



HM Courts &
Tribunals Service



Camberwell Green Magistrates' Court

The Planning Opportunity



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Executive Summary

Introduction

Her Majesty’s Court and Tribunals Service (‘HMCTS’) is currently undergoing a review of court provision in London. As part of this process, Camberwell Green Magistrates’ Court (the ‘site’) has been identified as surplus to the operational requirements of HMCTS.

This Report has been prepared by the JLL Planning, Development and Heritage Team (‘JLL’) as part of the marketing information supporting the disposal of the site, to set out the planning opportunity.

Site Context

Camberwell Green Magistrates’ Court is a purpose built magistrates’ court located within Camberwell District Town Centre. Sited on a 0.25 hectare (0.63 acre) plot on the northern side of D’Eynsford Road, the building a typical 1960s design. The monolithic structure is faced with pre-cast wall cladding units and aluminium curtain wall cladding.

The surrounding urban area is largely residential in character, while Camberwell town centre is located approximately 0.3 miles south-west of the site. The surrounding building form is highly varied, with a mix of large 20th century flatted developments of varying character.

The site is located approximately 850m north of Denmark Hill rail station, which provides access to National Rail services. Accordingly, the site has an ‘excellent’ public transport accessibility level (‘PTAL’) of 5, on a scale of 1-6b, where 6b is the highest.

Proposals

Two development opportunities were tested at pre-application with the London Borough of Southwark (‘LBS’ or ‘The Council’), as follows:

Option 1	Magistrates’ Court site plus additional highways and public realm land owned by LBS (‘combined site’) Perimeter block format with a single, 16 storey tower element accommodating a total of 166 residential units and 1,796 sqm (GIA) of commercial floorspace.
Option 2	Magistrates’ court site only (‘stand alone site’) Perimeter block format with a single, 14 storey tower accommodating a total of 118 residential units and 1,367 sqm (GIA) of commercial floorspace.

Pre-application discussions

A pre-application meeting was held with LBS officers who were supportive of the principle of mixed use redevelopment, where a scheme was compliant with adopted and emerging planning policies. Acceptable alternative uses would include commercial, creative, community and residential floorspace.

Principle of Development

- Form of development – the existing court building is not considered to be of any architectural merit. Its demolition offers the opportunity to redevelop the site with a high quality scheme that makes more efficient use of this brownfield site.

Up to 16 storeys could be accommodated where this was off-set against generously sized and well deigned public realm (particularly fronting the library).

- Uses -
 - **Existing community floorspace:** LBS accepts that the court function is being lost as part of a strategic, estate review to deliver a modern and fit for purpose planning system. LBS will additionally require consideration of alternative community users.
 - **Commercial and community floorspace** – LBS consider that the site could be suitable for employment/community users. This is set out in the emerging New Southwark Local Plan, which currently states that employment floorspace (B Class uses or D Class uses) of at least the amount currently on site (approx. 9,700sqm GIA) should be reprovided.

Throughout the pre-application process, HMCTS explained to LBS that this quantum of commercial floorspace may not be commercially viable or deliverable. LBS will discuss the principle of a reduced quantum of commercial floorspace where this is robustly evidenced.
 - **Residential** – the site falls within a District Town Centre, where residential development is directed and supported. An appropriate unit mix will be expected by LBS.

LBS expects 50% affordable housing provision, in line with London Plan expectations of public land.
 - **Parking and servicing** – a car free/limited development would be supported. Cycle parking should be provided in line with London Plan requirements. All servicing is expected to take place on-site.

1 Introduction

1.1 Report purpose

Her Majesty’s Courts and Tribunals Services (‘HMCTS’) is currently undergoing a review of court provision in London to deliver by 2020, a justice system fit for the 21st century through significant investment in both technology and estate. In this context, HMCTS has begun a review of its London estate with the objectives of:

- ensuring that justice is delivered from modern, efficient, green buildings;
- ensuring that they are fit-for-purpose for its users;
- minimising its future operating costs; and,
- realising sales proceeds for re-investment in reforming and modernising the justice system.

As part of this process, Camberwell Green Magistrates’ Court (‘the site’) has been identified as surplus to operational requirements by HMCTS.

This Report has been prepared by the JLL Planning, Development and Heritage Team (‘JLL’) as part of the marketing information supporting the disposal of the site, to set out the planning opportunity.

