

**399 Rotherhithe Road, Southwark Free School,
South Bermondsey**

**in the London Borough of Southwark
planning application no. 13/AP/0065**

Planning application

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

The proposal

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

The applicant

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

Recommendation summary

The Mayor, acting as Local Planning Authority for the purpose of determining this application,

- i. grants conditional planning permission in respect of application 13/AP/0065 for the reasons set out in the reasons for approval section below, and subject to the prior completion of a section 106 legal agreement;
- ii. delegates authority to the Assistant Director - Planning and the Director of Development, Enterprise and Environment to issue the planning permission and agree, add, delete or vary, the final detailed wording of the conditions and any additional informatives as required, and authority to negotiate, agree the final wording, and sign and execute, the section 106 legal agreement;
- iii. delegates authority to the Assistant Director - Planning and Director of Development, Enterprise and Environment to refuse planning permission, if by 19 March 2014, the section 106 legal agreement has not been completed;
- iv. notes that approval of details pursuant to conditions imposed on the planning permission will be submitted to, and determined by, Southwark Council; and,
- v. notes that Southwark Council will be responsible for the enforcement of the conditions attached to the respective permission.

Drawing numbers and documents

Drawing Numbers:

L(PA)100 P1, L(PA)101 P1, L(PA)102 P1, L(PA)103 P1, L(PA)104 P1, L(PA)000 P3, L(PA)001 P3, L(PA)002 P4, L(PA)003 P3, L(PA)004 P3, L(PA)005 P4, L(PA)006 P3, L(PA)007 P3, L(PA)008 P3, L(PA)009 P3, L(PA)010 P3, L(PA)011 P3, L(PA)012 P3, L(PA)013 P3, L(PA)014 P3, L(PA)015 P3, L(PA)016, rev.P3, L(PA)017 P3, L(PA)018 P3, L(PA)019 P4, E(PA)001 P2, E(PA)002 P3, E(PA)003 P2, L(PA)020 P1, L(PA)021 P1

Submitted documents

Planning Statement, Design and Access Statement, Free School Site Search, Industrial Land/ Marketing Assessment, Energy Strategy, Transport Assessment and Travel Plan, Sunlight and Daylight Report, Wind Study, Contamination/ Site Investigation Report, Flood Risk Assessment, Noise Survey/ Impact Assessment, Air Quality Assessment, Biodiversity/Ecology Study, Foul and Surface Water Drainage Strategy, Site and Waste Management Plan/ Construction Environmental Plan, Utilities Assessment, Statement of Community Involvement Design & Access Statement Addendum (October 2013); Planning Statement Addendum (October 2013); Assessment of the Impact of Road Traffic and Commercial Noise (October 2013); and Transport Assessment Addendum (October 2013).

Reasons for approval

1 The Mayor, acting as the local planning authority, has considered the particular circumstance of this application against national, regional and local planning policy, relevant supplementary planning guidance and any material planning considerations. He has also had regard to the Southwark Council Planning Committee Report and addendum of 4 June 2013 and the draft reasons for refusal that the Committee subsequently resolved to issue. The reasons set out below are why this application is acceptable in planning policy terms:

- i. Given the established significant need for primary school places in the borough and in this area in particular; the clear demand for other educational facilities, the challenges in securing the capital funding necessary to deliver the Council's social infrastructure programme; and the schemes proposed self-funding educational infrastructure with enabling housing, the small loss of land located within the periphery of an area designated Preferred Industrial Land in a 'limited release' borough use is on balance, and in this instance accepted. The site's transitional location between the industrial and residential/non industrial uses, the low demand for industrial sites in the area and the low intensity of the site's current and approved and industrial use have been assessed against the need for education provision, which in this instance is considered to outweigh the need to retain this site for industrial purposes. The proposal would deliver the educational and residential uses in a way which would be efficient in terms of land take, self-financing, and would (with mitigation measures) suitably avoid potential use conflicts. The proposed land uses at this site are, therefore, strongly supported in accordance with the NPPF; London Plan policies 3.3 and 3.18 and Core Strategy policies SP4 and SP5.
- ii. The proposed development of the Free school would increase the availability of primary school places and, together with the sixth form expansion, would promote educational choice, in response to established need in the south Bermondsey area. Furthermore, the applicant's commitment to facilitate reasonable community use of the school building, including the multi-use games area, will ensure that the scheme would positively contribute towards the existing offer of social and community facilities in the area. Accordingly, the proposal is supported in accordance with the NPPF; London Plan policies 3.18 and 3.19; and, Core Strategy policy SP 4.

- iii. The proposal would provide 158 new homes, of which 10 would be affordable, and would make a contribution to housing delivery targets in this area; the mix of dwelling types and high amount of family housing responds to local demand; the scheme would provide a high quality residential environment for future occupiers; the proposed density is acceptable; the development would meet and exceed the necessary provision of children's play space; and, the proposed development would make an appropriate contribution towards local infrastructure. Accordingly, the proposed housing provision is supported in accordance with the NPPF; London Plan policies 3.4, 3.5, 3.6, 3.8, 3.12, 3.16 and 7.15; Southwark Core Strategy Strategic policies 5, 6, and 7 and Southwark Plan (UDP) saved policies 3.2, 3.11, 3.12, 3.13, 4.2, 4.3 and 4.4.
- iv. The proposed site layout and developmental strategy has been well considered and represents an innovative means of accommodating educational and residential uses on a compact site - whilst successfully avoiding use conflicts; the height and massing, would provide an appropriate landmark on this transitional site, and would provide needed environmental improvement to the Rotherhithe New Road area; the educational component of the scheme is well designed, and would provide a safe, innovative learning environment which, in conjunction with the proposed MUGA, would support the health of pupils, and the community, by promoting physical activity; the architectural appearance of the scheme has been carefully considered and will make a beneficial contribution to local views and the skyline, and will assist with local legibility and the proposed building would create a positive local street scene. The proposal responds positively to the challenges of the site and its context and accordingly, with respect to issues of design, the application complies with the NPPF; London Plan policies 3.2, 3.19, 7.1, 7.3, 7.4, 7.5, 7.6, 7.7, 7.8 and 7.15; Core Strategy Policy 13; Southwark saved UDP policies 3.2, 3.11 – 3.13, 3.15, 3.18, 3.20-3.22, 4.2, 4.5 and 5.7.
- v. The proposed development would be of a high standard of sustainable design and construction and would successfully minimise carbon dioxide emissions through energy efficiency measures and renewable energy technologies. The development would also deliver significant urban greening, biodiversity and urban drainage benefits, over the existing situation at the site. The development is therefore acceptable and complies with the NPPF; London Plan Policy 5.2, 5.3, 5.10, 5.11, 5.13, 5.15, 7.19 and 7.21 and Southwark Core Strategy Strategic Policy 13.
- vi. With respect to the impact on neighbourhood amenity: the proposal would not result in a significant loss of daylight/sunlight to neighbouring residential properties; the overshadowing impacts associated with the proposal are acceptable; the development would not cause any harmful impacts in relation to issues of privacy/overlooking; issues of noise and disturbance will be acceptably mitigated by way of the design and would further be mitigated by planning conditions; the impact of the proposed building on the local wind microclimate is acceptable in light of mitigation to be secured by way of planning condition. Accordingly the application complies with the NPPF; London Plan policies 7.6, 7.14 and 7.15; Southwark Plan (UDP) saved policies 3.1, 3.2, 3.3, 3.6, 3.9, and the Southwark Core Strategy.
- vii. The proposed development has a low level of on-site car parking, an appropriate level of disabled car parking and cycle parking and is accessible by a range of means of transport. There are no significant residual strategic transport impacts and residual local transport impacts will be addressed by way of condition and/or legal agreement, accordingly, the application complies with the NPPF; London Plan policies 6.1, 6.3, 6.5, 6.9, 6.10, 6.12, 6.13, 6.14 and 8.2; Southwark Core Strategy Strategic Policy 2, and Southwark Plan (UDP) saved policies 5.1, 5.2, 5.3, 5.6 and 5.7.

- viii. Appropriate, reasonable and necessary planning conditions and planning obligations are proposed to ensure that the development is acceptable in planning terms. Accordingly, there are no, or insufficient, grounds to withhold planning permission on the basis of the policies considered and other material planning considerations.

Recommendation

2 That the Mayor, acting as Local Planning Authority, grant planning permission in respect of application 13/AP/0065, subject to prior completion of a section 106 legal agreement, and the inclusion of planning conditions and informatives, as summarised below. The detailed wording of conditions and informatives are set out in the draft decision notice appended to this report.

Legal agreement

Financial obligations

- Affordable housing contribution - 10 units as intermediate rent. This would equate to provision of 6% affordable housing by units.
- Employment during construction £117,509
- Employment during construction management fee £9,209
- Community Facilities £28,672
- Children's play equipment £29,182
- Sports development £135,432
- Public open space £55,498
- Education £91,144 (secondary places only)
- Health £178,365
- Public Realm £118,500
- Transport Strategic £88,546
- Local highway and transport improvements/ measures up to £250,000
- Archaeology £5,363
- Monitoring and implementation £22,982
- Mayoral CIL £604,555

Other local obligations

- Community use plan to identify suitable areas for community use within the educational facility, and affordable hire rates for community groups;
- Travel plans;
- Car park management plan (including cycle and Blue Badge parking);
- School management plan for both establishments to cover on and off site arrangements,;
- Providing an on-street car club space and three years free car club membership for new residents;
- Exemption of residents who move in after a CPZ is introduced and all staff from being able to obtain a parking permit,
- Local pedestrian crossing and footway improvements, on street drop off/pick up, parking and servicing bays and bus stop improvements to be agreed with the Council in consultation with TfL and delivered via appropriate agreement or as part of development;
- Compliance with Southwark's Council's local labour and construction initiatives;
- School building to achieve a minimum of BREEAM 'Very Good' standard and residential dwellings to achieve Code for Sustainable Homes 'Level 4'.

3 That the Mayor agrees that the Assistant Director - Planning and the Director of Development, Enterprise and Environment, are delegated authority to negotiate, sign and execute the abovementioned legal agreement, the principles of which have been jointly agreed with the applicant and the Council, and which include the heads of terms as detailed above.

Conditions

- Development in accordance with approved plans;
- Commencement within three years;
- Control of impact piling;
- Control of use of educational facility for school and community use;
- Control of hours of use (school playground);
- Lifetime Homes and 10% wheelchair accessible/adaptable housing;
- Approval of details (materials);
- Approval of details (landscaping);
- Approval of details (living roof);
- Approval of details (waste and recycling storage);
- Approval of details (cycle and car parking(including disabled parking));
- Approval of Electric vehicle charging facilities and spaces;
- Approval of details (plant and machinery);
- Approval of details (lighting);
- Approval of details (soundproofing);
- Control of noise (plant and ducting);
- Control of external pipes and plumbing;
- Control of the installation of external plant and machinery;
- Submission of a television and satellite reception assessment
- Contaminated land precautions;
- Approval of a Drainage Strategy and impact study of the existing water supply infrastructure;
- Approval of a surface water drainage scheme;
- Approval of a report detailing steps to minimise the development's future occupiers' exposure to air pollution
- Archaeological works;
- Demolition and Construction management plan including logistics and hours;
- Delivery and servicing plan, including hours for livery and servicing; and,

Informatives

- Requirement for Building Control approval;
- Work affecting public highway;
- Sanitary, ventilation and drainage arrangements;
- Control of pollution;
- Hours of building works;
- Advertisement regulations;
- Fire Precautions Act;
- Refuse storage and disposal arrangements;
- Consultation with Thames Water;
- Landscaping;
- The Construction (Design & Management) Regulations 1994;
- Fire Brigade recommendation on fire suppression systems;

- Consultation with Thames Water;
- Thames Water recommendation on petrol/oil interceptors; and,
- Thames Water minimum water pressure and a flow rate.

4 That the Mayor agrees that the Assistant Director - Planning and the Director of Development, Enterprise and Environment be delegated the authority to issue the planning permission and agree, add, delete or vary, the final wording of the conditions and informatives as required.

5 That the Mayor notes that approval of details pursuant to conditions imposed on the planning permission will be submitted to, and determined by, Southwark Council.

6 That the Mayor notes that Southwark Council will be responsible for the enforcement of the conditions attached to the respective permission.

7 That the Mayor confirms that his reasons for granting planning permission are as set out in this report in the reasons for approval section, as required by Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended).]

Publication protocol

8 This report has been published seven days prior to the Representation Hearing, in accordance with the GLA procedure for Representation Hearings. Where necessary, an addendum to this report will be published on the day of the Representation Hearing. This report, any addendum, and the Mayor of London's decision on this case will be made available on the GLA website www.london.gov.uk.

Site description

9 The application site ('the site') is located at 399 Rotherhithe New Road and comprises 0.49 hectares bounded by Rotherhithe New Road to the north, Verney Road to the south and the junction of St James's Road to the west. Immediately to the east of the site lies the Avicenna Health Centre (a NHS GP surgery). The site is included within the Old Kent Road Industrial Area, which extends south of the site and particularly, the site is positioned on the peripheral edge of the Old Kent Road Preferred Industrial Land (Strategic designation) and is within the northern section of the Old Kent Road Action Area. The site is not located in a Conservation Area; however, a terrace of Grade II listed buildings (two storey cottages) are located approximately 120 metres to the south-east of the site.

10 The site is currently occupied by a part vacant two storey brick building which fronts onto Rotherhithe New Road, as well as various other temporary structures (such as porta-cabins) and areas of hard standing. There are no structures on site considered to be of any particular architectural or historical value. There are no trees located on the site and the landscaping is limited to a small grassed area located to the front of the brick building, fronting Rotherhithe New Road. The site is currently in use for various low intensity industrial type uses; coach depot, scaffolding storage (temporary until Christmas 2013), furniture restoration and a vehicle yard and weighbridge for waste transfer.

11 In terms of the site's wider context, the area to the north and east is residential in character with buildings ranging from two to four storeys in height, the area to the south are industrial uses (although often uses such as residential and places of worship are also embedded within the PIL), and further to the west lies the Old Kent Road corridor containing some retail warehouses and associated

surface parking. To the south east of the site, across from Verney Road lies a brick building (approximately 3 storeys) which houses an electrical substation.

12 The roads surrounding the site are borough roads, where the Council is the highway authority. Most of Verney Road adjoining the site is one way east bound. Verney Road and Verney Way are wide highways and have a significant use by traffic serving the industrial area. Whilst the condition of the footway adjoining the residential areas is for the most part good, road crossings can be difficult and pedestrian provision immediately adjoining the site and the nearby industrial uses is often poor. There are on- highway cycle lanes in the area but none within the immediate vicinity. Despite speed humps and a 20 MPH limit traffic speeds are often high.

13 The A2 Old Kent Road is the nearest part of the Transport for London Road Network (TLRN) and is located approximately 100 metres from the site. It presents a generally hostile environment for pedestrians and cyclists and there is a relatively high accident record. There is however on highway cycle lanes and a number of staggered light controlled pedestrian crossings of the Old Kent Road and its junctions providing for all movements. The nearest bus stops to the site are situated on Old Kent Road albeit some distance from the site and Rotherhithe New Road. South Bermondsey station is approximately 700 metres away. The site records a moderate public transport accessibility level (PTAL) of three to four on a scale of one to six, where 6 is the highest.



Figure 1: Extract from existing site plan, HLM Architects, (March 2013).

