

Manor Place Depot Site

in the London Borough of Southwark

planning application no. 15/AP/1062

Strategic planning application stage II referral

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

The proposal

Demolition and redevelopment to provide 270 residential units (Class C3) within new buildings ranging from 2 to 7 storeys, a refurbished 33 Manor Place (Grade II listed) and 17-21 Manor Place and 3,730sqm (GEA) of commercial floorspace, comprising 1,476sqm (Classes A1/A2/A3/B1/D1/D2) within 9 refurbished railway viaduct arches and 2,254sqm (Class B1) within the refurbished Pool House and Wash House (Grade II Listed), with associated works including disabled car parking spaces, cycle parking, landscaping and access improvements.

The applicant

The applicant is **Notting Hill Home Ownership**, and the architect is **Pollard Thomas Edwards**.

Strategic issues

The residential-led mixed use development is in accordance with strategic objectives. Outstanding strategic planning concerns relating to the **principle of development, urban design, sustainable development** and **transport** have been satisfactorily addressed.

The Council's decision

In this instance Southwark Council has resolved to grant permission and listed building consent but giving delegated authority for officers to refuse planning permission if the Section 106 agreement is not signed within a specified date.

Recommendation

That Southwark Council be advised that the Mayor is content for it to determine the case itself, subject to any action that the Secretary of State may take, and does not therefore wish to direct refusal or direct that he is to be the local planning authority.

Context

1 On 27 April 2015 the Mayor of London received documents from Southwark Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. This was referred to the Mayor under Category 1A and 1B of the Schedule to the Order 2008:

“Development which comprises or includes the provision of more than 150 houses, flats or houses and flats; and

“Development (other than development which only comprises the provision of houses, flats or houses and flats) which comprises or includes the erection of a building or buildings...(c) outside Central London and with a total floorspace of more than 15,000 sq.m”

2 On 3 June 2015 the Mayor considered planning report D&P/3536/SS, and subsequently advised Southwark Council that the application did not comply with the London Plan, for the reasons set out in paragraph 67 of the above-mentioned report; but that the possible remedies set out in paragraph 67 of that report could address these deficiencies.

3 A copy of the above-mentioned report is attached. The essentials of the case with regard to the proposal, the site, case history, strategic planning issues and relevant policies and guidance are as set out therein, unless otherwise stated in this report. On 3 November 2015 Southwark Council agreed a dual recommendation resolving to grant planning permission and listed building consent but giving delegated authority for officers to refuse planning permission if the Section 106 agreement is not signed within a specified date, for the revised application, and on 01 February 2016 it advised the Mayor of this decision. Under the provisions of Article 5 of the Town & Country Planning (Mayor of London) Order 2008 the Mayor may allow the draft decision to proceed unchanged, direct Southwark Council under Article 6 to refuse the application or issue a direction to Southwark Council under Article 7 that he is to act as the Local Planning Authority for the purposes of determining the application and the connected application for listed building consent. The Mayor has until 15 February 2016 to notify the Council of his decision and to issue any direction.

4 The decision on this case, and the reasons will be made available on the GLA’s website www.london.gov.uk.

Update

5 At the consultation stage Southwark Council was advised that the application did not comply with the London Plan, for the reasons set out in paragraph 67 of the above-mentioned report, but that the possible remedies set out in that paragraph could address these deficiencies. Outstanding issues related to land-use, urban design and transport. Addressing each of the points raised as well as additional developments related to housing and inclusive design, the following is noted:

Land-use

6 At the consultation stage further information was requested on groups or businesses who have demonstrated an interest in taking up the business space within the listed building to ensure the works proposed are suitable for future occupiers. The Council considers that this matter can be satisfactorily addressed by the submission of a detailed marketing strategy (to cover the railway arches and listed building) confirming how the space will be marketed, fitted out, and managed.

This is secured within the Section 106 legal agreement and on that basis no further information is required

7 At the consultation stage it was requested that the Council confirm that the loss of the existing D1 use on the site would be mitigated by replacement D1 floorspace, alongside confirmation that this meets an identified local demand for such uses. Although this confirmation has not been provided, taking into account the residential led allocation of the site and the benefits of the development, which include the long term retention of the listed baths complex, the loss of D1 floorspace is considered acceptable.

Housing

8 At consultation stage it was noted that the scheme proposed 37.5% of units, which met policy requirements. Following the consultation stage the applicant revised the proposed affordable housing offer so that all rented units would be provided at social rent levels rather than affordable rent levels. The number and size of units remained unchanged and there was no change to the overall quantum of affordable housing. The changes to the affordable housing offer are supported and the scheme is in accordance with London Plan policy 3.12.

Urban design

9 At consultation stage it was advised that the scheme comprised a well thought out response to the site and surrounding context. Outstanding concerns related to the quality of the new pedestrian route alongside the viaduct and the layout and form of the linear block running alongside the viaduct route. The Council has engaged in detailed discussion with the applicant and further developed the design of the ground floor residential and commercial units fronting this space and the landscape strategy. The detailed design of the street elevations and public realm, including surface materials and boundary treatments, are reserved by condition.

10 The other outstanding area of concern related to the overall form of the linear block running alongside the viaduct route. The applicant was encouraged to explore options to break up its massing and provide greater permeability. The applicant submitted a Design and Access Statement Addendum which seeks to show how the elevations could be treated to introduce a greater degree of vertical emphasis to the six points along the elevation where the balconies and communal entrances align. This provides options that will be further developed and secured by condition. Although additional routes have not been provided through the block, it is understood that this was agreed with the Council following further analysis of movement and the urban grain.

11 As requested at the consultation stage the Council has included robust conditions to secure important design details, including balconies, window reveals and facing materials. Overall it is considered that the scheme will deliver a high standard of urban design and architecture.