The content of this Report is informed by JLL’s extensive experience on advising HMCTS on its Estate Portfolio and pre-application discussions with the London Borough of Southwark (‘LBS’ or ‘the Council’).

1.2 Report disclaimer

This Report is made available as guidance only to prospective purchasers and all interested parties are encouraged to undertake detailed pre-application discussions with the Council.

JLL accepts no liability for purchasers in formulating their bids for acquisition, or for their planning proposals for the site.

Should you have any queries with regards to the content of this Report, please do not hesitate to contact the members of the JLL Planning, Development and Heritage Team listed at the end of this document.

1.3 Report contents

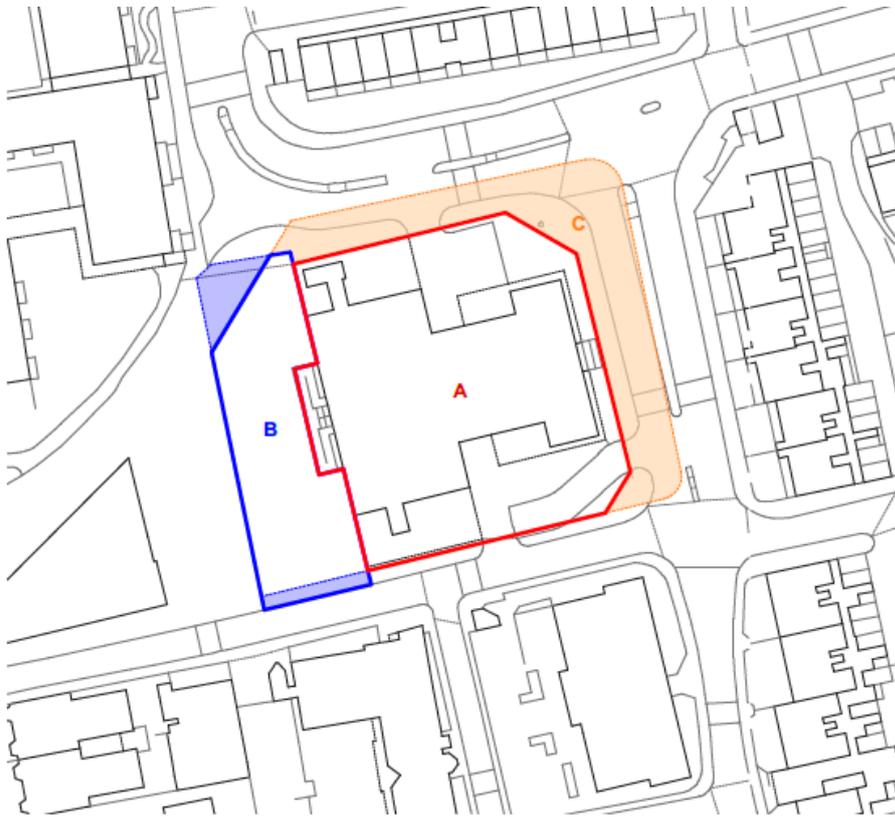
This report is structured as follows:

- **Section 2** – Provides a description of the site and its context;
- **Section 3** – Describes the proposals tested at pre-application stage;
- **Section 4** – Summarises the pre-application feedback received from the Council;
- **Section 5** – Sets out the key planning considerations for the redevelopment of the site; and,
- **Section 6** – Sets out the Council’s approach to planning obligations.

2 Site Context

2.1 Address

Camberwell Magistrates Court, 15 D’Eynesford Road, Camberwell Green, SE5 7UP and surrounding land.



SITE PARCELS

KEY

-  **LAND PARCEL A - 0.267HA**
MINISTRY OF JUSTICE OWNERSHIP
-  **LAND PARCEL B - 0.086HA**
SOUTHWARK OWNERSHIP
-  **LAND PARCEL B -**
AREA TO BE EXCLUDED
-  **LAND PARCEL C - 0.097HA**
SOUTHWARK HIGHWAY LAND

Figure 2.1 Red Line Site Plan

Source: Extracted from Stock Wool’s Pre-Application Brochure (2018)