Existing primary school characteristics

14 Southwark Free School opened in temporary accommodation in the Ledbury Community Hall, Ledbury Estate in September 2012, which is located more than 500 metres to the south of the site on the Old Kent Road. Whilst this is an important facility in establishing the school at the heart of the community it will not serve in the long term as the building is not appropriate for a modern educational facility. As such Southwark Free School is committed to moving to new, permanent premises within two years. Whilst initially offering 30 places per year in its temporary home, Southwark Free School proposals would provide 420 primary places and 30 Nursery places in its permanent home.

Existing sixth form

15 The City of London Academy (CoLA) (Southwark) was planned as a new 11 - 19 school located in the Bermondsey area of Southwark. It was established in response to the National Government agenda to create state-of-the-art facilities for students of all abilities and opened in September 2003 in temporary accommodation in East Dulwich, moving into its permanent purpose-built home in September 2005.

16 The academy currently has 900 pupils with 300 in the sixth form, and these student numbers continue to grow. The Lynton Road site is constrained and is difficult to expand without the acquisition of other sites. Alongside other works at Lynton Road, including a pending planning application for a modest extension, CoLA have been keen to explore proposals that not only enable the sixth form to expand but also allow CoLA to support Southwark Council in providing additional capacity for secondary school places by a potential 2 forms of entry. The site at Rotherhithe New Road offers a significant opportunity to create a second centre for teaching and learning for their older students and will assist in their continued aspiration to work with local communities within the Borough. The sixth form is oversubscribed and the academy has established that it wishes to expand to 400 students. With relocation of all sixth formers to the application site it will enable an increase in places for Years 7 – 11 at the Lynton Road campus.

Details of the proposal

17 The applicant is seeking full planning permission for the demolition of the existing building and the erection of a part 6, part 19 storey building with basement for a mixed use scheme comprising of 158 residential dwellings, a primary school for Southwark Free School, a sixth form and community centre for City of London Academy, with associated amenity and play space, basement car and cycle parking and landscaping.

18 The proposed school, sixth form and residential units will be incorporated into a contemporary style development which is six storeys in the north-eastern and centre of the site and terminates in a nineteen storey tower at the south-western end of the site on the junction of Rotherhithe New Road and Verney Road.

19 Since the submission of the application (January 2013) the following updated documents and addenda have been submitted and consulted upon: revised floorplans (submitted 5/11/2013); Design & Access Statement Addendum (October 2013); Planning Statement Addendum (October 2013); Assessment of the Impact of Road Traffic and Commercial Noise (October 2013); and Transport Assessment Addendum (October 2013).

Educational component

20 The development in total will deliver two new educational facilities; a new 450 place primary school (including nursery class) to be occupied by Southwark Free School and a new sixth form facility will be delivered for the City of London Academy (Southwark).

21 As noted above, the existing Southwark Free School is looking for alternative, permanent accommodation. The primary school will have 2,210 sq.m. of floorspace within the eastern side of the building, providing floorspace for 15 classrooms which will span both the ground and first floors. The school space will provide for 420 primary school places and 30 nursery school places. The main school access point will be from Verney Road (which is to be the key entrance at school drop off/pick up times) and a secondary access would be available from Rotherhithe New Road. The proposal also includes an associated school playground which will be 1,772 sq. m. in size.

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

23 At the western end of the development, and spanning the ground, first and second floors of the tower will be 2,185 sq. m. of floor space dedicated to the City of London Academy sixth form. The sixth form will be provided with a main access on the south-western elevation of the development (at the apex to the site at the junction of Verney Road and Rotherhithe New Road). The additional sixth form teaching space will increase the number of sixth form pupils by up to 340 with some consequential additional secondary school places being created at the Lynton Road site. The sixth form floor space will also be utilised by Bede House (a local community organisation), which will provide a series of projects for young and vulnerable social groups within the borough.

24 The sixth form centre will have access on the north-eastern side of the ground floor to the Multi Use Games Area (MUGA). The MUGA will be positioned within the centre of the development and will occupy a void created in the ground and first floors of the building.

25 Whilst the MUGA will form part of the recreation space used by the City of London Academy during the daytime, during the evenings this space will also be made available for use by the local community and Bede House. The MUGA will provide essential outdoor recreational space for both the schools, occupants of the flats and the general community.

Residential component

26 The remaining floors above the Southwark Free School and Sixth Form Centre (starting at second floor) will provide 158 residential units providing 15 one bedroom units, 93 two bedroom units and 50 three bedroom units, of which 10 are proposed to be affordable.

27 Residential amenity space is proposed to be provided in the form of private balconies and a 420 sq.m. communal roof garden at the sixth floor. Alongside this private communal amenity spaces are a series of communal outdoor spaces, many of which respond to the need to create children's playspace. The MUGA will also be available for the use of future residents through a controlled booking system.

Building specifications

28 The proposal comprises two key elements; a taller tower element (measuring 19 storeys / 61 metres (maximum height)) on the south-western part of the site and a 'terrace' of six linked blocks running from this, positioned roughly parallel to Rotherhithe New Road. This lower element of the scheme is uniform in height, with four storeys of residential use above the double-height primary school (between 22 and 23 metres).

29 With respect to external appearance, the applicant proposes to treat the school part of the building primarily in grey brickwork, with coloured cladding introduced for the educational uses. The residential component of the scheme is proposed to be clad in white reconstituted stone, with grey powder coated aluminium detailing. A more natural render used for the residential will be a contrast to the colours used for the school ensuring the development has an appropriate balance between uniformity and visual interest.

30 The taller element of the scheme will be primarily in dark zinc panels to create variation in the colour/texture of the facade; it is intended that the panels will be relatively tall and narrow, reflecting the more vertical nature of windows than used elsewhere.

Access and parking

31 The development includes a basement level beneath the footprint of the tower and the proposed sixth form which will provide 31 residents' car parking spaces including 19 for Blue Badge holders, and a further four for Blue Badge holders only for the non-residential floor space. Four motorcycle parking spaces will be provided and provision for electric vehicle charging bays will be in line with London Plan standards. The basement would be accessed via two car lifts from Verney Road as well as passenger lifts from within the development. The applicant proposes a car parking management plan which would include measures to enable sharing of the Blue Badge Spaces and set out arrangements for accessing the basement by occupiers and visitors to the development as well as general management of the facilities

32 Cycle parking provision will be accommodated within the access cores of the building, and through the provision of cycle storage within the basement. The development will provide a minimum of one cycle space per dwelling, as well as sufficient additional accommodation for cycle storage associated with the non-residential ground floor uses. There will be additional visitor cycle car parking outside the building.

33 Refuse and recycling provision is made within the north-western side of the building allowing five internal store/collection points along Rotherhithe New Road, and a further store/collection point on the Verney Road side. Residential waste collection will therefore take place along Rotherhithe New Road, and non-residential refuse/recycling collections will take place along Verney Road.

34 The proposals include widening of the footway on Rotherhithe New Road within the application site as part of the development. In addition £250,000 has been agreed as a section 106 contribution towards off-site improvements to pedestrian facilities including footways and crossings in the vicinity of the site, measures to reduce traffic speeds, bus stop improvements and for the creation/control of on street parking, drop off/pick up and servicing bays. The exact details of these and their implementation would be agreed with the Council, in consultation with TfL subsequently.

35 The applicant has also agreed a contribution towards strategic transport improvements based upon the Council's tariff system.

Relevant planning history

Previous history

36 There have been a number of minor (non-referable) applications made in relation to the site since 2006 with some being refused and some approved. None of these relate to the current proposal. A summary of these applications are as follows:

- A history of refusals for the use of the site for offices and a place of worship (06/AP/0366) & 06/AP/0769).
- An enforcement notice was served on 28 August 2009 relating to the unauthorised change of use of the land from business and general industrial uses (Use Classes B1 & B2), to uses within Use Class D1 such as but not limited to; a place of worship, administrative offices and an educational training course. The notice required the unauthorised uses to be ceased, and for any fittings/fixtures associated with the use of the property as a place of worship to be removed.

- A further planning application was refused (ref 10/AP/2554) for the continued use of the premises as a place of worship for 5 years.
- An appeal was allowed on 31 July 2012 for the use of the northern part of the site as a waste transfer station dealing with non-ferrous waste (ref 11/AP/1611), following refusal by Southwark Council.
- Planning permission was granted on 19 June 2012 for the proposed use of the site as a waste transfer station dealing with metals and the erection of acoustic screening along the site boundary (ref 12/AP/0868).

Current proposal

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

38 On 25 March 2013 Southwark Council registered planning application 13/AP/0065 for the above proposal, and on 2 April 2013 the Mayor of London received documents from Southwark Council notifying him of a planning application of potential strategic importance, referring the case under Categories 1A and 1C of the Schedule to the Order:

- *Category 1A: "Development which comprises or includes the provision of more than 150 houses, flats, or houses and flats"*
- *Category 1C: "Development which comprises or includes the erection of a building of more than 30m."*

39 On 8 May 2013, the Mayor considered a strategic planning report on the application (GLA reference PDU/3060/01), and subsequently advised Southwark Council that the principle of building a school on SIL was, on balance, acceptable in strategic terms, but that further commitments and information were needed in relation to: residential quality, urban design, inclusive design, climate change mitigation and adaptation and transport before the application was referred back to the Mayor at stage two of his decision making process.

40 On 4 June 2013 Southwark Council considered the scheme at a planning committee meeting, and resolved to accept its officer's recommendation to refuse permission for the application for the following reasons:

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

- Poor architecture and urban design.

41 On 5 June 2013 Southwark Council advised the Mayor of its decision to refuse the application. On 12 June 2013, Southwark Council withdrew the stage 2 referral until further notice. On the 5 July 2013 Southwark Council re-referred the case back to the Mayor.

42 On 10 July 2013 the Mayor considered GLA planning report reference PDU/3060/02 and concluded that having regard to the details of the application; the matters set out in Southwark Council's committee report, the Council's draft decision notice; and, the fact that the policy tests set out within Article 7 of the Order had been met, the development would have a significant impact on the implementation of the London Plan and that there were sound planning reasons for the Mayor to intervene in this particular case. The Mayor, therefore, issued a direction under Article 7 of the Order that he would act as the Local Planning Authority for the purpose of determining the application.

43 Following negotiations with GLA officers, the applicant submitted minor revisions on 5 November 2013. In summary, the revisions result in the following changes:

- the original long single corridor has been split into three to ensure that there would be fewer units to a core;
- Increase of wheelchair housing from 16 units to 20 units.
- Provision of winter garden with openable window to all private balconies on the south east facade facing Verney Road and the industrial uses.
- All apartments now contain mechanical ventilation.
- Inclusion of a glazed screen on the roof garden at level six.
- Design change to the boundary treatment of the primary school to improve visual permeability.

Relevant legislation, policies and guidance

44 In determining this application the Mayor must have consideration to planning policy at the national, regional and local levels. The relevant material planning considerations relate to: land use principle (development of the site for educational and residential uses); educational facilities; housing (including affordable housing, residential standards and density); design (including urban design and tall buildings); inclusive design; sustainability (including climate change mitigation and adaptation); neighbourhood amenity (including daylight and sunlight, overshadowing, visual amenity, privacy/overlooking, noise and microclimate); transport; and, mitigating the impact of development through planning obligations. The relevant planning policies and guidance at the national, regional and local levels are as follows:

National planning policy and guidance

45 The National Planning Policy Framework (NPPF) provides the Government's overarching planning policy, key to which, is a presumption in favour of sustainable development. The NPPF defines three dimensions to sustainable development: 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. The NPPF also sets out that the Government attaches great

importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. The relevant components of the NPPF are:

- Chapter 1. - Building a strong, competitive economy;
- Chapter 4. - Promoting sustainable transport;
- Chapter 6. - Delivering a wide choice of high quality homes;
- Chapter 7. - Requiring good design;
- Chapter 8. - Promoting healthy communities;
- Chapter 10. - Meeting the challenge of climate change;

46 Also relevant is the DCLG policy statement - planning for schools development.

Regional planning policy and guidance

47 The London Plan (2011) is the Spatial Development Strategy for Greater London. On 11 October 2013 the Mayor published Revised Early Minor Alterations to the London Plan (REMA). The REMA are now operative as formal alterations to the London Plan. The relevant policies within the London Plan are:

- Policy 1.1 - Delivering the strategic vision and objectives for London;
- Policy 2.7 - Strategic Industrial Locations
- Policy 3.1 - Ensuring equal life chances for all;
- Policy 3.2 - Improving health and addressing health inequalities;
- Policy 3.3 - Increasing housing supply;
- Policy 3.4 - Optimising housing potential;
- Policy 3.5 - Quality and design of housing developments;
- Policy 3.6 - Children and young people's play and informal recreation facilities;
- Policy 3.7 - Large residential developments;
- Policy 3.8 - Housing choice;
- Policy 3.9 - Mixed and balanced communities;
- Policy 3.10 - Definition of affordable housing;
- Policy 3.11 - Affordable housing targets;
- Policy 3.12 - Negotiating affordable housing;
- Policy 3.13 - Affordable housing thresholds;
- Policy 3.16 - Protection and enhancement of social infrastructure;
- Policy 3.18 - Education facilities;
- Policy 3.19 - Sports facilities;
- Policy 4.4 - Managing industrial land and premises
- Policy 4.12 - Improving opportunities for all;
- Policy 5.1 - Climate change mitigation;
- Policy 5.2 - Minimising carbon dioxide emissions;
- Policy 5.3 - Sustainable design and construction;
- Policy 5.5 - Decentralised energy networks;
- Policy 5.6 - Decentralised energy in development proposals;
- Policy 5.7 - Renewable energy;
- Policy 5.10 - Urban greening
- Policy 5.11 - Green roofs and development site environs;
- Policy 5.12 - Flood risk management;
- Policy 5.13 - Sustainable drainage;
- Policy 5.15 - Water use and supplies;

- Policy 5.21 - Contaminated Land
- Policy 6.3 - Assessing effects of development on transport capacity;
- Policy 6.9 - Cycling;
- Policy 6.10 - Walking;
- Policy 6.12 - Road network capacity;
- Policy 6.13 - Parking;
- Policy 7.1 - Building London's neighbourhoods and communities;
- Policy 7.2 - An inclusive environment;
- Policy 7.3 - Designing out crime;
- Policy 7.4 - Local character;
- Policy 7.5 - Public realm;
- Policy 7.6 - Architecture;
- Policy 7.7 - Location and design of tall buildings;
- Policy 7.8 - Heritage assets and archaeology
- Policy 7.14 - Improving air quality;
- Policy 7.15 - Reducing noise and enhancing soundscapes;
- Policy 7.18 - Protecting local natural space and addressing local deficiency
- Policy 7.19 - Biodiversity and access to nature;
- Policy 7.21 - Trees and woodland;
- Policy 8.2 - Planning obligations; and,
- Policy 8.3 - Community infrastructure levy.

48 The following published supplementary planning guidance (SPG) is relevant:

- Housing SPG (2012).
- Shaping neighbourhoods: play and informal recreation SPG (2012).
- Planning for equality and diversity in London SPG (2007).
- Sustainable design and construction SPG (2006), and
- Accessible London: achieving an inclusive environment (2004).

49 The following draft SPGs are also relevant:

- Shaping Neighbourhoods: character and context SPG (public consultation draft) and,
- Draft Sustainable design and construction SPG (public consultation draft).

Mayoral Community Infrastructure Levy

50 The Mayor has introduced a London-wide community infrastructure levy (CIL) to help implement the London Plan, particularly policies 6.5 and 8.3. The Mayoral CIL formally came into effect on 1 April 2012, and it will be paid on commencement of most new development in Greater London granted planning permission on or after that date. The Mayor's CIL will contribute towards the funding of Crossrail.

