



651-657 Old Kent Road, London, SE15 1JU



Planning Statement

Boyer

Report Control

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Appendix One – Site Location Plan

1. INTRODUCTION

- 1.1 This Planning Statement is submitted on behalf of Southwark Estates (One) Limited (the Applicant), in support of a Section 73 (S73) application for amendments to planning permission ref. 19/AP/1710 at 651-657 Old Kent Road, London, SE15 1JU (the Site). A Site Location Plan is provided at **Appendix 1**.
- 1.2 The proposal seeks to reduce the amount of affordable provision from 39.8% by 4.71% to 35.09% (by habitable room) as well as internal layout changes to the residential units to allow for a connecting corridor in order to comply with the affordable housing providers requirements.
- 1.3 The amendments are sought due to commercial obligations and viability reasons. A viability assessment has been submitted as part of this application.
- 1.4 Planning permission was granted for in November 2021 (ref.19/AP/1710) for the following development:
- “Demolition of existing buildings on the site and the comprehensive mixed-use redevelopment of the site comprising of two buildings of 10-storeys plus mezzanine (up to 38.900m AOD) and 19-storeys plus mezzanine (up to 71.500m AOD), comprising 262 residential units (Use Class C3 use), 2,320sqm GEA of flexible retail and commercial floorspace (Class A1/A2/A3/A4/B1 uses) at ground and mezzanine level, new public park, private and communal amenity space, associated car and cycle parking, access and servicing arrangements, plants and other associated works.”*
- 1.5 This Planning Statement has assessed the proposed development against the relevant planning policy framework. The principle of development on the Application Site has been accepted by virtue of planning permission ref. 19/AP/1710.
- 1.6 The proposed description of development is as follows:
- Variation to Condition 1 (approved plans) pursuant to planning permission 19/AP/1710 (dated 4th November 2021) for the demolition of existing buildings on the site and the comprehensive mixed-use redevelopment of the site comprising of two buildings of 10-storeys plus mezzanine (up to 38.900m AOD) and 19-storeys plus mezzanine (up to 71.500m AOD), comprising 262 residential units (Use Class C3 use), 2,320sqm GEA of flexible retail and commercial floorspace (Class A1/A2/A3/A4/B1 uses) at ground and mezzanine level, new public park, private and communal amenity space, associated car and cycle parking, access and servicing arrangements, plant and other associated works. The amendments to the approved plan proposed: minor alterations to internal layout to allow for a connecting corridor and a 4.71% reduction in affordable housing.*
- 1.7 This Statement provides information to support and justify the proposal in planning policy terms and is structured as follows:

- Section 2 – The Application Site, History and Background;
- Section 3 – The Proposed Development;
- Section 4 – Planning Policy Context;
- Section 5 – Assessment of Relevant Planning Issues;
- Section 6 – Conclusion and Summary Benefits.

1.8 The planning application is supported by the following documents:

- Application form (Boyer);
- CIL form (Boyer);
- Planning statement (Boyer);
- Full set of existing and proposed drawings (Farrells);
- Accommodation schedule (Farrells);
- Design note (Farrells); and
- Viability report (Roscoe Group).

2. THE SITE AND SURROUNDING AREA

The Site

- 2.1 The Site measures approximately 0.47 hectares and is located on the A2, Old Kent Road, Bermondsey, Southwark. It is bound by the Ruby Triangle development site to the north and east, with Hyndman Street to the southeast and Old Kent Road to the south and west.
- 2.2 The Site was formerly occupied by two retail units: Carpetright and former Office Outlet with associated car parking. These former buildings have been demolished as part of the redevelopment of the Site which was approved in 2021 under ref: 19/AP/1710. Permission was granted for the mixed-use redevelopment of the Site comprising two buildings of 10-storeys and 19 storeys (plus mezzanine), to deliver 262 residential units and retail/ commercial space.
- 2.3 The London Plan (2021) designates the Site as within the Old Kent Road Opportunity Area (OKROA). The OKROA is identified in the London Plan as having the potential for 12,000 new homes and 5,000 new jobs by 2041. The OKROA was designated in 2016 and is part of the Bakerloo Line Extension Growth Corridor.
- 2.4 London Borough of Southwark (LBS) are preparing an Area Action Plan (AAP) for the OKROA to shape and guide development in Old Kent Road. The latest draft was published in December 2020, identifying the Site as within Sub Area 3 of the AAP allocated as OKR13 (Sandgate Street and Verney Road) which has an outline capacity of 5,300 new homes and 2,661 new jobs.
- 2.5 The Site is not located within a Conservation Area, nor does it contain any statutorily listed or non-statutory locally listed buildings, however, it is located within the Old Kent Road and the Bermondsey Lake Archaeological Priority Zone (APZ). The Site is located in Flood Zone 3, which constitutes a high probability of flooding, however the Site does benefit from flood defences.
- 2.6 In regard to accessibility, the Site has a Public Transport Accessibility Level (PTAL) OF 4, where 0 is the least accessible and 6b is the most accessible. Directly adjacent to the Site, there is a bus stop on Old Kent Road, which provide services to destinations such as Lewisham, Marylebone, Holloway, and Plumstead. The Site's closest underground station is Bermondsey which is approximately a 25-minute walk from the Site and facilitates travel to underground stations on the Jubilee Line. Additionally, South Bermondsey train station is approximately 15 minutes' walk from the Site. As outlined in the Old Kent Road AAP (2020) the Bakerloo extension is anticipated to open in 2031 and is set to create two new stations on Old Kent Road, increasing the PTAL levels on Old Kent Road to 5 or 6.

Surrounding Area

- 2.7 The surrounding area is mixed in character but is primarily dominated by light industrial and commercial uses, with some residential development to the south of the Site, on Old Kent Road and on adjoining roads, such as on Ethnard Road. The surrounding residential properties predominately consist of two-storey terraced properties on the adjoining roads and on Old Kent Road the properties are mostly four storey terraced properties with commercial uses on the ground floor.
- 2.8 There are several retail/ commercial uses in close proximity to the west of the Site including: B&M store, Currys, Pets at Home and B&Q. The east of the Site is characterised by commercial/ industrial use, including Kent Park Industrial Estate and the Ruby Lounge nightclub. Further east of the Site, there are three former gasholders, one of which is Grade II Listed.
- 2.9 Notwithstanding the redevelopment of the Site, the area is undergoing significant change as a result of its designation as an Opportunity Area. This is evidenced by several major planning applications being permitted in the surrounding area, including the Ruby Triangle development (Ref:18/AP/0897) which bounds the Site to the north. The Ruby Triangle development was granted in 2018, comprising the demolition of existing buildings and erection of three buildings providing 1,152 residential dwellings along with retail, business and community spaces.

Planning History

- 2.10 The Site benefits from full planning permission (Ref.19/AP/1710), granted on the 4th November 2021 for the following:
- “Demolition of existing buildings on the site and the comprehensive mixed-use redevelopment of the site comprising of two buildings of 10-storeys plus mezzanine (up to 38.900m AOD) and 19-storeys plus mezzanine (up to 71.500m AOD), comprising 262 residential units (Use Class C3 use), 2,320 sqm GEA of flexible retail and commercial floorspace (Class A1/A2/A3/A4/B1 uses) at ground and mezzanine level, new public park, private and communal amenity space, associated car and cycle parking, access and servicing arrangements, plant and other associated works.”*
- 2.11 Following the issue of this planning permission, a number of conditions have been discharged and works have started on Site. The Applicant have progressed with the design development and refinement of the development.

Summary

- 2.12 The Site is a former retail unit located on brownfield land, which has recently been granted planning permission for residential and commercial uses.
- 2.13 The principle of residential and commercial development has been established on the Site by virtue of the redevelopment of the Application, as being implemented by planning permission ref. 19/AP/1710.