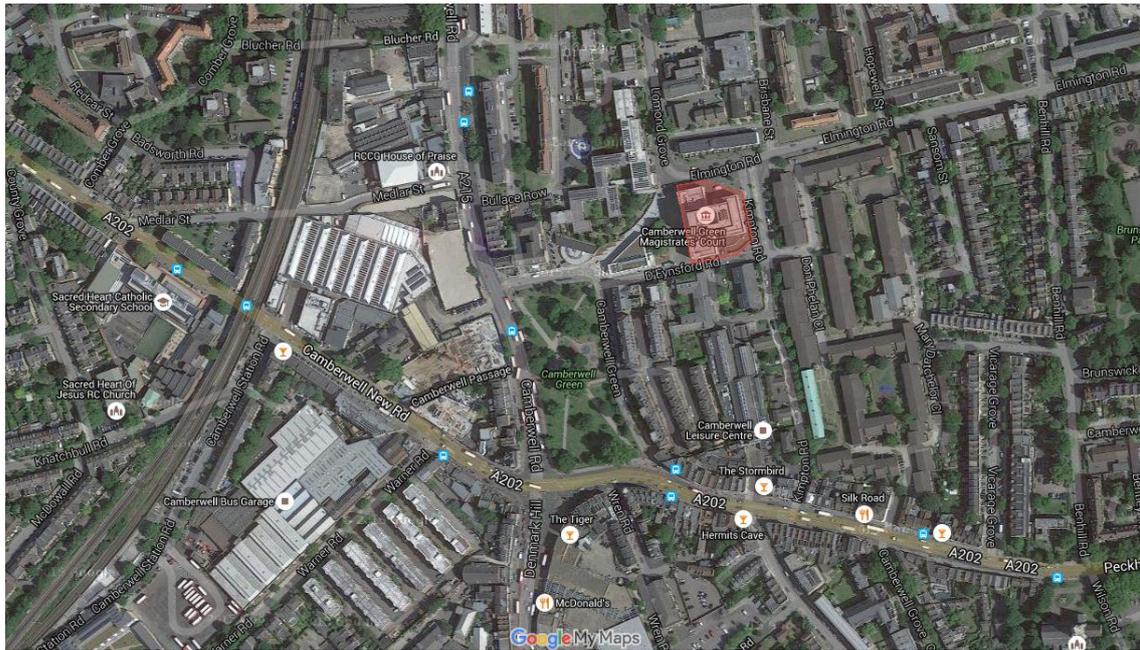


Figure 2.2 Google Earth Map

Source: Google 2016

2.2 Site description

Camberwell Green Magistrates Court is situated on the northern side of D'Eynsford Road, within close proximity to the junction of the Camberwell Road (A215) and Peckham Road (A202), about two miles south of the River Thames. The site is bounded by Elmington Road to the north, Kimpton Road to the east and D'Eynsford Road to the south. The building houses seven court rooms, ancillary cells and ancillary offices.

The court is a detached property of reinforced concrete frame construction. The style, typical of 1960s design, is quite monolithic; the main block is faced with pre-cast wall cladding units and the rear tower block with aluminium curtain wall cladding. The roofs are flat and made of concrete with an asphalt covering.

The building has seven court rooms of which 5 have secure docks. There are 30 male cells and 8 female cells.

There is secure car parking on site for 64 vehicles, provided in the basement and sub-basement. At ground floor level, there are 15 covered spaces but these are unsecured.

There are two other plots of land, owned by LBS, which were also considered for development as part of the pre-application process with LBS. These plots include highways land to the north and east, and public realm to the west (see figure 2.1 of this Report).