Local planning policy

51 The adopted Southwark Core Strategy (2011) provides the overarching local policy approach for the Borough. The relevant policies within the Southwark Core Strategy are:

- Strategic Targets Policy 1 - Achieving growth
- Strategic Targets Policy 2 - Improving places
- Strategic Policy 1 - Sustainable development

- Strategic Policy 2 - Sustainable transport
- Strategic Policy 5 - Providing new homes
- Strategic Policy 6 - Homes for people on different incomes
- Strategic Policy 7 - Family homes
- Strategic Policy 10 - Jobs and businesses
- Strategic Policy 11 - Open spaces and wildlife
- Strategic Policy 12 - Design and conservation
- Strategic Policy 13 - High environmental standards
- Strategic Policy 14 - Implementation and Delivery

52 Also relevant is the 2007 (July) Southwark Plan 'Saved Policies'¹

- Policy 1.2 - Strategic and local preferred industrial locations
- Policy 2.2 Provision of new Community Facilities
- Policy 2.4 – Educational deficiency – provision of new educational establishments
- Policy 2.5 Planning Obligations
- Policy 3.1 Environmental Effects
- Policy 3.2 Protection of Amenity
- Policy 3.3 Sustainability Assessment
- Policy 3.4 Energy Efficiency
- Policy 3.6 Air Quality
- Policy 3.7 Waste Reduction
- Policy 3.9 Water
- Policy 3.11 Efficient Use of Land
- Policy 3.12 Quality in Design
- Policy 3.13 Urban Design
- Policy 3.14 Designing Out Crime
- Policy 3.18 Setting of listed buildings, conservation areas and world heritage sites
- Policy 3.19 Archaeology
- Policy 3.20 Tall buildings
- Policy 3.22 Important local views
- Policy 3.28 Biodiversity
- Policy 3.31 Flood Defences
- Policy 4.1 Density of Residential Development
- Policy 4.2 Quality of Residential Development
- Policy 4.3 Mix of Dwellings
- Policy 4.4 Affordable Housing
- Policy 4.5 Wheelchair Affordable Housing
- Policy 5.1 Locating Developments
- Policy 5.2 Transport Impacts
- Policy 5.3 Walking and Cycling
- Policy 5.6 Car Parking
- Policy 5.7 Parking Standards for Disabled People and the Mobility Impaired

¹ The council's cabinet on 19 March 2013, as required by paragraph 215 of the NPPF, considered the issue of compliance of Southwark Planning Policy with the National Planning Policy Framework. All policies and proposals were reviewed and the council satisfied itself that the policies and proposals in use were in conformity with the NPPF. The resolution was that with the exception of Policy 1.8 (location of retail outside town centres) in the Southwark Plan all Southwark Plan policies are saved. Therefore due weight should be given to relevant policies in existing plans in accordance to their degree of consistency with the NPPF.

53 Also relevant are the following Southwark SPDs/SPGs

- Design and Access Statements SPD 2007
- Planning Obligations SPD 2007
- Affordable housing SPD 2008
- Sustainability assessment SPD 2009
- Sustainable Design and Construction SPD 2009
- Sustainable Transport SPD 2010
- Residential Design Standards SPD 2011
- Draft Affordable Housing SPD 2011

Southwark Community Infrastructure Levy

54 London borough councils are able to introduce Community Infrastructure Levy (CIL) charges which are payable in addition to the Mayor's CIL. Southwark Council has yet to adopt a scheme, but consulted on a preliminary draft charging schedule in October 2012. The Council took a Revised Draft CIL Charging Schedule (2013) to Cabinet (10 December 2013) to seek approval for public consultation during December 2013 and January 2014 for a period of 6 weeks.

Response to consultation

55 A Statement of Community Involvement was submitted in support of the application on 10 January 2013, which set out the pre-application consultations that were carried out in relation to the application. A programme of engagement with various key stakeholders, including local councillors and community organisations, formed the initial stage of the public consultation process was undertaken and was carried out in compliance with the requirements of both section 166 of the Localism Act and paragraph 66 of the NPPF.

56 As part of the planning process, the planning application was subject to statutory consultation undertaken by Southwark Council in March/April 2013.

57 In addition the GLA conducted a further round of re-consultation since the Mayor resolved to take over the application for his own consideration. The reasons for re-consultation were as follows:

- Update and re-assessment of the noise impact of road traffic and commercial noise.
- Minor design alterations - revisions to internal layout of the residential component, facade design to incorporate openable winter gardens, revision to boundary treatment.
- Addendum to Design and Access statement (October 2013), Planning Statement Addendum (October 2013); and Transport Assessment Addendum (October 2013) as a result of minor design changes made.
- In relation to the above re-consultation five notices were erected on 6 November 2013, a press notice was published in the Southwark News on the 14 November 2013 and 296 neighbour consultation letters were letters sent on 06 November 2013. Letters were also sent to statutory and non-statutory Consultees.
- All consultations responses, and other representations, are summarised below. All responses and representations received to date, both by Southwark Council, and the Mayor of London, have been made available to the Mayor.

Statutory consultees and local organisations

Statutory consultees

Greater London Authority (including Transport for London)

The Mayor's consultation stage one comments (GLA report ref: PDU/3060/01) and the Mayor's stage II decision (GLA report ref: PDU/3060/02) are set out in those reports and summarised in the case history section of this report.

Natural England

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

Environment Agency

59 The Environment Agency has no objections subject to suitable conditions being included on the decision notice.

English Heritage

60 English Heritage set out that the application should be determined in accordance with national and local policy guidance, and on the basis of the Council's specialist conservation advice.

Thames Water

61 Thames Water raised no objection to the application and recommended the inclusion of conditions and informatives.

London Fire and Emergency Planning Authority

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

Other organisations that did not respond to the consultation

63 Southwark Council also formally consulted the Metropolitan Police, EDF Energy, London Borough of Lewisham (adjoining authority) and Department of Communities and Local Government (all statutory consultees) and Southwark Cyclists (local group); however, to date, no comments on the application have been received from these parties.

Neighbourhood representations made to Southwark Council

64 In response to the Council's consultation process (in March /April 2013), the Council received 7 objection letters from local residents, together with one from Cllr Livingstone (ward councillor).

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

regarding construction impact and impact on ground water levels, surface water drainage and impact on existing parking conditions.

66 The Council received 11 letters of support for the application.

Southwark Design Review Panel

67 The scheme was presented to the Southwark Design Review Panel on 12 March 2013. A summary of their comments is provided below. The Panel raised substantial concerns over the proposal and its deliverability, the quality of design and its appropriateness in this industrial context. The Panel were concerned about the direction taken with this scheme. They found the scheme was confused in its attempting to site a significant scheme at a spur road in an industrial quarter and not a residential setting. This raised further substantial issues over the quality and arrangement of uses on this intensely developed proposal where, as a consequence, the main residential amenity and school playground were located to the rear of the site in the heart of the industrial estate.

68 They felt the presentation gave them no confidence that these functions could be comfortably accommodated on this site and would result in a compromised educational and residential development.

69 In relation to the tower, the Panel raised significant concerns over the justification for such a substantial intervention in this location. They felt there was insufficient evidence presented to them in urban design terms to justify the tower in this location. Further, they noted the Council expects towers to demonstrate and exemplary standard and quality of design and a meaningful contribution to the public realm. They raised significant questions over the architectural articulation of the simple extruded form and the limited architectural expression of the tower overall.

70 The Panel welcomed the ambition to introduce a mix of tenures and uses on the site but raised fundamental concerns over its articulation in built form, its deliverability and its presence on the street scene. They felt the arrangement and separation of the main functions – the educational and residential uses – was poorly articulated, failed to give these separate functions a clear distinction and raised detailed concerns over its deliverability. For example, the proposal to site interlocking residential units over column-free school spaces would require the complex overlapping of services and structure and requires a technical separation of functions that were not described in the presentation and gave them no confidence that it could be achieved in the limited space available.

71 The Panel questioned the active frontages that would be achieved on Rotherhithe New Road given that the lower floors predominantly providing educational uses and are less likely to engage with the street scene. Added to this the Panel looked at the other uses across the site including the level of affordable housing and felt the strategy for the creation of a mixed community on this site was confused. They felt the scheme had not struck the right balance between the proposed uses and benefits and had failed to resolve the implications of these complex overlapping uses. As a consequence, the strategy for car parking and servicing of the site was poorly conceived and relied on the access roads to the industrial estate which may have further implications for the site and the area.

72 In conclusion, the Panel were unable to endorse this design. Whilst they welcomed the development of this site they felt the current proposal raises significant concerns over its deliverability, the poor quality of the design especially the tower, and its poor relationship with its context.

Representations made to GLA

73 In response to the 21 day re-consultation carried out by the GLA in November 2013, the GLA received 14 objection letters from local residents.

74 A letter of comment was received which agreed that the site and South Bermondsey needed regeneration but concerns were raised regarding the scale/height of the development and loss of local jobs. Clarification on the loss of daylight, noise levels, parking and impact on local traffic and services was sought.

75 In total 54 letters of support were received for the application; 22 of these were received as a standard letter sent from parents of pupils of London City Academy.

Summary of all representations

76 The issues raised by the consultation responses, and the various other representations received, are appropriately addressed within the material planning considerations section of this report, and, where appropriate, through the proposed planning conditions, planning obligations and informatives outlined in the recommendation section of this report.

77 Whilst all the representations received in respect of this application have been made available to the Mayor in their original form, in the interests of conciseness, and for ease of reference within this report, the issues raised have been grouped by theme and summarised below.

78 *Representations of objection*

Land use principle (proposed development for educational facilities and residential use on PIL)

- loss of industrial land.
- possible complaints from future occupiers and impact on business in the area.
- loss of jobs and potential for job growth.
- does not reflect the vision for the Old Kent Road Action Area Plan.
- flawed site selection for free school.
- the approach to funding the school expansion (cross-subsidised by private market housing) is inappropriate.

Educational facilities

- nature of proposed educational provision (free school).
- there is sufficient school places in this location.
- not enough social space for the sixth form and this will lead to loitering on the street.
- Noise impact of educational uses on nearby properties.

Housing (including affordable housing, residential standards and density)

- lack of affordable housing.
- lack of public infrastructure to support the residential development (health).
- housing not suitable for families as there is no outside space .

Design (including urban design and heritage)

- the height, scale and massing of the proposed building is inappropriate.
- the proposal is too close to neighbouring properties.
- the proposal does not respond appropriately to the surrounding context.
- the internal playground would provide an unhealthy environment for pupils.
- risks of antisocial behaviour due to the provision of a tower block.

Sustainability

- does not meet Southwark's policies on environmental standards.
- there is no clear plan for construction waste.

Neighbourhood amenity

- loss of daylight and sunlight (and associated impacts on health and quality of life).
- loss of privacy.
- impacts of noise and disturbance (associated with demolition/construction).
- impacts of noise and disturbance (associated with use, including community use).
- increased wind due to the impact of the building on the local microclimate.

Air quality

- causes pollution and air quality.

Transport

- will cause increased parking issues.
- increased traffic and congestion will adversely impact on road safety.
- impact on local bus services/infrastructure.
- increased footfall from development in a very small space will be detrimental.

Other issues

- impact on crime.
- impact on satellite television reception.
- impact on local infrastructure; it will destroy an area of archaeological significance.
- the reference to Southwark Free School in the title of the development (as used on the consultation letter) is misleading.
- possible structural damage to local properties during construction.
- high rise development are at more risk to fire.
- impact on health and safety of coal people during construction.

Representations of support

Land use principle (proposed development for educational facilities and residential use)

- there is a needed provision of primary school places in the local area.
- proposal will enable it to develop specialist sixth form provision .
- current location of Southwark Free School has inability to expand.

- scheme will provide for purpose built, enhanced educational uses.
- development will create jobs for local people.

Housing (including affordable housing, residential standards and density)

- the proposed units would deliver needed homes.

Design (including urban design, and the historic environment)

- the proposed development of the site will improve the visual amenity of the area.

other considerations

- redevelopment would significantly improve the quality of life of local people.
- great asset to the community and would regenerate the area.

Representations summary

79 The issues raised by the consultation responses, and the various other representations received, are appropriately addressed within the material planning considerations section of this report, and, where appropriate, through the proposed planning conditions, planning obligations and/or informatives outlined in the recommendation section of this report.

Material planning considerations

80 Having regard to the facts of the case; relevant planning policy at the local, regional and national levels; and, the consultation responses and representations received, the principal planning issues raised by the application that the Mayor must consider are:

- Land use principle (Loss of designated Preferred Industrial Location (PIL), development of the site for educational and residential uses).
- Educational facilities.
- Housing (including affordable housing, residential standards and density).
- Design.
- Inclusive design.
- Sustainability (including climate change mitigation and adaptation).
- Neighbourhood amenity (including daylight and sunlight, overshadowing, visual amenity, privacy/overlooking; noise; and wind).
- Environmental issues (including overshadowing and microclimate).
- Transport.
- Other issues arising from neighbourhood consultation and,

- Mitigating the impact of development through planning obligations.

81 These issues are considered within the sections which follow.

Land use principle

General policy

82 The NPPF identifies a set of core land-use planning principles which should underpin both plan-making and decision-taking. Those of particular relevance to the site are that planning should:

- not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives;
- proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs;
- encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;
- promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas;
- take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

83 In addition to the above, the NPPF sets out that, local planning authorities should plan proactively to meet the development needs of business; however paragraph 22 advises that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed and where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

84 The NPPF attaches great importance to the need to create, expand or alter schools in order to ensure that a sufficient choice of school places is available to meet the needs of existing and new communities. The policy document states that local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and give great weight to the need to create, expand or alter schools.

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

Industrial designation and loss of industrial use

86 The site is identified as Strategic Industrial Land (SIL), specifically falls with a Preferred Industrial Location (PIL) (Old Kent Road PIL) within London Plan policy 2.17, Map 2.7 and Annex three and as such is protected for continued industrial use. The Core Strategy also protects the Old Kent Road Area/south Bermondsey as a PIL location. The proposals to deliver an educational mixed use development in this location would therefore be contrary to London Plan policy 2.17, Southwark Core Strategy policy 10 and saved policy 1.2 of the Southwark Plan.

87 In line with the above, the Mayor should note that Southwark Council stated that the loss of the PIL industrial site for education and residential uses would erode the reservoir of industrial and warehousing land, seriously harming the functioning of the PIL by the introduction of sensitive and incompatible uses within its reasons for refusal of the application.

88 The boundary of the site within the context of the PIL designation can be seen below in figure two and demonstrates that the site is located on the periphery of the industrial land designation, separated from the core area of industrial land by Verney road and is in a transitional location between the residential area to the north and east and the industrial area to the south. Geographically it can be seen that the site's release from industrial to educational/residential uses could be readily absorbed into the adjacent existing residential and community uses to the north and east of the site. In terms of size the site is approximately 0.5 hectares which equates to 0.7% of the total land contained within the Old Kent Road PIL.



Figure two: Map showing red line boundary and extent of PIL area shown in blue.

89 In line with policy objectives set out in London Plan policy 4.4, Southwark is designated as a 'limited transfer borough' for the loss of industrial land and the Mayor's Land and Industry SPG (2012) sets out a 25 hectare benchmark of industrial land which the borough should release between 2011-2031. The SPG makes it clear that the borough level benchmarks are subject to ongoing review in local Employment Land Reviews as required by NPPF paragraph 22.