3. PROPOSED AMENDMENTS

- 3.1 This section provides an overview of the proposed development. The supporting drawings and schedules should be read in conjunction with this Statement.
- 3.2 This application seeks changes to the affordable housing provision (by habitable room) as well as the internal layout of the building due to commercial obligations.
- 3.3 The description of development is as follows:

Variation to Condition 1 (approved plans) pursuant to planning permission 19/AP/1710 (dated 4th November 2021) for the demolition of existing buildings on the site and the comprehensive mixed-use redevelopment of the site comprising of two buildings of 10-storeys plus mezzanine (up to 38.900m AOD) and 19-storeys plus mezzanine (up to 71.500m AOD), comprising 262 residential units (Use Class C3 use), 2,320sqm GEA of flexible retail and commercial floorspace (Class A1/A2/A3/A4/B1 uses) at ground and mezzanine level, new public park, private and communal amenity space, associated car and cycle parking, access and servicing arrangements, plant and other associated works. The amendments to the approved plan proposed: minor alterations to internal layout to allow for a connecting corridor and a 4.71% reduction in affordable housing.

- 3.4 The amendments that this S73 relate to are summarised in **Table 1** below, which identifies the drawing to be amended, the proposed changes and the new drawing reference.

Table 1 – Approved and Proposed Drawings

Approved Drawing Number	Amendments	Proposed Drawing Number
RTR003-FAR-DR-PA-05000 Rev B – Proposed Level 00 Plans	No changes proposed	RTR003-FAR-DR-PA-05000 Rev B – Proposed Level 00 Plans
RTR003-FAR-DR-PA-05100 Rev B – Proposed Level MEZZ Plans	No changes proposed	RTR003-FAR-DR-PA-05100 Rev B – Proposed Level MEZZ Plans
RTR003-FAR-DR-PA-05101 Rev C – Proposed Level 01 Plans	Corridor serving social rent units provided with access through to adjacent intermediate / private corridor for escape only. Minor layout amendments to suit structural design development.	RTR003-FAR-DR-PA-05101 Rev D – Proposed Level 01 Plans

RTR003-FAR-DR-PA-05102 Rev C – Proposed Level 02 Plans	Corridor serving social rent units provided with access through to adjacent intermediate / private corridor for escape only. Minor layout amendments to suit structural design development.	RTR003-FAR-DR-PA-05102 Rev D – Proposed Level 02 Plans
RTR003-FAR-DR-PA-05103 Rev C – Proposed Level 03 – 05 Plans	Corridor serving social rent units provided with access through to adjacent intermediate / private corridor for escape only. Minor layout amendments to suit structural design development.	RTR003-FAR-DR-PA-05103 Rev D – Proposed Level 03 Plans
RTR003-FAR-DR-PA-05103 Rev C – Proposed Level 03 – 05 Plans	Corridor serving social rent units provided with access through to adjacent intermediate / private corridor for escape only. Minor layout amendments to suit structural design development.	RTR003-FAR-DR-PA-05104 Rev A – Proposed Level 04 Plans
RTR003-FAR-DR-PA-05103 Rev C – Proposed Level 03 – 05 Plans	Corridor serving social rent units provided with access through to adjacent intermediate / private corridor for escape only. Minor layout amendments to suit structural design development.	RTR003-FAR-DR-PA-05105 Rev A – Proposed Level 04 Plans
RTR003-FAR-DR-PA-05106 Rev C – Proposed Level 06 - 07 Plans	Corridor serving social rent units provided with access through to adjacent intermediate / private corridor for escape only.	RTR003-FAR-DR-PA-05106 Rev D – Proposed Level 06 - 07 Plans

	Minor layout amendments to suit structural design development.	
RTR003-FAR-DR-PA-05107 Rev C – Proposed Level 07 Plans	Corridor serving social rent units provided with access through to adjacent intermediate / private corridor for escape only. Minor layout amendments to suit structural design development.	RTR003-FAR-DR-PA-05107 Rev D – Proposed Level 07 Plans
RTR003-FAR-DR-PA-05108 Rev C – Proposed Level 08 - 09 Plans	Corridor serving social rent units provided with access through to adjacent intermediate / private corridor for escape only. Minor layout amendments to suit structural design development.	RTR003-FAR-DR-PA-05108 Rev D – Proposed Level 08 - 09 Plans
RTR003-FAR-DR-PA-05110 Rev C – Proposed Level 10 Plans	No changes proposed	RTR003-FAR-DR-PA-05110 Rev C – Proposed Level 10 Plans
RTR003-FAR-DR-PA-05111 Rev C – Proposed Level 11 - 14 Plans	No changes proposed	RTR003-FAR-DR-PA-05111 Rev C – Proposed Level 11 - 14 Plans
RTR003-FAR-DR-PA-05115 Rev C – Proposed Level 15 - 17 Plans	No changes proposed	RTR003-FAR-DR-PA-05115 Rev C – Proposed Level 15 - 17 Plans
RTR003-FAR-DR-PA-05118 Rev C – Proposed Level 18 Plans	No changes proposed	RTR003-FAR-DR-PA-05118 Rev C – Proposed Level 18 Plans
RTR003-FAR-DR-PA-05119 Rev B – Proposed Level 19 Plans	No changes proposed	RTR003-FAR-DR-PA-05119 Rev B – Proposed Level 19 Plans
RTR003-FAR-DR-PA-05120 Rev B – Proposed Roof	No changes proposed	RTR003-FAR-DR-PA-05120 Rev B – Proposed Roof

3.5 Further details of the proposed development are set out below.

Residential Floorspace

3.6 The proposed development includes the creation of a connecting corridor between social / intermediate and private tenure units on Levels 1 to 9 in order to comply with the affordable housing providers requirements. There have been several discussions between the Applicant and a number of affordable housing providers who have confirmed they will not be able to accept the affordable housing tenure without a connecting corridor and it is therefore a commercial obligation.

3.7 The creation of this connecting corridor therefore has an impact on the number of residential floorspace. There will be no change to the overall number of units or overall unit mix.

3.8 A summary of the changes to each unit is set out in **Table 2** below.

Table 2 – Proposed Unit Changes

Unit type	Approved (sqm)	Proposed (sqm)	Difference
2 bed / 4 person (wheelchair unit)	92sqm	91sqm	-1sqm
1 bed / 2 person (social rent)	58 sqm	59 sqm	+1sqm
2 bed / 4 persons (social rent)	75 sqm	65 sqm	10sqm Loss of 1no. bedspace to become 2 bed / 3 people
4 bed/ 6-Persons - wheelchair accessible (social rent)	150sqm	150sqm	0sqm Minor layout amendment
2 bed/ 4-persons-wheelchair adaptable (Intermediate)	85sqm	77sqm	-8sqm Loss of 1no. bedspace to become 2 bed/ 3 people Wheelchair Unit
2 bed/ 4 persons-wheelchair accessible (Private)	85sqm	77sqm	-8sqm Unit type to become 2B3P unit

Affordable Housing

- 3.9 The approved planning permission (ref: 19/AP/1710), provided 39.8% affordable housing (by habitable room). The proposed development seeks to reduce this amount to 35.09% - a reduction of 4.71%.
- 3.10 The approved 39.8% habitable room included a split of 260 social rent habitable rooms (28.6%) and 102 intermediate habitable rooms (11.2%). The proposed development will provide 25% (habitable room) social rent and 10.09% (habitable room) intermediate rent. This is set out in **Table 3** below.

Table 3 – Proposed Affordable Housing Provision (Habitable Room)

Type of Affordable Housing Provision	Approved %	Proposed %	Difference
Social Rent	28.6%	25%	-3.6%
Intermediate	11.2%	10.09%	-1.11%

Market Housing

- 3.11 Due to the internal changes to the building to accommodate the connecting corridor on floors 1-9 as well as viability, 10 units have been transferred from affordable to market units. This is set out in **Table 4** below.

Table 4 - Proposed Market Housing Provision

Unit Type	Approved (private)	Proposed (private)	Difference
Studio	2	2	0
1-bed	65	68	3
2-bed	103	113	10
3-bed	0	0	0
4-bed	0	0	0
Total	170	183	13

Number of Wheelchair Units

- 3.12 Due to the internal changes to the building, the number of wheelchair units has slightly changed compared to the approved (ref.19/AP/1710), as set out in **Table 5** below.