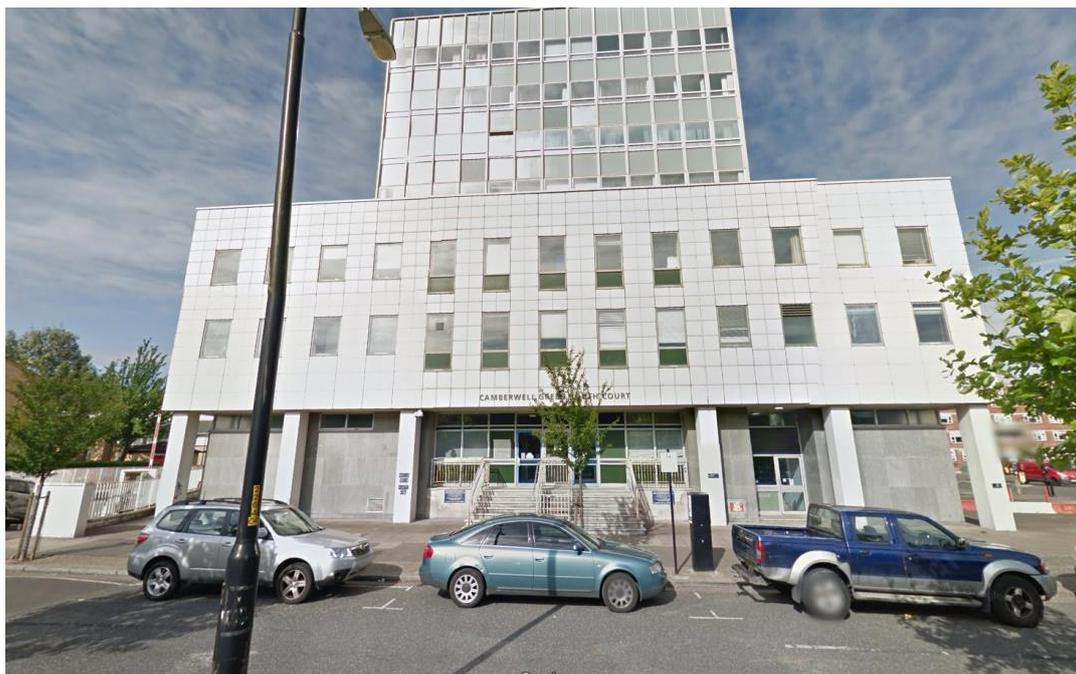


Figure 2.3 Eastern elevation of Camberwell Green Magistrates and Youth Court
Source: Google Streetview. Image Capture April 2015

2.3 Description of the surrounding area

The surrounding urban area is largely residential in character. Camberwell Centre is approximately 0.3 miles south-west of the site, consisting of smaller, convenience good shops, typical of a local high street.

The building form in the surroundings area is highly varied, with a mix of large, early, mid and late 20th century, flatted developments, of varying character.

The site is located approximately 850m north of Denmark Hill national station, which provides access to National Rail services. The closest bus stop is located approximately 160m west of the site on Camberwell Road, providing access to routes 35, 40, 42, 45 and the N35. Accordingly, the site has an 'excellent' public transport accessibility level ('PTAL') of 5, on a scale of 1-6b, where 6b is the highest.



Figure 2.4 North-eastern elevation of Camberwell Green Magistrates and Youth Court
Source: Google Streetview. Image Capture April 2015



Figure 2.5 Southern elevation of Camberwell Green Magistrates and Youth Court
Source: Google Streetview. Image Capture April 2015

2.4 Site Designations

The site falls within the following designations:

- i Camberwell Action Area – an area where planning policy seeks to improve current shops and services rather than retail growth or new development;
- ii District Town Centre – an area which provides shops and services for local communities;
- iii Urban Density Zone – an area with predominately dense development located within 10 minutes walking distance of a district centre; and,
- iv Air Quality Management Area – an area that does not meet the objective limit for certain air borne pollutants.