90 The Mayor's Land and Industry SPG also highlights that where boroughs fall into the 'limited transfer' category, they should take into account local variations of demand to manage and reconfigure their portfolios of industrial land, safeguarding the best quality sites and phasing release to reduce vacancy rates for land and premises. In taking a plan, monitor, manage approach the SPG makes it clear that adequate provision of designated industrial land in inner London (such as Southwark) needs to be sustained to meet the distance demand of the Central Activities Zone.

91 The SPG also makes it very clear that boroughs should ensure that sites released from industrial use are used to meet strategic need with priority given to meeting the need for housing, (including affordable housing) and appropriate mixed use development whilst understanding the

importance of increasing capacity for social infrastructure in appropriate locations. Given this and given the site's periphery location within the PIL combined with Southwark being a limited release borough, the loss of this site for needed social infrastructure and housing delivery could be supported in this instance subject to a number of considerations which are set out below.

92 As part of the evidence base to support Southwark's adopted Core Strategy an Employment Land Review undertaken on behalf of the Council (published January 2010), which utilised 2009 figures and recommended that the boundary of the Old Kent Road PIL was retained. The application site falls within 'Cluster 6' identified in the ELR report and notes that the cluster had relatively low vacancy rates and has easy access to the A2.

93 The Council's ELR report also demonstrates that net additional demand for employment land in the Borough would be between minus 23.7 hectares (low growth scenario) and minus 16.7 (high growth scenario) hectares of land between 2009 and 2026. In line with this evidence base, the Core Strategy plans to release 20 hectares of industrial land over the plan period (2011 – 2026); however, the Mayor's Land and Industry SPG (2012) benchmark is for the Borough to release 25 hectares up to 2031.

94 The Council's latest Annual Monitoring Report (AMR) (2011), highlights that there is a general trend of industrial type uses moving out of central London into outer London boroughs where there is better access to the strategic road network. In particular indicator 14(A) indicates that demand for Industrial premises is low which reflects the trend elsewhere in London boroughs and is forecast to continue to remain low, with an overall reduction forecast over the next 15 years.

95 Despite the Council's 2010 employment land review indicating a strong regional demand for storage and warehousing industrial space, the Industrial and Employment Land Assessment as prepared by the applicant, demonstrates there is a significant lack of demand for industrial land in the area, as well as an abundance of vacant industrial land that despite realistic marketing still remains available. More specifically, a review of existing B1 (a), B1 (b), B1 (c) and B2 units (including those with the potential to be changed into one of these use classes), highlighted that there is currently 4,642,651 sq. ft of floor space available. A significant number of the properties identified as comprising of surplus commercial floor space have been vacant for between 6 to 12 years.

96 In addition to the existing vacant floor space, there is additionally a further 47 hectares of available sites for commercial and employment development within the relevant areas defined within the applicant's report. The take-up rate of commercial and employment floor space during 2011 was approximately 36,600 sq. m. disregarding areas within the Central Activities Zone (London Bridge, Blackfriars and Waterloo). It is therefore evident that there is an abundance of surplus commercial floor space in the Borough at present and well into the future.

97 The application site is currently largely vacant (will be fully vacant by January 2014) and supports 3 full time equivalent (FTE) jobs. The delivery of educational uses as proposed on this site will generated 74 jobs (not including construction jobs), increase of 71 jobs compared to existing uses. On site there is a clear low intensity of the designated industrial use.

98 Based on information submitted the site would need substantial investment to accommodate office and commercial uses and deliver a higher quantum of jobs. Given the low demand and the number of vacant industrial units in the area, which are of a better quality, the site is unlikely to attract occupiers, thus it is unlikely that any investment for PIL uses on the would come forward and the likelihood of the site generating a higher number of jobs relate to industrial use is limited.

99 The Council's committee report states that "there is a demonstrable need for industrial land and premises in Southwark which have good access to strategic transport networks, adequate

servicing capacity, lack of disturbance from residential uses and 24 hour access” however, industrial uses at the site could conflict with the immediate health use currently sharing the site boundary.

100 Although the Southwark Core Strategy seeks to protect the Old Kent Road PIL area, the strategy also sets out a vision for the Old Kent Road Action Area which the development site will be included in. The Council intend to prepare an area action plan which will exploit the expected increased growth in innovative industries in this area, particularly new sectors in green manufacturing, bio-sciences and the knowledge economy. Given that there was a high level of community objection and subsequent Council refusal of an application for a sui generis industrial use (waste transfer station) which is appropriate for the PIL designation, in 2011 (which was allowed on appeal), it appears that the Council and the local community would not necessarily support development at the site that would deliver green manufacturing.

101 In addition to this, the core strategy also states that the Council, for this area *‘will set out guidance in an area action plan for the provision of housing, employment’* and that the action plan *‘will include a review of the proposals map designations’*. The strategy also indicates an objective to create a more distinctive environment on Old Kent Road at a scale that is comfortable to walk around with new homes to overlook streets and spaces for increased natural security. The use of this industrial site for educational and residential uses would help achieve the Core Strategy’s vision of the Area Action Plan.

Summary

102 Given the points set out above in paragraphs 82 to 101 above and in particular, the up to date industrial demand information given in the Mayor’s Land for Industry SPG, the Council’s AMR and the applicant’s Industrial and Employment Land Assessment, the loss of 0.5 hectares on the periphery of the PIL, adjacent to residential uses for development involving non-industrial uses, can on balance, be accepted. Notwithstanding this, before any loss of industrial use can be fully supported the overriding need for the proposed (educational) uses needs to be established.

Educational Use

103 As set out in paragraph 84 of this report, the NPPF attaches great importance to the need to create, expand or alter schools in order to ensure that a sufficient choice of school places is available to meet the needs of existing and new communities.

104 This approach is reinforced at the regional level through London Plan Policy 3.18, which confirms that the Mayor will strongly support the provision of new schools. The policy states that proposals for new schools should be given positive consideration, and should only be refused where there are demonstrable negative local impacts which could not be suitably mitigated or outweighed. The London Plan policy 3.18 C sets out that development proposals which enhance education and skills provision will be supported, including new build, expansion, of existing facilities or change of use to educational purposes. Those which address the current projected shortage of primary school places will be particularly encouraged.

105 The London Plan (with alterations, 2013) sets out in supporting text 3.102 that local authorities’ strategic role in the new system will be to take a proactive, positive and collaborative approach to development that will widen choice in education, promoting a good supply of strong schools and to encourage the development of Academies and Free Schools.

106 The provision of new and enhanced educational facilities is supported within Southwark’s Core Strategy policy 4 and the Southwark Plan ‘saved polices’ 2.2 and 2.4.

107 It should also be noted that between (circa) 2006 and 2010, the site was (unlawfully) used for a community D1 use (place of worship) and related applications to retain this use were refused by Southwark Council.

Educational demand

108 The London Plan (with alterations, 2013) sets out that London's population will continue to be younger than elsewhere in England and Wales and that by 2031 its school age population is projected to increase by almost 17%. The Mayor's 2020 Vision further notes that 4,000 new classes are needed in London by 2020 (this figure derives from the GLA Population Projections 2011 Round SHLAA based. GLA calculation based on growth in number of population aged 4 to 10 and an assumption of 30 pupils per class).

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

110 An updated report presented to Southwark's Cabinet on 16 July 2013 (the Cabinet Report) anticipated a shortage of between 17.5 to 23 forms of entry for primary school places in September 2016 higher than figures reported in November 2012, as such the total required investment in the primary estate up to September 2015 is estimated to be £50 million. The geographical area of Bermondsey and Rotherhithe are projected to be affected by the worst shortfall of 7.5 – 9 forms of entry by September 2015, which again is higher than figures anticipated in November 2012 and the need for provision remains significant.

111 The Cabinet report states that the Council will need to source additional grant from the DfE should grant not be available, or be insufficient any shortfall would need to be met from relevant s106 or CIL payments. This is an assumption and there are uncertainties with these funding sources; DfE grant is unannounced until 2014 and the S106/CIL payments are reliant on a quantum of development and payments coming forward. With the Cabinet report's recommendation, it states that 'Cabinet notes the potential capital liabilities in future years and that ongoing engagement with the DfE will be required to ensure funding is sufficient to meet the requirements for new places'. The new Free School and Sixth form facility will be self-funding and will deliver needed school places without placing a financial burden on the Council.

112 The Education Funding Agency has carried out a site search of the area in order to establish the most suitable location for the Southwark Free School. This document demonstrated the general lack of available sites that would be suitable for the new Free School. The site search document also sets out how the site at 399 Rotherhithe New Road meets the selection criteria and identified it as the only suitable site which is immediately available.

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

114 The proposed expansion of this educational facility would promote educational choice, and increase the availability of primary school places in response to established need in the south Bermondsey and wider area; accordingly the proposal is supported in accordance with the NPPF; London Plan policies 3.18, Southwark Core Strategy strategic targets policy 1, strategic policies 1 and 4 and Southwark saved policies 2.2 and 2.4.

Co-location and use of educational sites

115 London Plan Policy 3.18E encourages developments that would maximise the extended or multiple use of educational facilities for community or recreational use and part F of the policy sets out that development proposals that encourage co-location of services between schools and colleges and other provision should be encouraged in order to maximise land use, reduce costs and develop the extended school or college's offer. On-site or off-site sharing of services between schools and colleges should be supported. This proposal locates the Southwark Free School and an extension of the City of London Academy Sixth Form on the site thus maximising land-use and reducing costs.

116 There is some sharing of facilities on-site, notably the MUGA and the sixth form will also share facilities with the City of London Academy's main site. In addition, a partnership with the local voluntary organisation Bede House will enable community use out of school hours. This community use is secured in the section 106 agreement.

117 The London Plan with alterations (2013) sets out the Mayor's particular support for free schools and development proposals that co-locate schools with housing should be encouraged in order to maximise land use and reduce costs.

118 The applicant's commitment to facilitate reasonable community use of the school building (including the multi-use games area) will ensure that the scheme would positively contribute towards the existing offer of social and community facilities in the South Bermondsey area and contribute to key elements of the vision of the Old Kent Road Area as set out in the Council's Core Strategy, in particular, environmental improvements, security, housing and urban design.

Housing use

119 The proposal seeks to introduce housing to this existing school site as an *enabling use*. The NPPF seeks to boost significantly the supply of housing, and this principle is reflected by London Plan Policy 3.3 - which recognises the pressing need for more homes in London. London Plan Table 3.1 sets Southwark an annual monitoring target of 2,005 new homes per year up to 2021, and part D of London Plan Policy 3.3 states that the Council should seek to achieve and exceed this target. Southwark's Core Strategy Strategic Policy 5 acknowledges this requirement and sets a policy target of 24, 450 net additional homes between 2001 and 2026, whilst seeking high quality new homes in attractive environments. The proposed provision of 158 new homes represents 7.8% of Southwark's annual monitoring housing target as set out by the London Plan, and makes a significant contribution to the strategic housing target identified by London Plan Policy 3.3.

120 It is understood that the residential development is necessary to fund the school redevelopment and the applicant has submitted viability work as part of the planning submission, which has been verified (refer to the housing section of this report), and the proposed inclusion of housing as an enabling use at this site is strongly supported.

Land use conclusion

121 The application site is located within a designated PIL area and the delivery of educational facilities and residential uses on this site would be a policy departure; however, in this instance

there is a need to balance the small loss of PIL against the clear demand and need for educational facilities, particularly primary school places which will be delivered by the enabling residential development.

122 Given the site’s peripheral PIL location and its transitional status between the industrial and residential/non industrial uses, the potential need for Southwark to release further designated industrial land, lack of demand for industrial sites in the area, the site’s low efficiency of industrial use, the net jobs increase and regeneration benefits that the proposals will deliver and the priority for education set out by the NPPF and the London Plan the use of this site for educational and residential uses is, on balance, acceptable.

123 Having also had regard to the considerations set out in further sections of this report, GLA officers are of the view that the proposal would deliver these uses in a way which would be efficient in terms of land use, self-financing, and would suitably avoid potential use conflicts. The proposed land uses at this site are, therefore, strongly supported in accordance with the NPPF; London Plan policies 3.3 and 3.18; Core Strategy policies STP 1, SP 4 and 5 and saved policies 2.4, 4.4, 3.11.

Housing

124 The proposal includes 158 residential flats - which are proposed as enabling development to provide for the delivery of the Free School. Table one below sets out the proposed residential components of the scheme.

Unit size	Private units (%)	Affordable units (%)	Overall Total (%)
One bedroom	13 (9)	2 (20)	15 (9)
Two bedroom	91 (61)	2 (20)	93 (59)
Three bedroom	44 (30)	6 (60)	50 (32)
Total	148	10	158

Table one: Proposed residential provision by dwelling type.

Affordable housing

125 The NPPF seeks to significantly boost the supply of housing in a way which would meet objectively assessed needs for market and affordable housing. London Plan Policy 3.12 seeks to secure the maximum reasonable amount of affordable housing on schemes which include private market residential development. In doing so each council should have regard to its own overall target for the amount of affordable housing provision. This target should take account of the requirements of London Plan Policy 3.11, which include the strategic target that 60% of new affordable housing should be for social rent or affordable rent and 40% for intermediate rent or sale. While the Mayor has set a strategic investment benchmark that across the affordable rent programme as a whole rents should average 65% of market rents, this is an average investment output benchmark across this spending round and not a planning policy target to be applied to negotiations on individual schemes.

126 The Southwark Core Strategy, Strategic Policy 6 identifies a minimum level of 35% affordable housing provision on sites exceeding ten units on development in this location; it also requires as much affordable housing units as is financially viable.

127 The Mayor is advised that the proposed level of affordable housing was a reason for refusal by Southwark Council; based on the Council's internal review of the scheme's viability the proportion of affordable housing was deemed as unacceptable.

128 As set out in table one above, the proposed residential mix includes a provision of 10 affordable housing units, equating to 6% of the overall housing quantum which will be secured in the section 106 agreement.

129 The London Plan sets out that the priorities for section 106 contributions are affordable housing and transport, although it is accepted that in certain circumstances other priorities are acceptable. Policy 3.12 also allows reasonable account to be taken of scheme viability considerations when determining the quantum of affordable housing. In this case a substantial part of the funding of the education facilities will be generated from the capital receipt of the private residential element of the scheme and represents a burden on the scheme's viability. Consequently, under the scenario proposed, the cross-subsidy arrangement effectively amounts to the delivery of social infrastructure in lieu of a higher quantum of affordable housing. In this instance the provision of demonstrably needed educational facilities as a priority and the consequent impact on the level of provision of affordable housing in terms of the viability and strategic planning benefit is accepted.

130 The income generated from the residential component of the development is required to help cross-subsidise the delivery of the Free School and Sixth Form, and, therefore, it would not be viable to provide a higher provision of affordable housing.

131 To support the level of affordable housing proposed the applicant has submitted a financial viability report. The viability report, and the financial modelling which underpins it, has been independently assessed on behalf of GLA officers. The conclusions of the independent assessment are summarised below:

- the applicant's financial assumptions appear reasonable and appropriate;
- in its current form and on the basis of the appraisals undertaken thus far, the development cannot support any additional affordable housing.
- that the cost of the educational uses result in a net loss and therefore have a negative impact upon the viability of the development

Tenure split

132 In terms of tenure, all 10 affordable homes are proposed to be intermediate units and will comply with the Mayor's affordability requirements in line with London Plan Policy 3.10. No affordable rent tenure housing is proposed.