Table 5 - Proposed number of Wheelchair Units

Approved Units	Approved %	Proposed Units	Proposed %
32	12.2%	26	10%

Residential Outlook

3.13 As a result of design development and due to commercial obligations, there has been a minor change in the quantity of dual aspect units, as outlined in **Table 6** below. The proposed development will result in a reduction of 5.1% of dual aspect units.

Table 6 - Proposed number of Dual Aspect Units

Approved Dual Aspect Units	Approved %	Proposed Dual Aspect Units	Proposed %
135	51.5%	117	45%

Summary

3.14 This planning application seeks amendments to the affordable housing provision (by habitable room) as well as internal amendments due to commercial obligations.

4. PLANNING POLICY CONTEXT

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications must be determined in accordance with the relevant development plan unless material considerations indicate otherwise. The planning application proposals will therefore need to be considered against the relevant development plan policy documents and other material considerations.
- 4.2 The development plan comprises the London Plan (2021) and the Southwark Plan (2022).
- 4.3 The Site is within the Old Kent Road Area Action Plan. LBS are in the process of preparing an Area Action Plan (AAP) to set out the planning framework for new development within the OKROA. The OKROA has been through a number of consultations and the current version of the plan is the December 2020 draft.
- 4.4 In addition, there are a number of supplementary planning guidance that are material considerations. These include:
- LBS Affordable Housing SPD (2008);
 - LBS Development Viability SPD (2016);
 - LBS Residential Design Standards SPD (2011);
 - LBS Section 106 and CIL SPD (2015, amended 2020);
 - London Plan: Accessible London LPG (2014);
 - London Plan: Housing Design Standards LPG (2023);
 - London Plan: Draft Affordable Housing LPG (2023);
 - London Plan: Draft Development Viability LPG (2023)

National Planning Policy

- 4.5 The National Planning Policy Framework (2021) is a material consideration in the determination of planning applications and advises that the Framework should be read as a whole.

- 4.6 The NPPF (2021) confirms that it is the purpose of the planning system to contribute to the achievement of sustainable development of which there are three inter-related dimensions of which are identified as economic, social and environmental (Paragraph 8). These dimensions give rise to the need for the planning system to perform a number of roles: an economic role – contributing to building a strong, responsive and competitive economy; a social role – supporting strong, vibrant and healthy communities; and an environmental role – contributing to protecting and enhancing our natural, built and historic environment. In terms of development management, the NPPF advises that the primary objective of development management is to foster the delivery of sustainable development, not to hinder or prevent development.
- 4.7 In addition to the NPPF (2021), National Planning Practice Guidance (NPPG) was published on 6th March 2014. This document provides further guidance to the policies set out in the NPPF (2021).

Regional Planning Policy: The London Plan (2021)

- 4.8 The London Plan (2021) provides an appropriate spatial strategy that plans for London's growth in a sustainable way. It includes the Mayor's general policies in respect of the development and use of land in Greater London and statements dealing with general spatial development aspects of his other strategies.
- 4.9 The London Plan (2021) designates the Site within the OKROA, with an indicative capacity of 12,000 new homes and 5,000 new jobs. Opportunity Areas are identified on the basis that they are capable of accommodating substantial new jobs and homes and the London Plan advises that their potential should be maximised.
- 4.10 London Plan (2021) Objective GG2 'Making the Best Use of Land' states that to create successful, sustainable mixed-use places that make the best use of land, proposals must enable the development of brownfield land, particularly in Opportunity Areas. The Policy further requires developments to proactively explore the potential to intensify the use of land to support additional homes and workspaces.
- 4.11 Chapter 3 of the London Plan (2021) reinforces the Mayor's commitment to ensuring the delivery of high-quality designed developments, which reflect and respond to London's character. Policy D1 'London's Form, Character and Capacity for Growth' requires developments to respond to local context by delivering buildings and spaces that are positioned and are of a scale, appearance and shape that responds to the locality.
- 4.12 Policy H5 'Threshold Approach to Applications' states that the threshold level of affordable housing on gross residential development is initially set at a minimum of 35%. The policy further states that to benefit from the 'Fast Track Route' applications must meet all the criteria including meeting or exceeding the relevant threshold level of affordable housing, be consistent with relevant tenure split and meet other relevant policy requirements.

- 4.13 Policy D5 'Inclusive Design' sets out that development should achieve the highest standards of accessible and inclusive design. The policy includes the need for development to ensure that all members of society can enter and exit the building safely and easily and that development must be designed to incorporate safe emergency evacuation for all building users.
- 4.14 Policy D6 'Housing Quality and Standards' states that the design of development should provide sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context, whilst avoiding overheating, minimising overshadowing and maximising the usability of outside space.

Local Planning Policy: Southwark Local Plan (2022)

- 4.15 LBS adopted their new Local Plan in 2022, which sets out their vision, objectives and policies for development for the period 2019 to 2036.
- 4.16 Policy SP1 'Homes for all' of Southwark's Plan sets out Southwark's target for 50% of all new homes to be social rented and intermediate homes which are of the highest quality. The policy sets out that the council aim to deliver 40,035 homes between 2019 and 2036. It also states that high housing standards should be maintained, and that the principles of sustainable design should be adhered to.
- 4.17 Policy AV.13 'Old Kent Road Area Vision' sets out that development in Old Kent Road should benefit the existing community, promote car-free development, help grow the significant economic base in Old Kent Road, build new high- quality homes and be environmentally sustainable. The policy also sets out the growth opportunities in Old Kent Road.
- 4.18 Policy P1 'Social Rented and Intermediate Housing' states that for development of 10 or more homes the minimum social rented and intermediate housing should be 35%, subject to viability. It also sets out that for development to follow the fast-track route the development must provide 40% social rented and intermediate housing with a policy compliant tenure mix.
- 4.19 Policy P2 'New Family Homes' sets out that in the Old Kent Road Action Area Core a minimum of 20% of housing must be family homes with three or more bedrooms.
- 4.20 Policy P4 'Private Rented Homes' sets out criteria that new self-contained private rented homes in developments providing 100 homes must adhere to. This includes providing a mix of housing sizes, provide security and professional management and providing the same design standards as build-for-sale homes.
- 4.21 Policy P8 'Wheelchair Accessible and Adaptable Housing' states that major development must meet Building Regulation M4(3) standard (Wheelchair User Dwellings) in at least 10% of homes. The policy outlines that the remainder of dwellings must meet Building Regulation M4(2) (accessible and adaptable dwellings) and where those homes are affordable wheelchair user homes, 10% of social rented homes must be wheelchair accessible and meet Building Regulation M4(3)(2)(b) standard (Wheelchair accessible dwellings).

- 4.22 Policy P13 'Design of Places' establishes the need for new developments to respond positively to the existing context in terms of their design, to utilise green infrastructure, to be accessible and inclusive and to ensure a high-quality public realm that encourages active travel.
- 4.23 Policy P14 'Design Quality' sets out that development must provide high standards of design, including ensuring adequate daylight, sunlight and outlook, accessible and inclusive design and innovative design solutions.
- 4.24 Policy P15 'Residential Design' states that development must achieve an exemplary standard of residential design. The policy establishes the need for development to be tenure blind, to provide a high standard of accommodation, be primarily dual aspect, meet the national space standards and provide private and community space.
- 4.25 Policy P18 'Efficient Use of Land' sets out that development that optimises land and which does not compromise development potential or legitimate activities on neighbouring sites and provides sufficient servicing facilities and access to, within and from the site will be permitted.