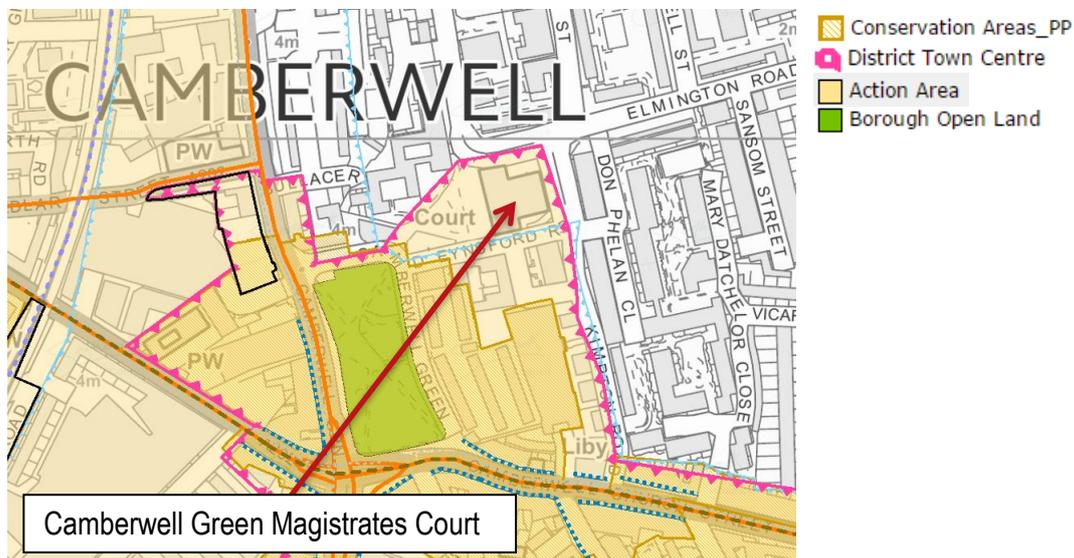


Figure 2.6 Extract of LBS Proposals Map

Source: LBS Proposals Map (2011)

Please refer to **Appendix 1** for a summary of the key planning policy.

2.5 Listed Buildings

There are no statutorily or locally listed buildings on the site.

2.6 Conservation Areas

The site does not lie within a conservation area; however Camberwell Green Conservation Area falls approximately 75m to the south-west of the site.

2.7 Designated views

The site does not fall within any designated Protected Views.

2.8 Archaeological Importance

The site is not designated as an area of archaeological importance.

2.9 Tree Preservation Orders (TPO)

There are no known TPOs on the site.

2.10 Flood Risk

A search of the EA Flood Map for Planning shows that the site falls within an area that is protected by flood defences.

2.11 Environmental considerations

There are no known nature conservation designations of international, national or local importance within or immediately adjoining the site. The site is not within an AONB, SSSI or SPA. The site does fall within a SSSI Impact Risk Zone

2.12 Planning History

Only two historic planning applications have been identified for Camberwell Green Magistrates Court on LBS’s statutory online planning register, one of which relates to the refurbishment of the surrounding public realm. There are no indications of any formal decisions that would preclude new applications coming forward.

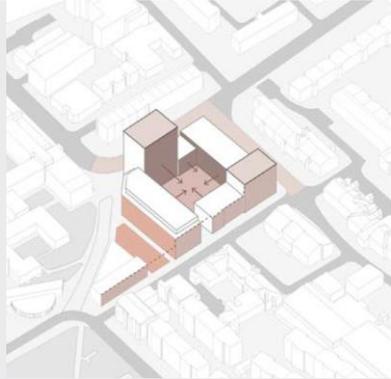
3 Proposals

3.1 Overview

Redevelopment options were tested at pre-application with LBS officers as part of HMCT’s due diligence.

HMCTS appointed Stock Wool Architects to prepare a pre-application brochure outlining potential massing options for the site which would optimise the site and its prominent location. This is available as part of the marketing information.

A summary of the two options is presented below.

Option 1 ‘Combined site’	Option 2 ‘Stand alone site’
HMCTS land ownership plus highways and public realm land owned by LBS	HMCTS land only
	
Perimeter block standing at part 4, part 5 and part 7 storeys. Tower element standing at 16 storeys.	Perimeter block standing at part 3, part 5 and part 7 storeys. Tower element standing at 14 storeys
166 residential units	118 residential units
1,796 sqm of commercial floorspace	1,367 sqm of commercial floorspace

4 Pre-application discussions

A pre-application meeting was held with LBS officers on 22 February 2018 to scope out the planning opportunity. The two options presented in section 3 of this Report were tabled.

A copy of the pre-application response received is included in **Appendix 2**.

Loss of existing court (Class D1) use

Officers accepted that HMCTs has found the site surplus to operational requirements as part of a strategic estate review. Nevertheless, Saved Southwark Plan policy 2.1 states that planning permission for a change of use from 'D class' community facilities will not be granted unless alternative community uses have also been explored. Officers asked for further investigation in this regard.

Alternative uses

At the time of writing, the site is allocated within the emerging New Southwark Plan (Proposed Submission Version) for:

- i. Employment floorspace (B or D use classes) of at least the amount currently on-site;
- ii. Residential (as a secondary use); and,
- iii. Town centre uses (as secondary uses).

The New Southwark Plan (Proposed Submission Version) can be accessed here: <https://www.southwark.gov.uk/planning-and-building-control/planning-policy-and-transport-policy/development-plan/local-plan?chapter=4>

Officers considered that the level of commercial (B/D class) floorspace proposed in Options 1 and 2 was too low, and needed reconsidering. This being said, officers would accept negotiating this quantum where appropriate, robust evidence was submitted to demonstrate why a higher level of commercial floorspace was not financially viable and marketable.