133 It should be noted that Southwark's Committee report and the Council's internal review of the applicants viability stated that that the proposal seeks to provide 6 shared ownership and 4 social rent units within the scheme. The applicant responded back to the Council (on 23 May 2013) in relation to this point of error. At the time of planning submission (January 2013), a tenure split compliant to London Plan policy was proposed; however, since submission the scheme was appraised and the 60:40 split was found to be unviable.

134 As set out in paragraph 131 of this report, the applicant has submitted a financial viability report dated March 2013 that assumed the 10 affordable units will all be for shared ownership. The open market values are relatively low and so this scheme would offer an opportunity for a number of 3 bed shared ownership units which could be affordable and meet Southwark's income criteria. The viability report, and the financial modelling which underpins it, has been independently assessed on behalf of GLA officers who are satisfied with conclusions that the viability work is robust and that 10 intermediate units are considered to be the maximum reasonable amount the scheme could deliver.

135 In addition to the above, Residential Providers typically require a separate lift core for social/affordable rented accommodation to maintain separate control and managed service charges and therefore no affordable rented accommodation can be delivered. As well as this physical constraint, the proposal to deliver mainly family sized affordable units would help to address the current local affordable housing need for affordable family homes. Given this the above the tenure mix is acceptable and in line with London Plan policies 3.8, 3.9, 3.10, 3.11 and 3.12, Southwark Core Strategy Strategic Policy 6 and Southwark Plan (UDP) saved policy 4.4.

Mix of units

136 London Plan Policy 3.8 and the Mayor's Housing SPG promotes delivery of a genuine choice of new homes of different sizes and types and seeks a balanced mix of unit sizes in new developments. London Plan policy 3.11 accords priority to family housing within affordable provision and the Mayor's Housing SPG also seeks to secure family accommodation within residential schemes. With regards to dwelling mix the Southwark Core Strategy, Strategic Policy 7 expects 60% of developments to have more than two bedrooms, and at least 20% 3, 4, or 5 bedrooms.

137 Having regard to the policy context above and figures set out in table one of this report, the proposed housing mix (9% one-bedroom, 59% two-bedroom and 32% three-bedroom units) would provide a good range and balance of unit sizes and, in particular, 60% of the affordable homes will be family units. The proposed mix of units therefore accords with the principles of London Plan Policy 3.8 and, broadly with Southwark Core Strategy Strategic Policy 7 and Southwark Plan (UDP) saved Policy 4.3.

Residential quality

138 Policy 3.5 within the London Plan seeks to ensure that housing developments are of the highest quality internally, externally, and in relation to their context and to the wider environment. Table 3.3, which supports this policy, sets out minimum space standards for dwellings. Paragraph 3.32 makes it clear that "Securing new housing of the highest quality and protecting and enhancing residential neighbourhoods are key Mayoral priorities". The Council's Residential Design Standards SPD (2008) and update (2011) also supports the minimum space figures set out in Table 3.3.

139 The submitted plans and documents confirm that all dwellings will meet or exceed the minimum space standards within London Plan Table 3.3 which is supported.

140 The Council in its refusal also noted that the development failed to provide a sufficiently high standard of living accommodation in several aspects including layout and noise, to justify the very high density and the height of the building.

141 The Mayor's Housing SPG provides further detailed guidance on key residential design standards including unit to core ratios, and sets out that no more than eight units should be served by any single core on each floor; this is to ensure that residents feel a strong sense of ownership over communal spaces, minimising the amount of maintenance required and improving overall security. The SPG also highlights the need for developments to minimise single aspect dwellings

and to omit single aspect units that are north facing, have 3 or more bedrooms or are exposed to areas where noise levels fall into categories NEC C or D locations.

142 The development proposed will deliver a high number of duplex apartments which will offer a residential unit layout over two floors, improving daylight, outlook and ventilation and will provide for a greater level of noise separation and amenity for each home. As a result of the residential layout, the scheme will deliver a high number of dual aspect units (87%), none of which are north facing, family or subject to adverse noise levels (refer to sections 145 to 158 of this report for further assessment of noise impacts). In addition to this, cores are all individually accessed from the public realm and each home will have its own balcony and/or winter gardens (some of which have both a winter garden and an additional balcony) that broadly comply with the Mayor's and Southwark's guidance on amenity space standards.

143 The flat units in the tall building have been designed so as no more than six units are accessed off the same circulation space and, in the case of the small number of flats to the north of the site, no more than three. This maximises the sense of privacy, security and ownership in line with design guidance contained in the Mayor's Housing SPG.

144 Furthermore, following the submission of minor revisions (refer to paragraph 43); amendments have been made to the internal layout of some residential units which, as a result has omitted the long internal access corridor which previously ran the length of the development. This revised internal arrangement has minimised the number of units per core to ten, ten and twelve. Whilst these numbers are slightly higher than eight units (in line with the best practice standards within the Mayor's Housing SPG), the number of units has been minimised which together with other indicators of residential quality will ensure the development will deliver a high residential quality and is acceptable.

Residential quality and noise

145 A high level of noise from environmental sources, especially transport, is not unusual in an inner London context such as this and it is common practice to require specialist acoustic designs to overcome this so that satisfactory acoustic conditions can be provided within buildings. In this case the greatest impact is from road noise from Rotherhithe New Road and from the nearby industrial and commercial land uses.

146 Given the sites location, to ensure that the development will deliver a high residential quality, the noise impacts from external sources on the development have been assessed to ensure the proposal incorporates sufficient protection for future residents against external noise, and to ensure the proposed internal level of transport noise will be able to achieve a rating of 'Good' according to the British Standard BS:8233 guidelines.

147 The NPPF states (paragraph 109 and 123) that "planning policies and decisions should aim to: (i) avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development; (ii) mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions." These aims also broadly align with the aims of the Government's policy on noise as set out in the Noise Policy Statement for England (NPSE, March 2010). The underpinning aims in paragraph 123 of the NPPF, published since the original consideration of the Proposal, have guided the assessment of noise issues.

148 London Plan policies 3.5, and 7.15, London Plan Housing SPG, Southwark Core Strategy Policy 13, Southwark Plan Saved Policies 3.1 and 3.2 are also pertinent to the consideration of matters relating to noise impact.

149 The Mayor is advised that the Council identified the failure to satisfactorily mitigate the adverse noise conditions of both the busy Rotherhithe New Road and the industrial Verney Road and protect the quality of life and amenity of future occupiers against significant harm as a reason for refusal.

150 It should also be noted that in Southwark's Committee report it was considered that *'there is insufficient data on the likely noise and vibration that may be generated within the scheme in order for the likely impact on occupiers to be assessed. There is not enough information on the existing noise climate, particularly from the nearby industrial and commercial land uses, and this makes it difficult to assess the impacts on future occupiers. In addition, there are concerns regarding quality of the internal environment by reason of the closed windows and sealed facade that would be required to mitigate against the noise from both Rotherhithe New Road and Verney Road.'* The report also stated that *'the introduction of the noise sensitive education and residential uses would compromise the future development of the industrial zone, since businesses would need to operate under more stringent conditions, impacting on the carrying out of key functions and activities.'*

151 The Southwark committee report also notes *'the scheme is likely to cause unacceptable noise and vibration impacts. Rotherhithe New Road has high noise levels, meaning that the scheme would have to rely on closed windows and high sound insulation performance on this side to achieve acceptable internal noise conditions. This would be undesirable, as most occupiers would prefer to have windows open without compromising acoustic conditions unacceptably. This impact can however be mitigated and made more tolerable in circumstances where the dwelling also has an alternative 'quieter' facade.'*

152 Given the concerns raised by Southwark Council regarding the noise impact the applicant has carried out further noise assessment work and surveys have been carried out, including overnight surveys. Additional data was gathered for industrial and commercial sources, for the transformer building and for the background noise levels. This included the measurement of noise levels at a height of 12-15m above ground level in response to the Council's comments contained in the Committee Report (4 June 2013).

153 The results and final Noise impact report have been independently assessed and verified on behalf of GLA officers. The assessment considered the proposed development recognising that it will be subject to noise generated by four components:

- Road Noise (Rotherhithe New Road (A2208), Verney Way, Verney Road)
- Industrial/Commercial Noise from existing commercial properties to the east
- Noise from fixed plant associated with the proposed development itself
- Noise generated within outdoor play spaces

154 The updated noise assessment included more detailed surveys, including overnight surveys, undertaken during August and September 2013. During these times additional data was gathered for industrial and commercial sources, for the transformer building and for the background noise levels.

155 The results of the noise assessment informed design led mitigation measures and the assessment concluded that:

- The internal environment of the dwellings is in accordance with the criteria of BS8233 which is deemed acceptable to Southwark.
- The internal environment of the schools is in accordance with Building Bulletin 93. The impact on the external play area of the Free School has been improved through the acoustic attenuation introduced by the boundary treatment.

- The external environment of the balconies and roof terraces suffered some impact from the Rotherhithe New Road and neighbouring industrial uses. It has been recommended that winter gardens be adopted on the Verney Road elevation and the balustrade heights of the Rotherhithe New Road elevation be raised to 1.4 metres and 2 metres on the roof gardens to increase the amenity of the external spaces.

156 The scheme now includes winter gardens (along Verney Road elevation) for each unit, giving occupiers an option of a an open balcony along the Rotherhithe New Road elevation or the choice of an enclosed or open winter garden on the Verney Road elevation. The introduction of winter gardens to the balconies facing Verney Road will mitigate future risk of noise in respect of industrial units opposite; all apartments now contain mechanical ventilation to ensure adequate ventilation and are suitably insulated in order to meet satisfactory internal levels if the windows are closed. The Housing SPG acknowledges in its discussion of the baseline standards for private open space that there are exceptional circumstances where dwellings are exposed to NEC noise category C or D² (as is the case for this scheme, and many other sites in Central London) and recommends in such cases that “enclosing balconies as glazed, ventilated winter gardens will be considered an acceptable alternative to open balconies for all flats.” In the case of this proposal, the winter gardens themselves will not be ventilated, although the interiors of the flats will be fully mechanically ventilated. In this regard the provision of openable winter gardens is accepted.

157 The building facade glazing system, which will ensure an acceptable internal acoustic environment, is achieved for the residential and educational internal spaces. The updated noise assessment and addendum to the Design and Access Statement includes details of the mitigation afforded by the proposed facades which demonstrates that the internal acoustic environment would readily achieve the Mayor’s SPG baseline standard for noise (5.3.1) and meet London Plan policy 7.15, which requires development proposals to reduce noise and manage the effect of noise, and for all dwellings to be built with acoustic insulation. The scheme would also be consistent with London Plan policy 3.5 relating to housing quality, and on balance provides a very good standard of accommodation in a challenging context.

158 The potential for noise disturbance to future residents associated with the use of the educational facilities (both the primary school, sixth form (including the MUGA, and for community activities) has been identified by Southwark Council. Accordingly, the noise assessment assessed the expected noise levels associated with the proposed use of the school (and in particular the second floor multi-use games area). Having considered the findings of the assessment, GLA officers are satisfied that it would be possible to acceptably mitigate the expected noise impacts through conventional design and construction sound insulation methods, and reasonable control of the hours of use of these facilities. Accordingly, various planning conditions are proposed to secure detailed approval of soundproofing within the scheme (refer to relevant conditions on the draft decision notice) and the approved hours of use of the school and the playground (refer to relevant conditions). On this basis GLA officers are satisfied that the noise environment for future residential occupiers of the development would be acceptable in accordance with London Plan policies 3.5 and 7.15; Southwark Core Strategy policy 13 and saved policies 3.1 and 3.2.

Density

159 London Plan Policy 3.4 seeks to optimise the potential of sites having regard to local context, design principles and public transport accessibility. The site has a public transport accessibility level

² NEC refers to Noise Exposure Categories, which were noise categories applied to new housing exposed to transport noise sources, which were included in the previous national planning policy guidance on Noise, Planning Policy Guidance Note 24 (PPG24). PPG24 was superseded by the NPPF, which does not include Noise Exposure Categories. However, reference is made to NEC categories in the Housing SPG which was published prior to the deletion of PPG24.

(PTAL) of three-four, and its immediate setting is urban in character. The London Plan density matrix therefore suggests a residential density of between 200 and 700 habitable rooms per hectare for sites with a PTAL of three-four.

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

Children's play space and amenity space

161 Based on the residential mix presented in table one of this report, and the methodology within the Mayor's Shaping Neighbourhoods: Play and Informal Recreation SPG (2012), the site generates a child yield of 28. As such 280 sq.m. of child playspace should be provided. 327 sq.m. of child playspace is provided on-site for 0-11's on the roof of the residential building. Over 12's play will be provided on-site in the MUGA and off-site where that there are three playspaces for older children within 800m of the application site which have sufficient capacity.

162 The Southwark Council Residential Design Standards SPD sets out amenity space standards and advises it is particularly important for family housing in order to provide a safe outdoor area for children to play in. It can take the form of private gardens, balconies, terraces and roof gardens. It seeks 50 sq.m. of communal amenity space per development, plus 10 sq.m. per unit, though for smaller flats a reduced amount (minimum 3 sq.m. balconies) is acceptable where the shortfall is added to the overall communal provision.

163 The Mayor should note that £29,182 for children's play equipment and a further £55,498 for public open space will be secured in the section 106 agreement for off-site provision and that also note that approval of the details of the play strategy are set out in the relevant drawing and design and access statement which have been secured accordingly. The use of the MUGA for residents will be secured in a community use agreement (refer to relevant conditions on the draft decision notice).

164 The scheme includes a generous roof garden which will deliver 420 sq.m. of private communal space for the future residents. The one and two bedroom units have balconies (private amenity space) of 4 sq.m. (minimum) and of the three bedroom units, 20 will have 9 sq.m. of private amenity space. Given the provision of play and amenity space (through a combination of private wintergardens, balconies, outdoor communal space and access to MUGA provision) together with some reliance on existing open spaces in the vicinity the overall play and amenity space provision, taking account of the contributions for public realm and contribution to open space improvements in the wider area, is acceptable for an inner London urban development such as this and the scheme is in accordance with London Plan policies 3.5, 3.6 and 7.5 and Southwark Plan (UDP) saved policies 3.2, 3.11, 3.12, 3.13 and 4.2.

Housing summary

165 The proposal would provide 158 new homes, of which 10 would be affordable, all of which would deliver a high residential quality and would make a contribution to housing delivery targets in this area. The proposal would be consistent with London Plan policies 3.4, 3.5, 3.6, 3.8, 3.9, 3.10, 3.11 and 3.12, Southwark Core Strategy Strategic policies 5, 6, and 7 and Southwark Plan (UDP) saved policies 3.2, 3.11, 3.12, 3.13, 4.2, 4.3 and 4.4.

Local infrastructure

166 London Plan Policy 3.16 sets out that London requires additional and enhanced social infrastructure provision to meet the needs of its growing and diverse population. Whilst this scheme will, in itself, make a significant contribution towards social infrastructure through provision of a new free school, sixth form facilities and proposed dual use of facilities for a community group the proposed 158 residential units will, nevertheless, contribute towards the need for other various infrastructure requirements.

167 Having regard to the above; Core Strategy Policy 8, GLA officers are recommending that a number of reasonable financial contributions are made by the development towards infrastructure delivery. These are based on the Southwark Planning Contributions SPD and relate to provisions set out in paragraph 2 in this report. The details of these contributions is set out in the mitigating the impact of development section of this report, and based on this GLA officers are satisfied that the proposed development would make an appropriate contribution towards local infrastructure in accordance with London Plan Policy 3.16 and Core Strategy Policy 8.