OKROA Area Action Plan (Draft 2020)

- 4.26 AAP 4 'Quality Affordable Homes' sets out the vision to build 20,000 new homes and at least 7,000 new social rented and intermediated homes in the OKROA. It also states that development must provide a minimum of 35% of all new homes as social rented and intermediate.
- 4.27 AAP 6 'Town Centres, Leisure and Entertainment' establishes the need for development to retain or increase the amount of retail use, as well as provide a range of shop sizes and community, leisure and cultural activities and establish new shopping frontages. In terms of ground floor uses, the policy sets out the need for development to ensure that they generate activity and create a pedestrian friendly environment on the high street.
- 4.28 AAP 10 'Design' states that development must be of good design, including the protection of buildings/ features of architectural or historic interest or townscape significance, the delivery of urban design features such as new parks, streets and urban blocks, the use of high-quality materials and the provision of accessible new pedestrian routes. The policy also refers to the need for development to meet the design requirements of specific building typologies, to comply with sustainable design principles, to be inclusive, safe, connect communities and provide high quality play space.

Summary

- 4.29 The planning policy framework identified above, provides the basis to determine the proposed development against the statutory development plan and other material considerations.

5. ASSESSMENT OF THE PROPOSAL

- 5.1 This section sets out how the proposed development complies with relevant national, regional and local planning policy identified in Section 4.

Principle of Development

- 5.2 The general theme of national, regional and local planning policy is to secure sustainable development and regeneration through the efficient re-use of previously developed urban land and through concentrating development in accessible locations. This is set out in the NPPF (2021) at Paragraph 14, where it states there should be a presumption in favour of sustainable development and that proposals which accord with the development plan should be approved without delay.

- 5.3 The application seeks permission for the following:

Variation to Condition 1 (approved plans) pursuant to planning permission 19/AP/1710 (dated 4th November 2021) for the demolition of existing buildings on the site and the comprehensive mixed-use redevelopment of the site comprising of two buildings of 10-storeys plus mezzanine (up to 38.900m AOD) and 19-storeys plus mezzanine (up to 71.500m AOD), comprising 262 residential units (Use Class C3 use), 2,320sqm GEA of flexible retail and commercial floorspace (Class A1/A2/A3/A4/B1 uses) at ground and mezzanine level, new public park, private and communal amenity space, associated car and cycle parking, access and servicing arrangements, plant and other associated works. The amendments to the approved plan proposed: minor alterations to internal layout to allow for a connecting corridor and a 5% reduction in affordable housing.

- 5.4 Although Policy has moved on from when the development was permitted in 2021, it is considered that the principle of development for residential and commercial uses has been established. The proposed development will continue to bring a number of benefits, including the provision of housing, of which 35.09% would be affordable; the development will continue to re-provide retail floor space; the proposed development will continue to provide good quality, flexible commercial space including affordable workspace. The proposed development will also provide, jobs; repair and improve the physical environment; activate frontages and improve pedestrian access; provide new open space and a park as well as optimise the use of the Site.
- 5.5 Recognising that the Site is located within the OKROA, the draft OKR Area Action Plan (2020) sets an aspiration to deliver 20,000 new homes alongside industrial and other uses. The proposed development will continue to provide much needed housing in accordance with the draft OKR Area Action Plan (2020).
- 5.6 The proposed development will continue to provide a number of key benefits, including:
1. Regeneration of industrial area;
 2. Provision of housing, including affordable housing;

3. Provision of a new park
 4. Affordable workspace;
 5. Re-instatement of retail frontage to the Old Kent Road;
 6. Mix of town centre uses (residential, retail and commercial);
 7. Job creation; and
 8. Active frontages and improved pedestrian access.
- 5.7 Overall, it is considered that the principle of development has been established under planning permission ref.19/AP/1710.

Provision of Housing and Affordable Housing

- 5.8 Policy P1 'Social Rented and Intermediate Housing' of the Southwark Local Plan (2022) requires developments that create 10 or more homes to provide the maximum viable amount of social rented and intermediate housing. The minimum amount should be 35% (habitable rooms).
- 5.9 In total, 912 habitable rooms would be provided in the development. The development would provide a total of 320 affordable habitable rooms which would equate to an overall provision of 35.09%. The level of provision is therefore acceptable and policy compliant.
- 5.10 Southwark's Development Viability SPD required a financial viability appraisal to be submitted for all planning applications which trigger a requirement to provide affordable housing. This application is accompanied by a viability report. The viability report assessed the development economics of the proposed scheme to identify the level of planning obligations that the scheme can sustain.
- 5.11 The Viability Assessment concludes that the Residual Land Value (RSL) generates a deficit against the Site Value Benchmark (SVB), the scheme is not viable in development viability terms and therefore the amount of affordable housing (by habitable room) has been reduced to 35.09%.
- 5.12 Policy P1 goes on to state that a minimum of 25% social rented housing and a minimum of 10% intermediate housing will be required as part of development of 10 or more houses. The proposed development will provide 25% (228 habitable rooms) social rented and 10.09% (92 habitable rooms) intermediate houses in line with Policy P1.
- 5.13 Overall, the proposed development would provide a total of 35.09% affordable habitable rooms in a mix of unit sizes. These units will be secured by a Deed of Variation.

Housing Mix

- 5.14 Policy P2 ‘New Family Homes’ of the Southwark Local Plan (2022) requires a minimum of 60% of homes with two or more bedrooms and 20% of family homes with three or more bedrooms. Policy P2 seeks to resist the number of studio units to a maximum of 5%.
- 5.15 The approved and proposed housing mix is set out in **Table 7** below.

Table 7 – Approved and Proposed Housing Mix

Unit Type	Number of Units Approved	Number of Units Proposed	Difference
Studio	2 (1%)	2 (1%)	0
1-bed unit	82 (31%)	82 (31%)	0
2-bed unit	156 (60%)	156 (60%)	0
3-bed unit	16 (6%)	16 (6%)	0
4-bed unit	6 (2%)	6 (2%)	0
Total	262 (100%)	262 (100%)	0

- 5.16 The proposed development would retain the same housing mix as approved under ref.19/AP/1710. The proposed number of studio units will remain under 5%; the proposal will also continue to provide more than 60% of two or more bedrooms (68%). It is noted that the proposed development will continue to be 8% of three bedrooms or more which is below policy requirements. As with the approved development, the affordable housing mix is much improved, with 82.3% having two or more bedrooms and 27.9% having three bedrooms. This approach was accepted as part of planning application ref. 19/AP/1710. It is therefore considered that the housing mix is acceptable.

Wheelchair Accommodation

- 5.17 Policy P8 ‘Wheelchair Accessible and Adaptable Housing’ of the Southwark Local Plan (2022) and Policy D7 ‘Accessible Housing’ of the London Plan (2021) requires major residential developments to provide at least 10% of homes (habitable rooms) to be wheelchair accessible.
- 5.18 Where these homes are affordable wheelchair user homes, Policy P8 requires 10% of social rented homes to be wheelchair accessible.
- 5.19 The proposed development will provide 26 wheelchair accessible units, which equates to 10% which is compliant with Policy P8 of the Southwark Local Plan (2022) and Policy D7 of the London Plan (2021).

Density

- 5.20 Policy GG2 'Making the best Use of Land' of the London Plan (2021) states that developments should promote higher density developments.
- 5.21 The density of the development has not changed following the approval of ref.19/AP/1710. The development as a whole (not including the commercial floor space) will continue to have a density of approximately 1.931HR/HA. The sustainable location of the Site means that the proposed density was and will continue to be appropriate and consistent with the surrounding urban area.
- 5.22 Overall, it is considered that the proposed development is acceptable in density terms.

Quality of Accommodation

- 5.23 Policy P15 'Residential Design' of the LBS Local Plan (2022) requires developments to achieve an exemplary standard of residential design.
- 5.24 **Table 8** sets out an assessment of this policy.

