, green roofs, green walls, rain gardens, wild flower meadows, woodland and hedgerows should all be considered for inclusion. The Applicant should calculate the proposed development's Urban Greening Factor, as set out in Policy G5 of the draft London Plan, and aim to achieve the specified target. The Design Guide should include reference to the UGF to inform the development of the outline element.

65 The Sustainability Statement includes reference to the 'inclusion of areas of biodiverse green roof on the new buildings'. Details should be provided setting out the extent and design of green roofs.

## **Transport**

### Active Travel

66 A Healthy Streets scheme is under design development for Old Kent Road. This will provide improved pedestrian, cycle and public transport facilities along the corridor and is required to support the sustainable travel for the future and the initial 9,500 homes capacity prior to the Bakerloo Line Extension. The applicant must provide further details of the scheme in CAD file, so that the development proposals can be considered further alongside this Healthy Streets scheme.

67 The scheme involves changes to the highway layout of Devonshire Grove. At the pre-application stage it was requested that further modelling be undertaken to ensure the development proposals did not compromise the proposed Healthy Streets scheme or existing transport network. Before any conclusion can be made on the possible impact of the development proposals, further information must be provided by the applicant to demonstrate how the proposed closure of Devonshire Grove 'Major Arm' and the subsequent conversion of Devon Street 'Minor Arm' into two-way traffic, as well as consequent changes to the Old Kent Road, will affect the current and future operation of the borough and strategic highway system. This will inform if further modelling is required.

68 A section 278 agreement is required with both the LB of Southwark and Transport for London as Highway Authorities. These must cover agreed changes to the highway layout and the delivery of improvements necessary to support active and sustainable travel from the development to and mitigate scheme impacts. As with other development sites in the Old Kent Road area, the developer must enter into a section 278 agreement for the section of Old Kent Road adjacent to and serving this development, in order to deliver the necessary aspects of the Healthy Street scheme including mitigating impacts on the pedestrian environment and public realm adjacent to their site as well as the Devonshire Grove changes required for the development.

### Cycle parking

69 Cycle parking must be provided and secured in line with policy T5 of the draft London Plan. Long and short stay cycle parking provision therefore needs to be increased beyond the current levels to meet these standards.

70 Given the proposed cycle improvements for the area, and objectives to increase sustainable travel and expand the cycle hire network in Southwark, an appropriate contribution towards the provision of a Cycle Hire Docking Station must be secured through the s106 agreement. This will benefit the users of the site and further encourage sustainable travel.

### Public and active transport

71 Until the Bakerloo Line Extension is delivered, buses will remain the primary mode of public transport for users of the proposed development. Notwithstanding this, the existing bus network is already at or close to capacity and cannot cater for the additional demand. Therefore, a financial contribution of £2,700 per residential unit must be secured towards improvements to the bus network over a five-year initial period, commensurate with the impact of the development, and in accordance with Policy T4 of the draft London Plan.

## Car parking

72 The development is car-free with the exception of 17 Blue Badge parking spaces, which is in line with the Policies 6.13 of the London Plan and T6.1 of the draft London Plan. However, Policy T6 also requires an additional 7% (40) Blue Badge spaces to be identified should future demand exceed the initial provision. The applicant must therefore further investigate options for additional blue badge parking spaces over and above the additional 17 spaces already identified. A car parking design and management plan should be secured by condition and which should ensure these Blue Badge spaces are allocated on the basis of need and not tied to a particular unit. Electric Vehicle Charging points are proposed in line with policy T6 and these must also be secured by condition.

73 To support the car free development, the applicant should enter into a permit free agreement and contribute towards the implementation of a Controlled Parking Zone for the area, both secured through the section s106 agreement.

## Other matters

74 A draft Construction Environment Management Plan and Logistics Plan have been submitted in support of the application along with a Delivery, Servicing and Site Waste Management Plan. These should all be secured by condition along with a Travel Plan and discharged in consultation with Transport for London.

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

75 Council Officer's from the London Borough of Southwark are currently assessing the application. The proposal is intended to be presented to Council Committee in October 2019.

## **Legal considerations**

76 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**

77 There are no financial considerations at this stage.

## **Conclusion**

78 London Plan policies on land use principle, housing, urban design, sustainable development and transport are relevant to this application. The below issues must be addressed to ensure the proposal complies with the London Plan:

- **Principle:** Redevelopment for a residential-led mixed-use development is broadly supported in Southwark Council's draft Old Kent Road Area Action Plan (draft OKR AAP) as well as the Old Kent Road Opportunity Area. In order to satisfy the principle of no net loss



of industrial capacity, in accordance with policies E4, E5 and E7 of the draft London Plan, the applicant must demonstrate that a minimum of 7,800 sq.m of industrial floorspace is re-provided within the scheme, and that the space is suitably designed at a specification suitable for B1c land uses. The applicant must also confirm whether the site lies within the designated Consultation Distance of a Major Hazard Site.

- **Housing:** 35% affordable housing by unit proposed. The quantum of affordable housing is below the 50% threshold for developments on strategic industrial land and on public land, therefore the scheme is ineligible for fast track consideration. Early and late stage viability review mechanisms must be secured. A revised financial viability appraisal (FVA) must be provided which addresses the detailed comment provided under separate cover, to ensure that the maximum amount of affordable housing is delivered.
- **Urban Design:** The scheme exceeds the preferred density ranges outlined in table 3.2 of the London Plan, however the height massing and layout of the scheme is supported in the surrounding emerging context of the Old Kent Road Opportunity Area. Council must secure compliance with Building Regulations M4 (2) and M4 (3) by condition, and also ensure that a minimum of 10% of units are delivered as wheelchair accessible units from the outset.
- **Sustainable Development:** Further revisions and information are required before the energy proposals can be considered acceptable and the carbon dioxide savings verified to comply with Policy 5.2 of the London Plan and Policy SI2 of the draft London Plan. Remaining regulated carbon dioxide emissions must be met through an adequately secured contribution to the borough's offset fund. An amended drainage strategy and water consumption information are required to comply with Policies 5.12, 5.13 and 5.15 of the London Plan and SI12, SI13 and SI5 of the draft London Plan. The applicant must embed urban greening in line with Policy 5.10 of the London Plan and Policies G1 and G5 of the draft London Plan.
- **Transport:** The applicant must demonstrate the development integrates with the OKR Healthy Streets scheme. The developer must enter into a section 278 agreement for the section of Old Kent Road adjacent to and serving this development. Cycle parking must be provided and secured in line with policy T5 of the draft London Plan. A financial contribution of £2,700 per residential unit must be secured towards improvements to the bus network over a five-year initial period, in accordance with Policy T4 of the draft London Plan. Options for additional blue badge parking spaces must be provided in accordance with Policy T6 of the draft London Plan. Permit free agreements must be secured in the s106. Electric vehicle charging points, construction management, logistics, delivery, servicing and waste management plans must all be secured by conditions of approval along with a Travel Plan.

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for further information, contact GLA Planning Unit (Development & Projects Team):