Urban design

168 Chapter 7 of the NPPF states that *“Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”*

169 Good design is central to all objectives of the London Plan, and is specifically promoted by the policies contained within chapter seven, which address both general design principles and specific design issues. London Plan Policy 7.1 sets out a series of overarching design principles for development in London. Other relevant design policies in this chapter include specific design requirements relating to: optimising the development potential of sites (Policy 7.6); tall and large scale buildings (Policy 7.7); local character (Policy 7.4); public realm (Policy 7.5); architecture (Policy 7.6) and designing out crime (Policy 7.3).

170 Southwark Core Strategy Strategic Policy 12 seeks the highest possible standards of design for buildings and public spaces. Southwark Plan (UDP) saved policy 3.11 seeks to maximise the efficient use of land where a positive impact on local character and good design are achieved and saved policy 3.12 seeks to ensure that a high standard of architecture and design are achieved in order to create high amenity environments. Saved policy 3.13 requires that the principles of good urban design are considered, in terms of context, height, scale, massing, layout, streetscape, landscaping and inclusive design and saved policy 4.2 requires that residential development achieve good quality living conditions within the development. Saved policy 3.20 sets out specific requirements for tall buildings.

171 Descriptions of the proposed built form are provided within the proposals section of this report.

172 The Mayor is advised that the Council identified design as a reason for refusal, stating that the proposal failed to make a positive contribution to the local townscape, is not at a point of landmark importance, is of a poor architectural quality and urban design in terms of building form layout, massing composition and materials. The Council also stated that the building did not respond appropriately to its local context or make a positive contribution to the public realm due to its over bearing and dominant form.

Layout and site strategy

173 The scheme’s layout successfully accommodates both educational and residential uses on a narrow and constrained site, making efficient use of an inner London site, providing a range of

good quality homes, educational space and playgrounds as well as improving the quality of the wider area by providing a good level of pedestrian activity throughout the day and night.

174 The architect, working closely with the applicant consortium, has carefully considered the implications of mixing these uses at the site in order to ensure that the privacy requirements of the school would be maintained, and that the amenity needs of future residents would be assured. The architect's proposals for combining these uses has been informed by an extensive precedent study, illustrated by various successful examples of residential accommodation above schools; playgrounds on school roofs; and, playgrounds under buildings. Having examined the proposed arrangement GLA officers are content that, subject to a number of reasonable planning conditions to secure appropriate hours of use for the school facility, and detailed approval of soundproofing (for interfaces between the school, second floor playground deck and residential development), the proposed arrangement would successfully avoid conflicts between uses at the site.

175 Locating the school on the ground floor and residential uses above allows one edge of the site to be lined by classrooms and entrances to the cores of the residential units above, and the other to be lined with the entrance to the school and the playground, providing good levels of activity and animation to surrounding the public realm whilst avoiding any potential conflict between the entrance to the residential cores and the school and keeping the playground away from the busy Rotherhithe New Road.

176 Significant consideration was given to the boundary treatment between the playground and Verney Road. The current proposal includes a series of coloured concrete panels, interspersed with glass panels that provide good visual permeability between the street and the playground whilst avoiding any security or noise issues.

177 The location of the MUGA allows it to be used by both educational institutions and provides the possibility for this to be accessed directly from the street. The visually permeable boundary ensures it minimises the amount of blank frontage onto Rotherhithe New Road and ensures the school has a prominent presence along this street.

Height and massing

178 The proposal comprises two elements; a 19 storey tower on the south-western part of the site and a six storey linear block running roughly parallel to Rotherhithe New Road. The Mayor should note that the dominance of the taller element of the scheme was a reason for refusal by Southwark Council and a number of neighbourhood representations have raised concern that the overall height of the building is inappropriate when considered within the local context.

179 Whilst officers understand that the tower element of the proposal is taller than the contextual height of the area, for the reasons set out below this is not considered to present any significant concern.

180 The existing character of the area is currently dominated by fast moving traffic, areas of parking and large footprint retail and industrial sheds. This harsh urban environment results in the public realm lacking definition or enclosure creating a poor quality and hostile pedestrian environment, something the Core Strategy seeks to address. This is considered to be an area whose character would not be adversely affected by the scale of the proposals. The proposed development will significantly improve this by providing a strong building line, better enclosure and definition to the surrounding streets as set out in Southwark's Core Strategy and it will make the area feel significantly more urban and pedestrian friendly.

181 The site is located at the convergence of Verney Road, Rotherhithe New Road and St. James's Road, which together create an important node and point of reference in the areas urban structure. Development on this site can play a major role in land marking this location and significantly improving the legibility of the wider area. Officers consider the proposed tower to be effective in doing this as it will not only be prominent in near views, such as from Old Kent Road, but will also terminate longer views along St James's Road. The tower and the overall development would make a significant contribution to local regeneration in line with London Plan policy 7.7.

182 A key aspect in the assessment of any tall building is the overall quality of the design of the scheme. As set out in this report officers consider the scheme as a whole to be well designed, providing good quality, residential and educational accommodation, improving the public realm in the area and creating a distinctive and elegant building.

183 The character of the wider area is also changing and this is reflected in the recent granting of permission for two 25 storey towers located approximately 700m to the north east of the site.

184 In summary GLA officers are of the view that whilst the proposed height of the building is taller than the contextual height, given the overall high design quality of the scheme, its improvement to the areas character, its impact on the legibility and the changing context of the area, the height of the scheme present no significant concern.

185 The listed cottages located on Canal Grove are some 120 metres from the development site. Their setting is currently a mix of hardstanding, industrial/retail sheds and trees. Although the taller block is likely to be partly visible in the back drop, given the screening provided by the trees and the current industrial setting it is not considered that it would be of such a scale that it would harm the setting of the listed buildings.

Appearance

The appearance of the building is characterised by the long white rendered residential element, with brightly coloured recesses, that snakes along the length of the site terminating in a white render and zinc panelled tower sitting above the sixth form school. This sits on a grey brick podium which accommodates the school building. These three predominant materials effectively articulate the residential, primary school and sixth form school elements of the building. A significant amount of work has been undertaken to ensure that the quality of the render will be exceptionally high and that all detailing will ensure that this weathers well over time. Officers are generally satisfied that the design creates a distinctive, elegant and attractive building.

Materials

186 The materials information submitted with the application gives some assurance that the building will be of high quality and the materials will be a specific product type as set out by the architect which has been secured by condition accordingly. The architect has provided further assessment and provided precedent studies with regards to the proposed palette of materials which confirms that a rendered solution will create a high quality building whilst ensuring longevity of the appearance. GLA officers are content with the materials proposed and the scheme is acceptable in this regard.

Urban design conclusion

187 Having had regard to relevant national, regional and local design policy, the design concerns raised as part of the local consultation process and Southwark Council's design reasons for refusal of the application, GLA officers are of the view that: the proposed site layout and developmental strategy has been well considered and represents an innovative means of

accommodating educational and residential uses on a small site - whilst successfully avoiding use conflicts; the height and massing, whilst bold and simple, would provide an appropriate response to context.

188 The educational component of the scheme is will designed, and the proposed boundary treatment to the playground would provide a safe, inviting and exciting recreational area which, provides visual permeability whilst mitigating from any negative noise impact from nearby uses. The architectural appearance of the scheme has been carefully considered, and the proposed building would positively vastly improve the environment along Rotherhithe New Road and contribute towards the local street scene along other boundary lines, and provide an appropriate response to context in townscape terms. Accordingly, with respect to issues of urban design, the application complies with the NPPF; London Plan policies 3.2, 3.19, 7.1, 7.3, 7.4, 7.5, 7.6, 7.7 and 7.15; Southwark Core Strategy Strategic Policy 12, Southwark Plan (UDP) saved policies 3.20 and 3.21

Inclusive design

189 Chapter 6 of the NPPF states that “It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.” London Plan Policy 7.2 requires that all future development meets the highest standards of accessibility and inclusion, and that the design process has considered how everyone, including disabled and Deaf people, older people, children and young people, will be able to use the places and spaces that are proposed. Also relevant are Southwark Plan ‘saved’ policies 4.5 and 5.7.

Educational facility

190 The submitted design and access statement demonstrates that the applicant is mindful of its obligations under the Equality Act (2010) and is seeking to provide an inclusive and fully accessible development throughout. The submitted drawings clearly demonstrate the proposed internal layouts and circulation spaces of the educational uses, as well as the location of wheelchair accessible WCs on each floor.

191 The plans confirm that the threshold between the school, the sixth form use and the surrounding playground and public realm would be taken at grade and where this is not possible short ramp features have been provided. The applicant has investigated replacing the platform lift in the Free School reception with a ramp however it has been confirmed that this is not possible due to the constraints of the site. The provision of a platform lift will ensure that the school is fully accessible to all.

192 This, in conjunction with carefully considered internal arrangements, ensures that the various classrooms, assembly halls and outside playground at ground floor and MUGA area would all be fully wheelchair accessible for pupils and staff. Furthermore, in accordance with the principles set out within the Mayor’s Accessible London SPG (2004), GLA officers note that this new educational infrastructure will be covered by the school’s accessibility plan, (secured by planning condition) which is required to be continually reviewed, and will ensure that these facilities are managed and maintained in a way which promotes the highest standards of access and inclusion.

Residential use

193 The applicant has set out its approach to access and inclusion within the design and access statement, and has provided drawings demonstrating dwelling layouts and circulation spaces

including internal and external wheelchair accessible routes, Blue Badge parking, wheelchair accessible WCs, refuge spaces and fire lifts.

194 Access to the residential dwellings is proposed to be provided at the northern and southern ends of the block. Future residents will benefit from a secure and well-proportioned arrival space, with dual lifts provided in both locations. All the proposed dwellings will meet 'Lifetime Homes' standards and 12% of the dwellings (19 units) will be wheelchair accessible, or easily adaptable for wheelchair users, which exceeds the 10% requirement. Following minor design amendments made, these units are now spread across a number of unit types in terms of size and tenure (4 will be affordable units) and are also located throughout the development; 16 of the units are single storey apartments and 2 of the private wheelchair accessible homes will be located in the central part of the scheme and being duplex apartments they will have internal lifts. In total 20 parking spaces will also be accessible.

195 In summary the proposal is wholly consistent with the NPPF, London Plan policies 3.8 and 7.2 and saved Southwark Plan (UDP) saved policies 4.5 and 5.7. The delivery of these standards is proposed to be secured by way of planning condition.

Phasing

196 It is intended that the educational uses will be delivered as part of the earlier phases of development and that they will be operational during final construction phases and internal 'fit out' of the residential uses. To avoid adverse impacts on the educational facilities and teaching environment during the later stages of the phased construction, the applicant will submit a project programme and construction logistics plan; the plan is intended to ensure that construction logistics take place in an efficient and planned way - to minimise disruption to the educational facilities, ensure the safety of primary school pupils as well as neighbouring residents. GLA officers propose to secure the construction and logistics plan by way of planning condition and in addition to this phasing of occupation of each of the various uses will be secured in the s106 agreement.

Sustainability

197 Chapter 10 of the NPPF states that "*Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change*" London Plan climate change policies (set out in chapter five) collectively require developments to make the fullest contribution to the mitigation of, and adaptation to, climate change, and to minimise carbon dioxide emissions. London Plan Policy 5.2 sets strategic targets for carbon dioxide reductions, London Plan Policy 5.3 ensures future developments meet the highest standards of sustainable design and construction, and London Plan policies 5.9-5.15 promote and support the most effective climate change adaptation measures including passive thermal regulation, urban greening, and water management. Relevant policy at the local level is Core Strategy policy 13.

Climate change mitigation

Energy strategy

198 In line with London Plan Policy 5.2, the applicant has submitted an energy strategy for the development, setting out how the scheme will reduce carbon dioxide emissions in accordance with the London Plan energy hierarchy. The applicant is proposing to reduce carbon emissions by 27%, thus exceeding the London Plan requirement. In total, 2% savings will be achieved from energy efficiency measures. Both air permeability and heat loss parameters will be improved beyond the minimum backstop values required by building regulations. Other features include energy efficient lighting and

mechanical ventilation with heat recovery. A total of 23% savings will be achieved from a combined heat and power plant which has been sized to provide the domestic hot water load as well as a proportion of the space heating. The school and the residential units will be connected in a single site wide heat network. 10.5 kWp of roof mounted photovoltaic panels are proposed which would give a further 2% savings.

199 The applicant has confirmed that there is no district heating system currently proposed nearby. The application is however designed so that it can connect to a district heating system in the future. These matters together with the provision of photovoltaic panels have been secured by planning conditions.

200 GLA officers note that the delivery of the proposed energy strategy would be secured in accordance with the approved planning documents, and that the requirement for the educational facility to meet BREEAM 'very good' standards, and for the proposed dwellings to comply with Code for Sustainable Homes 'Level 4' will be secured as part of the proposed section 106 legal agreement. Accordingly, with respect to the energy strategy, the application complies with the NPPF; London Plan Policy 5.2 and 5.3 and Core Strategy policy 13.

Climate change adaptation

201 The applicant has set out the proposed climate change adaptation measures within the design and access statement, landscape strategy, and sustainability statement. These documents confirm that a sedum planted roof will be included (in addition to the communal garden space). This provision, coupled with other ground level soft landscaping components and associated sustainable urban drainage techniques (including rainwater harvesting), will also contribute towards reducing surface water runoff at the site. These measures are proposed to be secured by way of planning condition (refer to relevant conditions on the draft decision notice).

Flood risk

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

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

203 These measures have been secured by relevant planning conditions and accordingly, the application complies with London Plan policies 5.12,; Southwark saved policy 3.31 and Core Strategy policy 13.

Sustainable development conclusion

204 The proposed development would be of a high standard of sustainable design and construction, and would exceed the relevant target for minimising carbon dioxide emissions. The

development would deliver significant urban greening, and sustainable urban drainage benefits over the existing situation at the site. Accordingly the application complies with the NPPF; London Plan Policy 5.2, 5.3, 5.10, 5.11, 5.13, 5.15, 7.19; Core Strategy policy 13 and 'saved' policies 3.31.

Neighbourhood amenity

205 A core principle of the NPPF is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. London Plan Policy 7.6 states that the design of new buildings should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings. In conjunction with this, London Plan Policy 3.18 is also relevant. This policy states that proposals for new schools should only be refused where there are demonstrable negative local impacts which substantially outweigh the desirability of establishing a new school, and which cannot be addressed through the appropriate use of planning conditions or obligations. At the local level, saved policies 3.2, 3.12 and Southwark Residential Design Standards SPD (2011) are relevant in this regard.

Neighbourhood amenity context

206 As discussed earlier in this report, the site sits within an urban context, the area to the north and east is residential in character with buildings ranging from two to four storeys in height, the area to the south is formed of industrial uses with predominately heights equivalent to one to three residential storeys including pitch roofs.

207 The impacts on neighbourhood amenity that need to be considered in this case are associated with: daylight and sunlight; overshadowing; privacy/overlooking; noise and disturbance and microclimatic impacts. These issues are considered under the associated sections below.

Daylight and sunlight

208 A Daylight, Sunlight and Over-Shadowing Report has been included as part of the planning submission. Assessments methodologies within the report are based on Building Research Establishment (BRE) guidance for calculating the impacts on daylight, sunlight and over-shadowing.

209 The BRE sets out three detailed daylight tests. The first is the Vertical Sky Component test (VSC), which is the most readily adopted. This test considers the potential for daylight by calculating the angle of vertical sky at the centre of each of the windows serving the residential buildings which look towards the site. The target figure for VSC recommended by the BRE is 27% which is considered to be a good level of daylight and the level recommended for habitable rooms with windows on principal elevations. The BRE have determined that the daylight can be reduced by about 20% of their original value before the loss is noticeable.