Table 8 – Assessment of Policy P15 'Residential Design'

Policy P15 'Residential Design' Criteria	Assessment
Provide a high standard of quality accommodation for living conditions.	The proposed development was considered to provide a high quality of accommodation in terms of living conditions as confirmed in the officer's report for 19/AP/1710. The proposed changes to the development will not have a further impact on living conditions.
Be tenure blind.	The proposed development is tenure blind.
Provide no material differences in appearance between affordable and market homes in apartment blocks.	The proposed connecting corridor will connect social rent to intermediate rent and private dwellings.
Provide the opportunity for residents of all tenures to access on site facilities.	The development will provide opportunity for all residents to access on site facilities.
Avoid having more than 8 dwellings accessed from a single core per floor.	No more than 8 flats per core is proposed. The proposed connecting corridors will also ensure this.

<p>Provide acceptable levels of natural daylight by providing a window in every habitable room, except in loft space where a roof light may be acceptable.</p>	<p>As approved under 19/AP/1710, the majority of the units would have good sunlight and daylight standards achieved.</p>
<p>Achieve a floor to ceiling height of at least 2.5metres for a least 75% of the GIA of each dwelling to maximise natural ventilation and natural daylight in the dwelling.</p>	<p>As approved under 19/AP/1710, all rooms within the proposed dwellings would continue to exceed the minimum 2.3m as set out in the Residential Design Standards SPD (2015).</p>
<p>Be predominately dual aspect and allow for natural cross ventilation.</p>	<p>45% of all apartments will be dual aspect.</p>
<p>In circumstances where due to site constraints it is impossible or impractical to provide dual aspect dwellings it must be demonstrated how overheating, and ventilation will be mitigated. Single aspect dwellings will not be demonstrated how overheating, and ventilation will be mitigated. Single aspect dwellings will not be acceptable if they have 3 or more bedrooms or are north facing or where the façade is exposed to high noise levels.</p>	<p>N/A</p>
<p>Meet the minimum national space standards.</p>	<p>All units would meet and/or exceed the minimum space standards.</p>
<p>Provide private amenity space, communal amenity space and facilities for all residents and child play space on site using the GLA calculator. Child play space should be on ground or low-level podiums with multiple egress points.</p>	<p>There are no changes proposed to the private amenity space, communal amenity space or facilities for all residents and child's play space.</p> <p>A total of 1,991sqm of private amenity space is proposed.</p> <p>Only 5 units of the total 262 have internalised balconies and these are located in the smaller one bed two people flat in the social rented tenure. All other apartments will have balconies as approved under 19/AP/1710.</p>

	<p>At level 1 (podium level) as approved under 19/AP/1710, there is a communal children's play space that equates to 490sqm.</p> <p>At level 10, a communal roof terrace at 851sqm and at level 19 there will be a communal roof terrace at 470sqm.</p> <p>The total communal amenity space at levels 10, 19 at 1,321sqm therefore exceeds the minimum required when considering the shortfall of private amenity space.</p>
<p>Provide equal access to outdoor spaces for all residents regardless of tenure.</p>	<p>As above.</p>
<p>In the Old Kent Road opportunity area, provide 5sqm of public open space per dwelling in addition to the communal amenity space requirement. New open space must be provided in the locations identified on the Old Kent Road Area Action Plan masterplan. Sites where a new open space is not identified must provide a financial contribution instead.</p>	<p>As above.</p>
<p>Provide communal facilities including gardens and community rooms. Provide green communal amenity space for all residents and additional communal play areas for children (aged up to 16) for apartments. Communal amenity space should be designed to provide multiple benefits (e.g., recreation, food growing, habitat creation, SUDS) and should be additional to external communal amenity space.</p>	<p>As above.</p>

<p>In circumstances where private and communal amenity space and facilities or child play space cannot be provided on site, this should be provided as private amenity space with the remaining amount added to the communal space requirements and, LBS will seek a financial contribution towards providing new or improving existing public open space or play space provision in the vicinity of the site.</p>	<p>N/A</p>
<p>Maximise the use of sustainable technologies and materials.</p>	<p>The building design and building services design have maximised all available measures to minimise heat generation within the dwellings, to reduce the amount of heat entering the building and to passively and mechanically ventilate the dwellings.</p> <p>Sustainable Drainage System in the form of Green / Brown / Blue roofs and permeable paving are proposed in line with 19/AP/1710.</p>
<p>Complete a Whole Life-Cycle Carbon Assessment for Major Referrable Schemes for existing buildings and identify where materials can be recycled and reused.</p>	<p>The energy strategy submitted as part of 19/AP/1710 demonstrates the carbon savings.</p>

- 5.25 It was considered that planning application ref.19/AP/1710 provided a good quality of residential accommodation. It was noted that approximately half the residential units would be single aspect as with the proposed development and some would have lower levels of internal daylight. However, it was considered that the design would include measures to mitigate these concerns, including large unit sizes, floor-to-ceiling height that exceeded the minimum; good outlook and views and having no more than 8 units per core.
- 5.26 The changes proposed as part of this S73 application do not have any additional impact on the quality of the residential accommodation. The connecting corridor will allow for easier access to stair cores on floors 1-9.
- 5.27 Overall, it is considered that the quality of the residential accommodation is acceptable.

Height, Scale and Massing

- 5.28 The proposed building would be 11-storeys to the north-western part of the Site, stepping up to 20 storeys on the corner of Old Kent Road and Hyndman street. There are no changes to the proposed height as part of this S73 application.

- 5.29 As part of application ref.19/AP/1710, Officers considered that the development demonstrated the highest standard of architectural design and incorporated the highest quality of materials. Further to this, it was also considered that there would be no unjustifiable harmful impacts on local or strategic views.
- 5.30 It is therefore the principle of the height of the buildings has been established and is considered to be acceptable.
- 5.31 In terms of scale and massing, no changes are proposed to the building. The proposed changes will be accommodated in the approved scale and mass of the building and is therefore considered to be acceptable.

Heritage and Townscape

- 5.32 The Site is not located within a Conservation Area and does not contain any locally or statutory Listed Buildings. The nearest designated heritage assets are the Grade II Listed Camberwell Public Library and Livesey Museum and Gasholder No.13.
- 5.33 As set out in the officer's report for 19/AP/1710, officers considered that the replacement of the poor-quality townscape that occupied the Site would enhance the settings of the surroundings heritage assets through the high-quality detailed design and material palette proposed and the introduction of new routes and public spaces within the site.
- 5.34 Given that no changes are proposed to the height or external design of the building, it is therefore considered that the proposed development is acceptable in heritage and townscape terms.

Privacy and Overlooking

- 5.35 Southwark's Residential Design Standards SPD (2015) recommends a minimum of 21m between the backs of properties and 12m where properties would face each other across a highway.
- 5.36 The closest existing residential properties to the Site are the row of properties on the opposite side of Old Kent Road.
- 5.37 The proposed development will retain the distance between these existing properties as approved under ref.19/AP/1710. The proposed development would be at least 12m from the neighbouring windows and would therefore continue to comply with the SPD.
- 5.38 It was also demonstrated through planning application ref.19/AP/1710 that there would be an acceptable distance between the proposed development and the consented residential blocks at the Ruby Triangle site.
- 5.39 Overall, it is considered that the proposed development would be acceptable in privacy and overlooking terms.

Daylight and Sunlight

- 5.40 The proposed internal amendments, including connecting the two corridors will require the rearrangement of some units, however, the changes will not impact the level of daylight and sunlight internally or externally.
- 5.41 As part of the application ref.19/AP/1710, a daylight and sunlight assessment were submitted. Officers concluded that the impacts on daylight and sunlight to neighbouring buildings and amenity space are acceptable in this location.
- 5.42 Officers also confirmed that there would be a number of rooms that would not meet the relevant daylighting standards of the BRE. In these instances, it was recognised that there would be a degree of harm to the daylight amenity of residents however this harm was considered on balance to be acceptable in this urban location. Given the context of the Site, the results were considered to be indicative of a relatively good, retained level of daylight.
- 5.43 Given that no changes are proposed that would impact daylight and sunlight levels, it is considered that the proposed development is acceptable in terms of daylight and sunlight.