Inclusive design

12 At the consultation stage it was noted that the applicant had committed to providing 10% of the residential units (27 units) as wheelchair accessible. Since the consultation stage the number of wheelchair accessible units has been reduced to 13 (4.8%). The reason given for this is the difficulty in providing adequate disabled parking and the impact that this would have on the public realm. The applicant has agreed to make a payment of £400,000 in-lieu of the wheelchair unit shortfall, calculated in accordance with the Council's Section 106 Planning Obligations and Community Infrastructure Levy SPD which makes provision for such a payment when it has been demonstrated that the required amount of wheelchair accessible units is not achievable. The monies would contribute towards funding adaptations to existing housing in the borough. Generally provision of 10% wheelchair units should be secured irrespective of whether the

corresponding disabled parking provision can be provided. However, given the payment secured the amount of wheelchair units secured is acceptable.

Sustainable development

13 Further information relating to overheating was requested at the consultation stage. The applicant has provided an overheating assessment for Block D, which is considered by the applicant to be the worst case due to limited shading and cross ventilation. The applicant has modelled scenarios including windows opened and windows closed. The results show that the ground floor living areas and bedrooms meet the CIBSE requirements with the windows closed and that all of the units meet the requirements with the windows open. The strategy includes low g-value of 0.35, trickle vents and internal blinds. The applicant should commit to these measures being adopted/installed throughout the site and it is recommended that further modelling (including other blocks) should be undertaken at detailed design stage to confirm that the strategy continues to meet the CIBSE requirements. No further information is required.

14 A single site heat network is proposed and the applicant has provided a commitment to ensuring the development is designed to allow future connection to a district network should one become available. At consultation stage further detail of the heat network connections was requested. The applicant has provided the information requested.

Transport for London's comments

15 At consultation stage Transport for London (TfL) asked that various London Plan policy and design matters be addressed. Since that date, clarification has been provided that the proposed vehicle access would not adversely impact upon the existing bus stop. The agreed conditions secure, as requested, policy compliant cycle parking, a Travel Plan, Construction Logistics Plan and a Service Management Plan. It is welcomed that the development is car free except for London Plan policy compliant Blue Badge parking which will have Electric Vehicle Charging Points, which is welcomed.

16 The Section 106 Heads of Terms (S106) provides funding to Southwark of £6,000 towards Legible London signage, £10,000 to upgrade an existing bus stop, £5,000 for a Car Club, and a further £50,000 to TfL towards the creation of a new cycle hire docking station or enlargement of an existing station within in the vicinity of the site. Car club membership for each resident is secured in the S106 for a period of three years and residents will be ineligible for parking permits.

17 On the basis of the above, TfL is satisfied that the application scheme could be considered to be in general accordance with the transport policies of the London Plan.

Response to consultation

18 The Council notified nearby owners, occupier and local groups, with responses received from The Walworth Society, Elephant Amenity Network/35percent Campaign, and occupiers of properties on Occupation Road, Penton Place, and Walworth Road. Concerns were raised in relation to affordable housing, overdevelopment on the eastern side of the viaduct, height and scale, architecture and materials, public access and circulation, daylight and sunlight, parking and highway safety, access and retention of memorial stones.

19 In relation to the objections and points raised, these have been addressed in the Council report and strategic matters about design and transport and scale of development in particular, have been addressed in this report and the initial Stage 1 consultation.

20 In terms of statutory consultees, Historic England do not wish to make comments, the Environment Agency raise no objections subject to conditions, London Underground have no comments to make, Network Rail has no objections, Thames Water make no objections subject to conditions and the Victorian Society are supportive of the re-use of the listed building but consider the architectural treatment harmful to its character and appearance. The requested conditions have been secured.

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

21 Under Article 7 of the Order the Mayor could take over this application provided the policy tests set out in that Article are met. In this instance the Council has resolved to grant permission with conditions and a planning obligation, which satisfactorily addresses the matters raised at stage 1, therefore there is no sound planning reason for the Mayor to take over this application.

Legal considerations

22 Under the arrangements set out in Article 5 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor has the power under Article 6 to direct the local planning authority to refuse permission for a planning application referred to him under Article 4 of the Order. He also has the power to issue a direction under Article 7 that he is to act as the local planning authority for the purpose of determining the application and any connected application. The Mayor may also leave the decision to the local authority. In directing refusal the Mayor must have regard to the matters set out in Article 6(2) of the Order, including the principal purposes of the Greater London Authority, the effect on health and sustainable development, national policies and international obligations, regional planning guidance, and the use of the River Thames. The Mayor may direct refusal if he considers that to grant permission would be contrary to good strategic planning in Greater London. If he decides to direct refusal, the Mayor must set out his reasons, and the local planning authority must issue these with the refusal notice. If the Mayor decides to direct that he is to be the local planning authority, he must have regard to the matters set out in Article 7(3) and set out his reasons in the direction.

Financial considerations

23 Should the Mayor direct refusal, he would be the principal party at any subsequent appeal hearing or public inquiry. Government Planning Practice Guidance emphasises that parties usually pay their own expenses arising from an appeal.

24 Following an inquiry caused by a direction to refuse, costs may be awarded against the Mayor if he has either directed refusal unreasonably; handled a referral from a planning authority unreasonably; or behaved unreasonably during the appeal. A major factor in deciding whether the Mayor has acted unreasonably will be the extent to which he has taken account of established planning policy.

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

Conclusion

26 The principle of the residential-led mixed use redevelopment of the site is supported in accordance with strategic policy. The issues raised at consultation stage regarding the principle of development, urban design, sustainable development and transport have been addressed. As such,

the application is now acceptable in strategic planning terms and there are no sound reasons for the Mayor to intervene in this particular case.

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

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