210 Another method of calculation is the Average Daylight Factor (ADF) which is a more detailed assessment and considers the amount of sky visibility on the vertical face of a window, but also the window size, room size and room use. The recommendations for ADF in dwellings are 2% for kitchens, 1.5% for living rooms and 1% for bedrooms.

211 The assessment was carried out on the closest and most sensitive residential properties to the development site which included properties in Culloden Close, Fallow Court and Argyle Way, using the VSC and ADF assessment tests. The results of the assessment conclude that that in accordance with the BRE procedure, a satisfactory level of daylight is maintained to the habitable rooms of neighbouring properties.

212 In relation to sunlight, the test is to calculate the annual probable sunlight hours (APSH) taking into account the amount of sun available in both the summer and winter for each given window which faces within 90 degrees of due south. The assessment requires that a window should receive a quarter of annual probable sunlight hours in the summer and at least 5% of sunlight hours during the winter months. In relation to gardens and amenity areas, it is recommended that for it to appear adequately sunlit throughout the year, at least half of a garden or amenity area should receive at least two hours of sunlight on March 21. Further detail on both daylight and sunlight impact on adjacent properties is set out below.

17 Culloden Close 'Archers Lodge'

213 This is a four storey block of flats to the north of site, known as 'Archers Lodge'. The windows that face south onto the site comprise habitable room windows such as living rooms and bedrooms. The bathrooms have not been tested in the report.

214 The VSC analysis shows that only the top left window at fourth floor achieves a VSC of over 27%. The other windows show an adverse impact whereby the proposed values would be reduced to under 27% with a greater than 20% reduction. Accordingly, the windows were also tested in relation to the ADF assessment. Whilst this analysis demonstrates that there would still be reductions in daylight levels, the results achieve an ADF above the BRE recommendations, with bedrooms receiving 1% and living rooms 1.5%. The daylight impacts to this property are therefore considered acceptable and in compliance with the BRE.

215 The results show that this property would retain good levels of sunlight after the development, including during the winter months. The property would receive sunlight in excess of the guidelines for both the summer and winter months. In addition, there would be no permanent overshadowing of the garden, owing to its south facing orientation.

12 & 13 Culloden Close

216 These are a pair of low rise two storey dwellings whose rear elevations face onto the development site. The ground floor windows comprise of garage windows and the first floor windows light bathrooms. Neither of these would be classed as habitable room windows and therefore there would be no daylight impacts to these properties.

217 The rear facing windows light non habitable rooms, and so there would be no sunlight issues with regard to this property. In addition, the overshadowing analysis reveals that there would be no permanent overshadowing of the garden on March 21.

6 & 7 Fallow Court, Argyle Way

218 These are a pair of two storey houses located to the north of the site. These properties would not be significantly affected by the proposals, since they would have VSC values in excess of 27% with the development in place. This property would retain high levels of sunlight, comfortably meeting the BRE criteria. The shadow path analysis also shows there would be no permanent overshadowing of the garden.

1 & 2 Argyle Way

219 These two storey dwellings would experience very minor reductions in their VSC values, and would retain a VSC of over 27% after the development. Accordingly, there would be no significant impact experienced by these houses. A terrace of properties to the east of the site at Ryder Drive have not been tested in the daylight report, however these are over 40m away from the site and accordingly would not be impacted by the proposals. There are a number of other buildings that

surround the site, however these are either non-residential or have windows that face onto the site. Therefore, they do not need to be tested in the report, and would not be impacted by daylight.

220 Similarly, this property would retain sunlight values in excess of the BRE recommendations, with no permanent overshadowing of the garden.

Daylight and sunlight – conclusion

221 The proposal would not result in a significant loss of daylight/sunlight to neighbouring residential properties; the scheme would comply with BRE guidance and the application accords with the NPPF; London Plan Policy 7.6; Core Strategy Policy 12; and, draft policies DM1 and DM2 within the publication version of the Managing Development Local Plan.

Overshadowing

222 The applicant's daylight and sunlight report also considers the impact of the proposed development in terms of overshadowing. Modelling for the March equinox (based on BRE approved methodology) demonstrates that the proposal would not result in any permanent overshadowing of residential amenity areas, with the only permanent areas of over-shadowing being the highway of Rotherhithe New Road. The proposed development has been found to comply with the relevant BRE guidance and is accepted in this regard.

Privacy/overlooking

223 London Plan policy 7.6 states that buildings should not cause unacceptable harm in relation to privacy and residential amenity. Southwark's Residential Design Standards SPD (2011) requires developments to achieve a distance of 12m at the front of a building and any elevation that fronts a highway and a minimum of 21m at the rear to prevent against harmful overlooking.

224 To the north across Rotherhithe New Road, there would be a distance of over 16m to the nearest residential property, exceeding the 12m minimum of the SPD. To the east, there is a distance of 40m to the nearest residential property at Ryder Drive, again exceeding the SPD guidance. There are no residential properties to the south and east of the site. In conclusion, the development would protect the privacy of neighbouring residential properties by virtue of the minimum overlooking distances being exceeded. GLA officers are satisfied that the proposed spatial separation to properties surrounding the site would not cause a harmful impact on privacy through overlooking and that there will not be any harm by way of loss of outlook. Accordingly, with respect to issues of privacy/overlooking, the application complies with the NPPF; London Plan Policy 7.6; and Southwark's Residential Design Standards SPD (2011).

Noise and disturbance

225 A number of neighbourhood responses to the local consultation process raised concerns with respect to the impact of the proposal on neighbourhood amenity in terms of noise and disturbance. The issues raised relate either to impacts during the demolition/construction stages, or, as a result of the educational uses proposed at the site.

226 Measures to manage impacts arising during the demolition and construction stages (including vehicle movements, air pollution, noise and visual intrusion) will be implemented as part of a construction logistics plan - which GLA officers propose to secure for detailed approval by way of planning condition (refer to conditions of the draft decision notice). GLA officers also propose a planning obligation to ensure that works would be undertaken in accordance with the national 'Considerate Contractor Scheme'. Issues of noise and disturbance associated with the proposed use

of the building as a Free School and sixth form (providing additional community use) will be managed by way of appropriate planning conditions with respect to soundproofing and reasonable control of the hours and nature of use (refer to planning conditions). In addition, it should be noted that the site is located in a busy urban area with dominant noise generated from the busy Rotherhithe New Road. Whilst GLA officers acknowledge that the intensification of uses at this site will result in increased activity within the vicinity, the proposed planning conditions will ensure that the hours and nature of the uses at the site are broadly compatible with the surrounding area and will which contribute positively to the improvement of Rotherhithe New Road. Accordingly, with respect to issues of noise and disturbance, the application complies with the NPPF; London Plan policies 7.6, 7.14 and 7.15; Core Strategy polices ST1, 13 and saved UDP policy 3.2.

Microclimate

227 The applicant has submitted a wind study in support of the application which has been carried out in line with BRE guidance to evaluate the effects of the development, on the local environment, including pedestrian level wind microclimate around the site. The report concluded that the development would not result in any unacceptable effects on the environment around the site, and that there would be no impact on the use of various parts of the development subject to appropriate mitigation.

228 Specifically, the findings of the report indicate that there are 10 locations where the wind conditions were found to be unsuitable for entrances or for long term sitting out at various times of the year. However, none but one of these locations is expected to be regularly used for these activities, and therefore the wind conditions are likely to be suitable for the intended pedestrian activity at all locations throughout the year.

229 The roof terrace was found to be unsuitable for long term activity during the winter period, although it was suitable for this activity during the other three seasons; however, the applicant has included suitable mitigation measures that to protect against gusts of wind across part of the roof garden. In addition to this, residents would not usually sit outdoors for long periods during the winter months and so the windy location is unlikely to have a significant impact on the use of the amenity area. Accordingly, with respect to issues of wind, GLA officers are satisfied that the application complies with the NPPF; London Plan policy 7.6; and Southwark's Residential Design Standards SPD (2011).

Neighbourhood amenity conclusion

230 Having considered the proposed scheme in the context of its setting, and having also had regard to the various submitted technical reports, specialist advice and local representations, GLA officers have concluded the following with respect to issues of neighbourhood amenity: the proposal would not result in a harmful loss of daylight or sunlight to neighbouring residential properties; the overshadowing impacts associated with the proposal are acceptable; there would not be any harmful impacts in relation to privacy/overlooking; issues of noise and disturbance would be acceptably mitigated by way of planning conditions and the impact of the proposed building on the local wind microclimate is acceptable and further mitigation will be secured by way of planning condition. Accordingly the application complies with the NPPF; London Plan policies 7.6, 7.14 and 7.15 and Southwark's Residential Design Standards SPD (2011).

Air Quality

231 As part of the planning submission, the applicant carried out an air quality report to assess the impact of the development on the local air quality environment, and the effects of air pollution on future occupiers. The report concludes that the existing air quality of the area is poor; however the

impacts of the development are classified as ‘minor adverse’. In order to overcome these impacts, the design incorporates some passive measures such as raising units above street level and including winter gardens and the use of specific ventilation systems will ensure that the health of future occupiers will be protected. The submission of a report setting out details of active air quality mitigation measures will be a condition of the planning consent.

232 It should be noted that Southwark highlighted that as part of the mitigation the accommodation would need to be sealed and mechanically ventilated which raises questions regarding the quality of the internal environment with no openable windows; however, air quality was not set out as a reason for refusal.

233 Southwark Council commissioned an independent review of the air quality report, which advised that there was insufficient information to determine whether users of the development would be protected against odour or soiling impacts; however, the Council was also advised that the shortcomings would be unlikely to alter the assessment conclusions and the Council concluded that *‘conditions could be attached requiring further information to be submitted prior to commencement of the development, which could satisfactorily overcome the issues. Accordingly, it is considered that the impacts on air quality would, on balance be acceptable after taking into account the findings of the independent review, subject to the attachment of air quality conditions if permission is granted.’*

234 Given the mitigation measures proposed and the appropriate conditions have been drafted and on balance the proposal is consistent with London Plan policies 3.5 and 7.14 and Southwark Plan (UDP) ‘saved’ policy 3.6.

Transport

235 The NPPF states that “Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives... The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel.” London Plan Policy 6.1 applies these principles within the strategic approach for transport in London. Other relevant strategic transport policies in this case include: assessing effects of development on transport capacity (Policy 6.3); funding Crossrail and other strategically important transport infrastructure (Policy 6.5); cycling (Policy 6.9); walking (Policy 6.10); road network capacity (Policy 6.12); parking (Policy 6.13); freight (Policy 6.14); the Mayor’s priorities for planning obligations (Policy 8.2); and, Mayoral Community infrastructure levy (Policy 8.3).

236 At Stage 2, TfL considered that all outstanding strategic transport matters raised at Stage 1 had been satisfactorily addressed. However, Southwark Council, having considered the transport matters associated with the proposal, did consider that certain aspects of the proposals in terms of transport were a reason for refusal, including unacceptable impact on congestion, road safety risk and inadequate parking provision. The pertinent transport matters are assessed below.

Traffic impact

237 The junction of St James’s Road with Old Kent Road, part of the TLRN, has not been modelled. However TfL is of the opinion that traffic impact of the development at this junction is unlikely to cause unacceptable impacts here, given the low level of on-site parking, the current trip generation from the site, and requirement for a travel plan school management plan to encourage sustainable travel and a spread arrival/departure times.

238 One arm of the junction of Rotherhithe New Road with St James Road is already close to capacity in the evening peak period. Given the expected limited traffic generation the impact of the development alone is not considered to be problematic.

Car parking

239 31 car parking spaces are proposed within the basement of the development, giving a parking provision of around 0.2 spaces per unit. However most of these spaces (23) would be for the wheelchair accessible units and disabled staff and visitors to the development. Electric vehicle charging points would be available to use at eight parking spaces. As such, the car parking provision accords with London Plan and local standards.

240 The Council raised concern over lack of on-site parking and cited this as a reason for refusal. The applicant has demonstrated that there is adequate on-street parking during the day as well as at night and weekends to cater for demand. Ideally, car free development is supported by a controlled parking zone (CPZ) in the surrounding streets. However in this case there is no proposal to extend the adjacent CPZ to the vicinity. Whilst existing residential developments have dedicated parking within their boundaries, some nearby businesses rely on uncontrolled on-street parking, for example car repair. Given the need to balance the potential demand for parking from the development, the existing on-street parking availability, on street parking which would arise from the existing land uses, the need to consider nearby businesses and the fact that London Plan and local policy supports low on-site car parking, the development is considered acceptable in this respect. However it has been agreed that the £250,000 local transport contribution could be used inter alia towards implementation of a CPZ should this be seen as a priority and that there would be a prohibition on new residents and staff obtaining a parking permit if controls were introduced.

241 The car parking management plan will cover, amongst other things, details of access to the car lifts and management of the disabled parking spaces and electric vehicle charging points. On-street arrangements for drop off/pick up by coach and minibus for the schools should also be subject to approval.

Cycle parking

242 The quantum of cycle parking for residents and school staff and pupils meets or exceeds the council's and London Plan standards. Further details of cycle parking, to be submitted for approval by the Local Planning Authority, will be secured by condition.

Cycle hire

243 TfL considers that a contribution sought by the Council towards cycle hire expansion is inappropriate at this stage as the site lies some distance outside of the existing cycle hire area. However, the applicant will be required to identify and safeguard land for a future cycle hire docking station. This safeguarding will be secured by way of condition.

Bus services

244 Whilst the development is likely to create a significant demand for bus trips, TfL consider that this is unlikely to impact adversely on bus service capacity. Data provided by the schools indicates that trips will be dispersed across a number of bus services and many are expected to be 'contra peak flow' i.e. away from central London and Canada Water in the AM peak. In addition, the school management plans secured by the legal agreement, will require measures to be taken to spread bus trips, for example by providing an after-school club and having staggered start and

finish times for different age groups. The applicant has committed to improving both the stops on Rotherhithe New Road which serve the site.

Rail services

245 The development will only result in a very minor increase in trips to and from South Bermondsey Station and therefore will have no adverse impact on station or on-train capacity.

Road safety

246 Given concerns over the significant increase in pedestrian activity in the vicinity with the development, a PERS audit was undertaken of the pedestrian and cycle routes serving the site. Footway widening, particularly on Verney Road and the junction of Verney Road with St James's Road and outside the primary school entrance, where parents with buggies are most likely to congregate, is proposed and will be delivered as part of the development. The details of this and how it interacts with the proposed on-street car parking, drop off/pick up and service bays, will need to be approved by the Council as highway authority.

247 In addition, the accident analysis contained in the Transport Assessment suggests that there is an issue of speeding along Rotherhithe New Road, which contributed to above-average number of accidents in the vicinity of the site. Similar issues arise on Verney Road and Verney Way. Furthermore footway and pedestrian crossing facilities in the vicinity of the site are in some places poor.

248 In order to mitigate the increased road safety risk posed by increased activity with the development and to enhance pedestrian provision in the vicinity of the site the applicant has offered £250,000 section 106 contribution towards local improvements and measures. The details of these will be finalised through discussions with the Council in consultation with TfL.

249 The school management plans should also consider road safety for pupils at the start and end of the school day and when pupils go off site for activities and lessons.