Noise

- 5.44 In terms of noise, as set out in the Officer's report for ref.19/AP/1710, it was considered that the proposed development would integrate well within the existing business surroundings of the site.
- 5.45 As part of planning application ref.19/AP/1710, a Noise Impact Assessment was undertaken. A condition to secure appropriate internal noise levels as well as a condition that limits the sound levels from any plant was recommended which has been included on the decision notice.
- 5.46 The proposed development will comply with the relevant noise conditions and will not increase the amount of noise approved within the Noise Impact Assessment. It is therefore considered that the proposed development is acceptable in noise terms.

Transport

- 5.47 Policy P45 'Healthy Developments' encourages walking, cycling and the use of public transport rather than travel by car.
- 5.48 Southwark's Movement Plan (2019) which is a people, place and experience approach to transport planning.
- 5.49 A Transport Assessment was submitted as part of planning application ref.19/AP/1710. The Transport Assessment was considered by Officers to provide an adequate appraisal of the relevant transport and highways related matters including an assessment of the potential for journeys to be made by sustainable modes of transport as well as detailed estimates of vehicular trips resulting from the development.

- 5.50 Officers assessed the development not to generate any significant adverse impacts on the existing movement on the adjoining roads. It was not considered that the development would impact on the local highway network in terms of trip generation.
- 5.51 The proposed development does not increase or decrease the amount of units, further to this, the proposed development will continue to be car free bar the disabled parking bays for the residential aspect of the scheme.
- 5.52 The proposed development is therefore to be acceptable in highways and car parking terms.
- 5.53 The inset loading bay, as proposed under ref.19/AP/1710 will continue to accommodate refuse and servicing vehicles. No changes are proposed to servicing. The proposed development is therefore considered to be acceptable in servicing terms.
- 5.54 No changes are proposed in relation to pedestrians, the public realm or cycle parking. The proposed development is therefore considered to be acceptable in walking, public realm and cycle parking terms.

Energy and Sustainability

- 5.55 As part of planning application ref.19/AP/1710, an Energy and Sustainability Assessment was submitted. Officers stated that this assessment was considered satisfactory.
- 5.56 The proposed amendments to planning permission ref.19/AP/1710 do not have any impact on energy and sustainability and therefore considered to be acceptable.

Ecology

- 5.57 As part of application ref. 19/AP/1710, a Preliminary Ecological Assessment was submitted. The Site was considered to have little or no ecological value and therefore the redevelopment provided an opportunity to enhance biodiversity opportunities.
- 5.58 The Council's Ecology Officer reviewed the proposal and concluded that no further surveys would be required subject to compliance with conditions. The following conditions were included on the decision notice for ref.19/AP/1710:
- 5.59 Condition 14 'Biodiversity Habitats':

"Prior to the commencement of works above grade (excluding superstructure demolition and site preparation), the proposed bug, bird and bat nesting boxes including the exact location, specification and design of the habitats shall be submitted to and approved in writing by the Local Planning Authority.

No less than 6 house sparrow terraces and 6 bat tubes and 2 bug boxes shall be provided and the details shall include the exact location, specification and design of the habitats. The features shall be installed within the development prior to the first occupation of the building to which they form part or the first use of the space in which they are contained.

The above features shall be installed strictly in accordance with the details so approved, shall be maintained as such thereafter.”

5.60 Condition 32 ‘Ecology Enhancement Strategy’ states:

“All of the measures for the mitigation of impact and enhancement of biodiversity set out in the submitted Preliminary Ecological Appraisal, shall be implemented prior to the given phase being first occupied.”

5.61 Condition 14 has been discharged under ref.23/AP/0606. In accordance with Condition 32, all the measures for mitigation will be implemented prior to occupation.

5.62 The proposed development will not have an impact on ecology or biodiversity. It is therefore considered that the proposed development is acceptable in ecology and biodiversity terms.

Flood Risk

5.63 The Site is located within Flood Zone 3 which has the highest risk of flooding in any given year.

5.64 The changes proposed to the building will not have an impact on flooding and will not increase the risk of flooding. As approved under planning permission ref.19/AP/1710, the proposed development has been designed to ensure that the building would be protected from surface water flooding by raising the ground levels and placing residential units at levels above podium level.

5.65 No changes are proposed in terms of sustainable drainage. The proposed development will provide green/brown/blue roofs and permeable paving as well as the large area of lawn in the new park.

5.66 The Environment Agency did not respond to the consultation for application ref. 19/AP/1710, however it was noted that they did not raise an objection to the contested Ruby Triangle development.

5.67 The Council’s Flood Risk and Drainage Team reviewed the material submitted as part of application ref.19/AP/1710 and raised no objections subject to conditions. The following conditions were included on the decision notice:

5.68 Condition 3 ‘Flood’

“The ground levels of the site are at residual flood risk from the River Thames, and some surface water flood risk. A Flood Resistance and Resilience Report recommending solutions should be submitted to the local planning authority and approved in writing prior to the beginning of works on site (excluding superstructure demolition and site preparation). The report should be proportionate and risked based in terms of predicted flood risks to the planned development (including predicted levels for the years provided in EA Product 4). Construction should be carried out in line with the recommendations of the report.”

5.69 Condition 5 'Surface Water Drainage' states:

"No works (excluding superstructure demolition and site preparation) shall commence until the final detailed design for the proposed surface water drainage system incorporating Sustainable Drainage Systems (SuDS) have been submitted to and approved in writing by the Local Planning Authority, including detailed design, size and location of attenuation units and details of flow control measures. The strategy should achieve the greenfield runoff rate of 3.1 l/s as detailed in the outline Drainage Strategy prepared by Watermans in 2019. The applicant must demonstrate that the site is safe in the event of blockage/failure of the system, including consideration of exceedance flows. The site drainage must be constructed to the approved details."

5.70 Condition 26 'Green, Brown and Blue Roofs' states:

"i) Before any above grade work hereby authorised begins (excluding superstructure demolition and site preparation) details of the green, brown and blue roofs proposed for that Block shall be submitted to and approved in writing by the Local Planning Authority. The roofs shall be: biodiversity based with extensive substrate base (depth 80-150mm); laid out in accordance with agreed plans; and planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works (focused on wildflower planting, and no more than a maximum of 25% sedum coverage).

The green, brown and blue roofs shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.

The green, brown and blue roofs shall be carried out strictly in accordance with the details approved and shall be maintained as such thereafter."

5.71 Condition 31 'Flood warning and Emergency Evacuation Plan' states:

"The ground levels of the site are at residual flood risk from the River Thames, and some surface water flood risk. A standalone Flood Warning and Emergency Evacuation Plan should be submitted to Southwark's Emergency Planning department for their approval in writing prior to occupation of the site. The plan should state how occupants will be made aware that they can sign up to the Environment Agency Flood Warning services, and of the plan. It should also provide details of how occupants should respond in the event that they receive a flood warning, or become aware of a flood."

5.72 Condition 3 (ref.22/AP/3611) and 5 (ref. 22/AP/3887) have been submitted and at the time of this submission, are currently pending a decision.

5.73 Given no changes are proposed that would impact flood risk or drainage, it is considered that the proposed development is acceptable in flood risk and drainage terms, subject to the discharge of the relevant conditions which should be brought forward with any new decision.

Archaeology

5.74 The Site is located within a designated Archaeological Priority Zone. As part of application ref.19/AP/1710, an Archaeological Desk Based Assessment was submitted. The Archaeology Officer confirmed that the development is not likely to cause such harm as to justify refusal of planning permission on the grounds of archaeological interest subject to the relevant conditions being included on the decision notice.

5.75 Condition 8 'Foundation Design', Condition 9 'Archaeological Mitigation' and Condition 10 'Archaeological Evaluation' were included on the decision notice for application ref. 19/AP/1710.

5.76 Condition 8 'Foundation Design' states:

"Before any work hereby authorised begins, excluding demolition to ground level only and site preparation, a detailed scheme showing the complete scope and arrangement of the foundation design and all ground works shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any such approval given."