Construction

250 A demolition and construction environmental management plan, to be approved by the Local Planning Authority, will be secured by planning condition. This will specifically require measures to mitigate the increased risk to pedestrians and cyclists arising from construction vehicle operation, through provision of such things as equipment on vehicles, driver training and licence checks, following best practice established by the Crossrail project. The plan will also cover the period when the Free School is open but construction works continue on the rest of the development.

Servicing and waste management

251 Although contrary to local policy, the principle of on-street servicing has been accepted by the Council, although there are concerns over certain details of the proposed servicing arrangements. Therefore a service and waste management plan, to be approved by the Local Planning Authority, will be secured by way of condition.

Travel plans and school management plans

252 An approved travel plan for both the schools and residential elements of the development will be required, as will school management plans. These will require the developer to instigate measures to incentivise access by non-car modes for residents, staff, visitors and pupils and to

encourage 'peak spread' by providing activities before and after standard school hours and staggering the two schools' start and finish times as well as considering road safety especially for pupils.

Other mitigation

253 The legal agreement will secure £88,546 for strategic transport, in line with the Council's 's106 toolkit'. It will also provide for a car club space in Verney Road and provision of three years' free car club membership for new residents.

Mayoral Community Infrastructure Levy

254 The Mayor has introduced a London-wide Community Infrastructure Levy (CIL) to help implement the London Plan, particularly policies 6.5 and 8.3 toward the funding of Crossrail

255 The rate for Southwark is £35 per sq. m, which equates to a CIL contribution of approximately £605,000 for the proposed development.

Conclusion on transport

256 On balance, provided local concerns are mitigated through condition or by way of the legal agreement as outlined above, the proposal is considered consistent with London Plan policies 6.1, 6.3, 6.7, 6.7, 6.9, 6.10, 6.13 and 6.14, 8.2 and 8.3, Southwark Core Strategy Strategic Policy 2, and Southwark Plan (UDP) saved policies 5.1, 5.2, 5.3, 5.6 and 5.7.

Other issues raised during neighbourhood consultation

Impact on crime increase in anti-social behaviour

257 A number of objections were raised in relation to the development contributing to anti-social behaviour due to the provision of a tower and sixth form facility. The taller element of residential use will deliver a high residential quality with managed and secure communal areas. As set out in the urban design section of this report the scheme the proposed ground floor uses and location of residential entrances would provide for high levels of passive surveillance which will provide overlooking and pedestrian activity and increasing safety compared to the current uses on site. Further comment regarding the height and massing are set out earlier in this report and GLA officers are satisfied in this regard.

Impact an area of archaeological significance

258 One objection raised a concern relating to the impact of the development of archaeological remains. As part of the planning submission the applicant has submitted an archaeological desk top assessment. This report highlights that the site lies within the Bermondsey Lake Archaeological Priority Zone which recognises the potential importance of the zone for evidence of Mesolithic Bronze Age activities. The report recommends that further works will need to be undertaken to establish the potential impact of the proposed development. Therefore appropriate conditions have been secured to ensure the archaeological interests of the site are protected and GLA officers consider the application to be acceptable in this respect.

High rise development and fire risk

One representation was received which raised concerns regarding the provision of a tall building and fire risk. The London Fire and Emergency Planning Authority (LFEPA) were consulted upon and made no observations to the application. In addition the design has duly considered Part B of

the current Building Regulations which covers requirements with respect to fire safety and the design is underpinned by a fire strategy and appropriate informatives set out in the first section of this report are secured. GLA officer are satisfied in this regard.

Impact during construction on local people and properties

259 Some representations received raised concerns regarding the impact of the development during the construction phases. To ensure the building will not have a detrimental impact in this regard a condition has been secured requiring the applicant to submit a construction management plan for approval by the Local Authority prior to commencement; this will also include details of health and safety plan for the construction phase of the development. The development is therefore acceptable in this regard.

Loss of satellite TV reception

260 One objection was raised in relation to loss of European satellite reception. To ensure the building will not have a detrimental impact in this regard a condition has been secured requiring the applicant to submit a television and satellite impact assessment report prior to commencement. The development is therefore acceptable in this regard.

Lack of public engagement by the applicant

261 Local objections were raised concerning that the applicant had not sufficiently engaged or consulted with the community on the proposed development prior to submitting the planning application. Whilst pre-application public consultation is not a statutory requirement, Southwark Council and the GLA always advocate comprehensive community engagement. The applicant did undertake a series of public consultation events as set out in paragraph 55 of this report and GLA officers are satisfied that the applicant has made reasonable endeavours to engage with the public on the scheme.

Other issues raised during neighbourhood consultation – conclusion

262 The other issues raised as a result of the neighbourhood consultation process do not present any material planning issues which have not already been considered elsewhere within this report.

Mitigating the impact of development through planning obligations

263 The NPPF states that *“Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.”*

264 At the regional level, London Plan Policy 8.2 sets out the Mayor’s priorities for planning obligations, and states: *“Affordable housing; supporting the funding of Crossrail where this is appropriate (see Policy 6.5); and other public transport improvements should be given the highest importance”.*

265 At the local level Southwark’s Planning Contributions SPD provides the basis for determining planning obligations when considering planning applications for development in the borough.

266 Pursuant to the consideration within the previous sections of this report, and in line with the policy context set out above, the planning obligations required to appropriately mitigate the impact of this development, are summarised below.

Affordable housing

267 As discussed in the housing section of this report, London Plan Policy 3.10 provides strategic definitions of affordable housing which will apply to the scheme. London Plan Policy 3.11 states that the Mayor will, and boroughs and other relevant agencies and partners should, seek to maximise affordable housing provision and ensure an average of at least 13,200 more affordable homes per year in London over the term of the Plan. The proposal includes 158 new homes, including 10 intermediate affordable homes, which would make a contribution to these strategic targets. The affordable housing offer initially could not be considered to represent the maximum reasonable amount of affordable housing in accordance with London Plan Policy 3.12. Third party financial assessments of the applicant's appraisals in September 2013 concluded that, having regard to the relevant policy considerations, the affordable housing proposed represented the maximum reasonable amount.

Archaeology

268 The Southwark Plan (UDP) July 2007 Saved Policy 3.19: Archaeology: The site is located within the Bermondsey Lake Archaeological Priority Zone. Any site investigation works should be archaeologically monitored to help reveal the remaining potential on the site. These works will be secured by condition, in line with Southwark Plan policies 3.15 and 3.19, and the applicant has agreed to make a £5,363 contribution towards this.

Community facilities

269 The Southwark Plan (UDP) July 2007 Saved Policy 2.2 Provision of new Community Facilities supports the payment of the contributions identified to mitigate the effect of the scheme on the locality. The applicant has agreed to make a £28,672 contribution towards the improvement of facilities and £118,500 towards Public Realm as deemed as appropriate by the Council.

Community use plan

270 As discussed in the educational facilities section of this report, GLA officers propose a planning obligation to secure detailed approval of the proposed community use of the educational facility, and, in particular the multi-use games area. Details of this arrangement will include the parts of the facility which may be made available for community use and the affordable rates to be charged to local community groups.

Employment skills and training

271 London Plan Policy 4.2 states that the Mayor will support mixed use development and redevelopment of office provision to improve London's competitiveness. GLA officers have proposed a planning obligation to ensure that the applicant shall use all reasonable endeavours to secure construction workforce from the local area. The applicant will also contribute a further £126,718 towards employment during construction in line with the Council's planning obligations SPD calculator.

Education

272 Whilst the scheme in itself includes an educational facility, the enabling residential development will, nevertheless, generate an additional requirement for educational infrastructure.

Given that the scheme will deliver both a primary school and further education floorspace, a contribution of £91,144 has been secured towards secondary education which accords with Southwark Council's section 106 SPD.

Exemption of residents from local parking permits

273 As discussed in the transport section of this report, GLA officers propose a planning obligation to ensure that staff and new future residents of the proposed dwellings would be ineligible from applying for on street parking permits should a CPZ be introduced in the future. This is important to minimise on-street parking.

Health Contribution

274 The contribution of £178,365 towards local health facility accords with Southwark Council's section 106 SPD.

Local open space

275 A contribution of £55,498 towards local open space and £29,182 for children's play equipment has been secured for this development based on the Southwark Planning Obligations SPD. GLA officers propose to secure this sum as a planning obligation of the development accordingly

Transport

276 A contribution of £88,546 towards strategic transport, has been secured for this development based on the Southwark Planning Obligations SPD and £250,000 has been secured for local highway and transport improvements. GLA officers propose to secure this sum as a planning obligation of the development accordingly

Travel plan

277 As discussed in the transport section of this report, GLA officers propose a planning obligation to secure detailed approval of the travel plan, and to monitor its implementation.

Sustainable design and construction standards

278 As discussed in the sustainability section of this report GLA officers propose a planning obligation to secure BREEAM 'very good' standards for the educational facility and Code for Sustainable Homes 'Level 4' for the proposed residential units.

Mitigating the impact of development through planning obligations – conclusion

279 The planning obligations proposed are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.

Localism Act (amendment to S70(2) of the TCPA 1990)

280 Section 70(1) of the Town and Country Planning Act 1990 (as amended) entitles the local planning authority (and on appeal by the Secretary of State) to grant planning permission on application to it. From 15th January 2012, Parliament has enacted an amended section 70(2) as follows:

281 In dealing with such an application the authority shall have regard to:

- a) The provisions of the development plan, so far as material to the application;
- b) Any local finance considerations, so far as material to the application; and
- c) Any other material consideration.

282 Section 70(4) defines “local finance consideration” as:

- a) A grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
- b) Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.

283 In this context “grants” might include the new homes bonus and payment of the community infrastructure levy.

284 These issues now need to be treated as material planning considerations when determining planning applications or planning appeals.

285 Regarding Community Infrastructure Levy considerations, following the publication of the London Mayor’s Community Infrastructure Levy, the London Mayoral CIL is now operational, as of 1 April 2012. The Mayoral CIL applicable to a scheme of this size is £604,555.

Legal considerations

286 Under the arrangements set out in Article 7 of the Order and the powers conferred by Section 2A of the Town and Country Planning Act 1990 the Mayor is acting as the Local Planning Authority (LPA) for the purposes of determining this planning application.

287 Section 35 of the Greater London Authority Act 2007 inserts section 2F into the Town and Country Planning Act 1990 a requirement that for applications the Mayor takes over, the Mayor must give the applicant and the LPA the opportunity to make oral representations at a hearing. He is also required to publish a document setting out:

- who else may make oral representations;
- the procedures to be followed at the hearing; and,
- arrangements for identifying information, which must be agreed by persons making representations.

288 The details of the above are set out in the Mayors Procedure for Representation Hearings which reflects, as far as is practicable, current best practice for speaking at planning committee amongst borough councils.

289 In carrying out his duties in relation to the determination of this application, the Mayor must have regard to a number of statutory provisions. Listed below are some of the most important provisions for this application.

Equalities legislation and The Equality Act 2010 (EA)

290 The Mayor and GLA have “general public body duties” under equality legislation. Section 149 of the Equality Act 2010 (EA) includes a single public sector equality duty (“the Duty”) which brings together the previous race, disability and gender duties and extends coverage to include age, sexual orientation, religion or belief, pregnancy and maternity and gender reassignment.

These are the grounds upon which discrimination is unlawful and are referred to as 'protected characteristics.' The Duty requires the Mayor when exercising his functions to have due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the EA, advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

291 Having 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 involves having due regard, in particular, to the need to remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; take 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; encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low. The steps involved in meeting the needs of disabled persons include, in particular, steps to take account of disabled persons' disabilities. Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to tackle prejudice, and promote understanding. Compliance with these duties may involve treating some persons more favourably than others.

292 In practice this means that where likely adverse impacts on any protected group have been identified in relation to the development proposals, the Mayor should give serious and proper consideration as to whether and how those impacts might be mitigated; if mitigation is not to be pursued, and then cogent reasons should be given for adopting this course of action. This report identifies whether any adverse impacts on protected groups have been identified.

293 Whilst these duties are relevant to the Mayor when considering all planning applications, in this particular case, there are no evident equality issues nor have any been raised as part of the consultation.

Statutory duties in relation to the Development Plan

294 In determining any planning application and connected application, the Mayor is required by section 38(6) of the Planning and Compensation Act 2004 to have regard to the provisions of the Development Plan (which in London consists of the National Planning Policy Framework, the London Plan, the Borough Local Plan and any Neighbourhood Plans as appropriate) so far as is material to the application and to any other material considerations. The Mayor must determine the application in accordance with the Development Plan unless material considerations indicate otherwise.

295 Other guidance, which has been formally adopted by Southwark Council and the GLA (e.g. Supplementary Planning Documents and Supplementary Planning Guidance), will also be material considerations of some weight (where relevant). Those that are relevant to this application are detailed in this Representation Hearing report.

296 Where the Mayor takes over an application, he becomes responsible for the section 106 legal agreement, although he is required to consult the relevant Borough. Both the Mayor and the Borough are given powers to enforce planning obligations.

297 When determining this planning application, the Mayor is under a duty to take account of the provisions of the Human Rights Act 1998 as they relate to the development proposal and the conflicting interests of the applicant and any third party affected by, or opposing, the application,

in reaching his decision. Planning decisions on the use of land can only be taken in line with the Town and Country Planning Acts and decided in accordance with the development plan unless material considerations indicate otherwise.

298 The key Articles to be aware of include the following:

- (a) Article 6 - Right to a fair trial: In the determination of his civil rights and obligations... everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.
- (b) Article 8 - Right to respect for private and family life: Everyone has the right to respect for his private and family life, his home and his correspondence.
- (c) Article 1 of the First Protocol - Protection of property: Every person is entitled to the peaceful enjoyment of his possessions.

299 It should be noted, however, that most Convention rights are not absolute and set out circumstances when an interference with a person's rights is permitted i.e. necessary to do so to give effect to the Town and Country Planning Acts and in the interests of such matters as public safety, national economic well-being and protection of health, amenity of the community etc. In this case this Representation Hearing report sets out how this application accords with the Development Plan.

300 Regulation 122 of the Community Infrastructure Levy Regulations 2010 states that a section 106 planning obligation may only constitute a reason for granting planning permission for the development if the obligation is necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. These are now statutory tests.

Conclusion

301 As detailed above Section 38(6) of the Planning and Compensation Act 2004 requires the decision to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

302 When assessing the planning application the Mayor is required to give full consideration to the provisions of the Development Plan and all other material considerations. He is also required to consider the likely significant environmental effects of the development and be satisfied that the importance of the predicted effects and the scope for reducing them, are perfectly understood.

303 In preparing this report, officers have taken into account the likely environmental impacts and effects of the development and identified appropriate mitigation action to be taken to reduce any adverse effects. In particular, careful consideration has been given to the proposed conditions and planning obligations which will have the effect of mitigating the impact of the development.

304 This report has considered the material planning issues associated with the proposed development in conjunction with all relevant national, regional and local planning policy, and has found that the proposed development is on balance acceptable in terms of land use principle (educational and residential use); housing (tenure, mix, density, quality, play and amenity space); inclusive design; phasing; sustainable development; transport; and, mitigating the impact of development through planning obligations.

305 Accordingly, the recommendations proposed are set out at the beginning of this report.

for further information, contact GLA Planning Unit:

Colin Wilson, Senior Manager – Development & Projects

020 7983 4783 email colin.wilson@london.gov.uk

Justin Carr, Strategic Planning Manager (Development Decisions)

020 7983 4895 email justin.carr@london.gov.uk

Lucy Bird, Senior Strategic Planner (case officer)

020 7983 5826 email lucy.bird@london.gov.uk