5.77 Condition 9 'Archaeological Mitigation' states:

"Before any work hereby authorised begins (excluding superstructure demolition and site preparation), the applicant shall secure the implementation of a programme of archaeological mitigation works in accordance with a written scheme of investigation, which shall be submitted to and approved in writing by the Local Planning Authority."

5.78 Condition 10 'Archaeological Evaluation' states:

"Before any work hereby authorised begins (excluding superstructure demolition and site preparation), the applicant shall secure the implementation of a programme of archaeological evaluation works in accordance with a written scheme of investigation shall be submitted to and approved in writing by the Local Planning Authority."

5.79 Condition 49 'Special Condition' states:

"Within six months of the completion of archaeological site works, an assessment report detailing the proposals for post-excavation works, publication of the site and preparation of the archive shall be submitted to and approved in writing by the Local Planning Authority and that the works detailed in this assessment report shall not be carried out otherwise than in accordance with any such approval given."

5.80 Conditions 8, 9 and 10 have been discharged under the following references:

- Condition 8 'Foundation Design' – ref.22/AP/3881
- Condition 9 'Archaeological Mitigation' – ref.22/AP/2815
- Condition 10 'Archaeological Evaluation' – ref.22/AP/2686

- 5.81 The proposed development will comply with these conditions. The proposed development is therefore considered to be acceptable in archaeological terms.

Contaminated Land

- 5.82 As part of planning application ref. 19/AP/1710, a Phase 1 Risk Assessment was submitted. The assessment confirmed that on account of the Site's previous industrial use, there are numerous sources of contamination recorded both on the Site and in its vicinity.

- 5.83 A condition was attached to the decision notice which includes an intrusive site investigation and associated risk assessment to fully characterize the nature and extent of any contamination of soils and ground water on the Site.

- 5.84 Condition 6 states:

"a) Either prior to or as part of the re-development works following demolition of site structures and site preparation, an intrusive site investigation and associated risk assessment shall be completed to fully characterise the nature and extent of any contamination of soils and ground water on the site.

b) In the event that contamination is found following paragraph a) above that presents a risk to future users or controlled waters or the wider environment, a detailed remediation and/or mitigation strategy shall be prepared and submitted to the Local Planning Authority for approval in writing. The strategy shall detail all proposed actions to be taken to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment. The approved remediation/mitigation strategy shall be implemented as part of the development.

c) Following the completion of the works and measures identified in the approved remediation strategy and Environmental Statement, a verification report shall be submitted to and approved in writing by the Local Planning Authority providing evidence that all works required by the remediation strategy have been completed and that the site is suitable and safe for the developed uses and in respect of the wider environment. d) In the event that potential contamination is found at any time during development works that was not previously identified, then a scheme of investigation and risk assessment, and a remediation strategy shall be submitted to the Local Planning Authority for approval in writing, in accordance with the above paragraphs."

- 5.85 Part a) of this condition has been discharged under application ref. 22/AP/1229. Part b) and c) of this condition has not yet been submitted.

Air Quality

- 5.86 The Site lies within an Air Quality Management Area (AQMA). As part of planning application ref. 19/AP/1710, an Air Quality Assessment was submitted which reported on the potential impacts of the proposed development on local air quality.

- 5.87 The Air Quality Assessment identified that there was a medium risk of both dust soiling impacts and increases in particulate matter concentrations due to construction activities. However, through good site practice and the implementation of suitable mitigation measures, the effects of dust and particulate matters released would not be significant.
- 5.88 As set out in the approved Construction Environmental Management Plan (CEMP) (approved under permission ref. 22/AP/0438), air pollution will be prevented in accordance with the controls specified in the Environmental Handbook. The following mitigation measures will also be in place:
- Prior to site clearance, plywood hoardings will be erected around the site boundaries to reduce windblown dust affecting nearby residences and vegetation.
 - Ensure, where possible, that all vapours and odour generating processes are kept away from receptors.
 - Site and shape stockpiles to minimise potential for dust generation.
 - Protect very fine or dry materials from the wind.
- 5.89 The proposed development will comply with the approved CEMP and therefore the proposed development is considered to be acceptable in air quality terms.

Wind and Microclimate

- 5.90 As part of the planning application ref. 19/AP/1710 a Wind Microclimate Assessment was submitted. This analysed the baseline – existing wind environment at the site; the proposed – the proposed development within the context of existing surrounds and cumulative – the proposed development within the context of future / consent surrounds.
- 5.91 The Assessment concluded that in the different scenarios, the development would likely modify the local wind environment and create both improvements and some localized wind acceleration at pedestrian level.
- 5.92 The Officer for planning application ref.19/AP/1710 concluded that whilst the established principle that the windiness could be reduced to a safe and comfortable level, the result of the submitted analysis showed some very localized areas of windiness which required further mitigation and additional testing. The proposed changes will not have any additional impacts to the microclimate and the assessment undertaken still stands.
- 5.93 The condition below was attached to the decision notice:

“Condition 24 ‘Hard and Soft Landscaping’

Before any above grade work hereby authorised beings (Excluding superstructure demolition and site preparation) detailed drawings of a hard and soft landscaping scheme showing the treatments of all part of the site not covered by buildings (including cross sections, surfacing materials of any parking, access, or pathways layouts, materials and edge details) shall be submitted to and approved in writing by the Local Planning Authority. The landscaping shall not be carried out otherwise than in accordance with any such approval given and shall be retained for the duration of the use.

The landscape scheme must be designed to mitigate against the adverse impacts of wind, and the submitted details must demonstrate that the appropriate Lawson Safety Method and Lawson Comfort Method criteria shall be achieved.

The planning seeding and/or turfing shall be carried out in the first planting season following completion of building works and any trees or shrubs that is found to be dead, dying, severely damaged or diseased within five years of the completion of the building works OR five years of the carrying out of the landscaping scheme (whichever is later), shall be replaced in the next planting season by specimens of the same size and species in the first suitable planting season. Planting shall comply to BS: 4428 Code of practice for general landscaping operations, BS: 5837 (2012) Trees in relation to demolition, design and construction and BS 7370-4:1993 Grounds maintenance Recommendations for maintenance of soft landscape (other than amenity turf).”

5.94 This condition has not been discharged to date and so this condition can be brought forward.

Summary

- 5.95 The planning issue topics identified above have been assessed against relevant planning policy to demonstrate the acceptability of the scheme.
- 5.96 The changes to the affordable housing provision (by habitable room) are still considered to be policy compliant albeit do not qualify for the ‘Fast Track Approach’.
- 5.97 The proposed internal changes to connect the corridor, do not have an impact on the living conditions of residents compared to that approved under ref.19/AP/1710. The connecting corridor are required so that the affordable housing providers can operate.

6. CONCLUSION AND SUMMARY

6.1 This Planning Statement has been prepared in support of a S73 application for the following development:

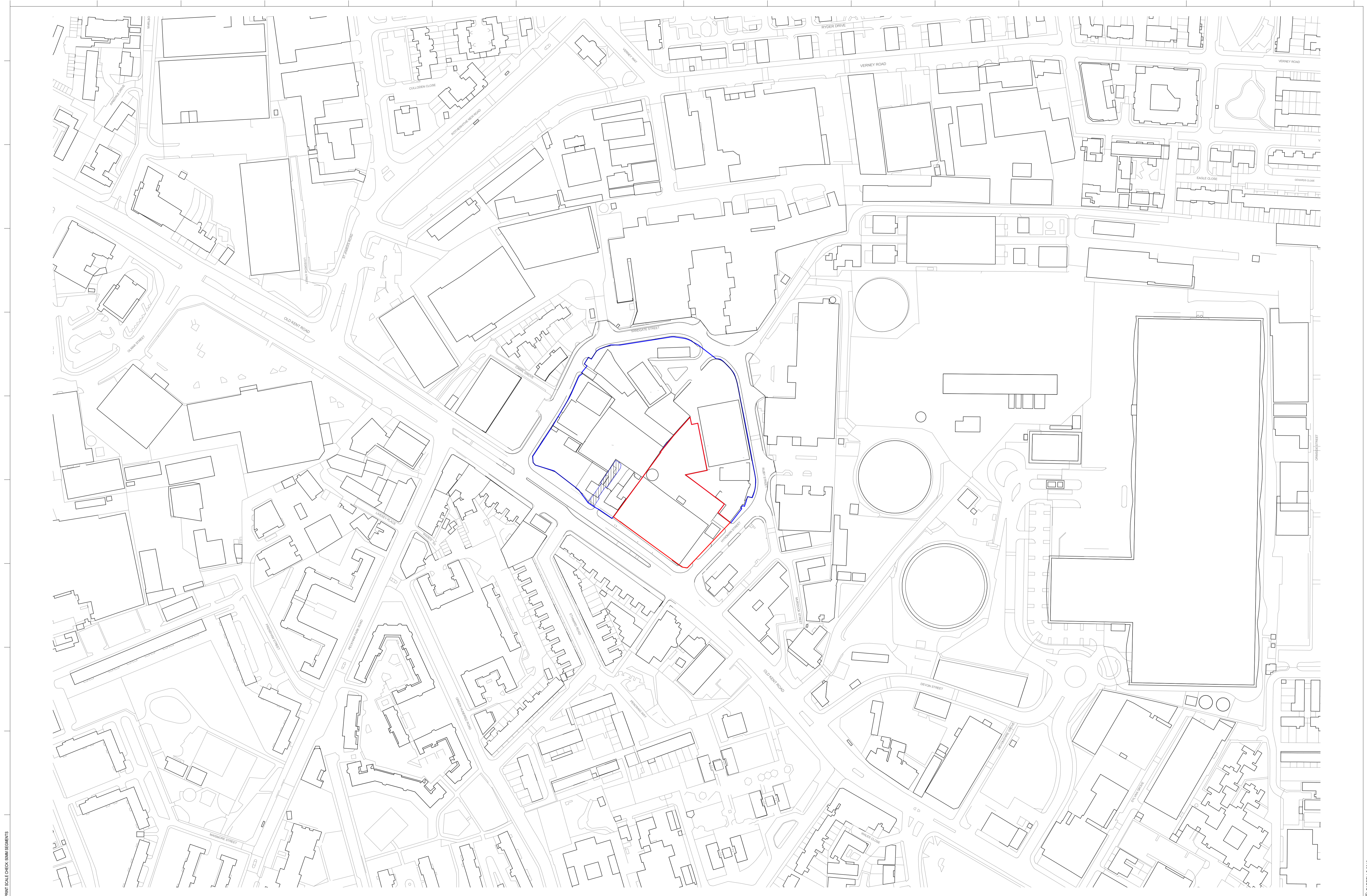
Variation to Condition 1 (approved plans) pursuant to planning permission 19/AP/1710 (dated 4th November 2021) for the demolition of existing buildings on the site and the comprehensive mixed-use redevelopment of the site comprising of two buildings of 10-storeys plus mezzanine (up to 38.900m AOD) and 19-storeys plus mezzanine (up to 71.500m AOD), comprising 262 residential units (Use Class C3 use), 2,320sqm GEA of flexible retail and commercial floorspace (Class A1/A2/A3/A4/B1 uses) at ground and mezzanine level, new public park, private and communal amenity space, associated car and cycle parking, access and servicing arrangements, plant and other associated works. The amendments to the approved plan proposed: minor alterations to internal layout to allow for a connecting corridor and a 5% reduction in affordable housing.

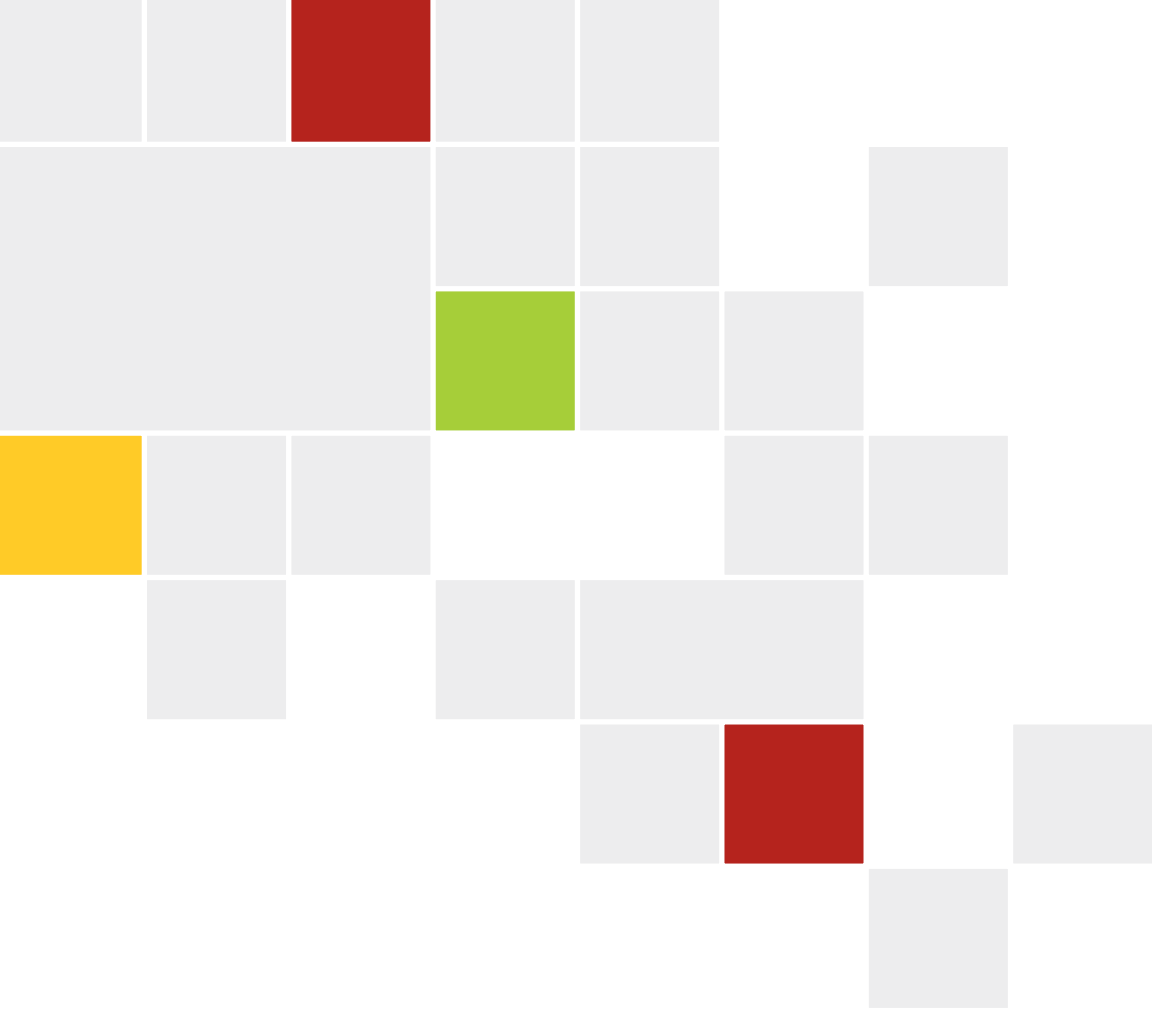
6.2 The planning application will continue to deliver a high-quality development as well as a number of planning benefits, which are summarised below.

- The delivery of 262 residential units, including 79 (35.09% by habitable room) affordable units (54 social rented and 25 intermediate);
- The delivery of a mixture of high quality commercial floorspace at ground and mezzanine level;
- High-quality architecture and urban design;
- The delivery of a tall building to complete the cluster of tall buildings within this area of Old Kent Road Opportunity Area;
- Job creation;
- A development that seeks to support sustainability; and
- New public realm as well as landscaping area.

6.3 Overall, the development is considered to be acceptable, and LBS should apply the presumption in favour of sustainable development and grant planning permission.

APPENDIX ONE – SITE LOCATION PLAN





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