Residential floorspace was accepted as an appropriate secondary use.

Town centre retail uses (A class) would be accepted at ground floor towards the library.

Proposals for all other uses would be considered as a departure from the development plan and would need to be justified appropriately.

Residential density

While the two options were denser than London Plan guidance (on a habitable rooms per hectare basis), officers considered that the schemes did not “*exhibit the usual aspects of overdevelopment*”.

Residential unit mix

The number of 3-bedroom dwellings shown in Option 1 and Option 2 falls short of the requirement of Core Strategy Policy 7. Officers expect this to be addressed.

Affordable housing

Officers confirmed that they are applying weight to the New London Plan which expects public sites to deliver 50% affordable housing. Officers expect bids for the site to be made on this basis.

A full viability assessment should be provided in accordance with the Council’s viability SPD.

Massing and height

Officers considered that the basic perimeter block shape was appropriate for both site options. Officers also noted that the tower element is an “*understandable design decision*”.

The increase in massing (compared to the existing building) can be justified by virtue of the public realm. The 16 storey tower would only be considered acceptable where this was accompanied by enhanced public realm to make it into a landmark.

Officers expect a more generous public realm than that proposed in Option 1, particularly towards the library.

Amenity impacts

A full daylight and sunlight assessment plus an noise impact assessment would be required as part of any forthcoming planning application.

Energy and sustainability

London Plan Policy 5.2 requires new residential developments to be carbon neutral. A detailed energy assessment will be required to demonstrate how the regulated carbon dioxide emissions can be reduced by using the measures outlined in the energy hierarchy. Further guidance is set out in the Mayoral SPD. As a major development, meaningful areas of green living roofs and other sustainability measures should be incorporated into the design to ensure the development contributes positively to the environment and biodiversity.

BREEAM

The proposal rating would require a rating of 'Very Good' for any community use and all other non-residential components would be required to meet the 'excellent' rating.

EIA Screening

A Council recommend an EIA Screening Opinion is submitted for consideration.

Air Quality

The site is in an Air Quality Management Area and potential air quality impacts may arise as a result of demolition/construction impacting on nearby sensitive receptors. Details of appropriate mitigation should be provided with any formal application to demonstrate that the effects of demolition/construction/the completed development on air quality would not be significant and would be in accordance with the Mayors guidance. An air quality assessment that includes an Air Quality Neutral Statement will be a validation requirement for any future planning application.

Flood risk

The site is situated in Flood Risk Zone 2 and within a critical drainage area. A Flood Risk Assessment and drainage strategy should be provided as part of any formal submission, which properly assesses all possible forms of flooding and sets out a range of appropriate mitigation measures.

5 Principle of Development

This section sets out the key planning considerations for any redevelopment scheme.

5.1 Relevant development plan

This section summarises the relevant planning policies against which any development proposals will be assessed by the Planning Authorities.

Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that:

“If regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the Plan unless material considerations indicate otherwise”

Copies of the full wording of Section 38 is available on the Government’s website:

<http://www.legislation.gov.uk/ukpga/2004/5/section/38>

The Statutory Development Plan for LBS includes:

- The London Plan (consolidated with alterations March 2015, and additional alterations, March 2016);
- Southwark Core Strategy (2011); and,
- Southwark Plan (2007).

LBS is under a legal duty to have regard to all material considerations. These include Central Government policy documents; the National Planning Policy Framework (NPPF) (March 2012) and National Planning Practice Guidance (NPPG) (March 2014).

Other more local material considerations which should be taken into account include Supplementary Planning Documents (SPDs).

LBS has begun work on a new Local Plan for the borough. A ‘Preferred Option’ version was published in October 2015, but this has only minimal weight for the purpose of determining planning applications.

Full details of relevant planning policy are included in **Appendix 1**.

5.2 Designations

The site falls within the following designations:

- i Camberwell Action Area – an area where planning policy seeks to improve current shops and services rather than retail growth or new development;
- ii District Town Centre – an area which provides shops and services for local communities;
- iii Urban Density Zone – an area with predominately dense development located within 10 minutes walking distance of a district centre; and,
- iv Air Quality Management Area – an area that does not meet the objective limit for certain air borne pollutants.

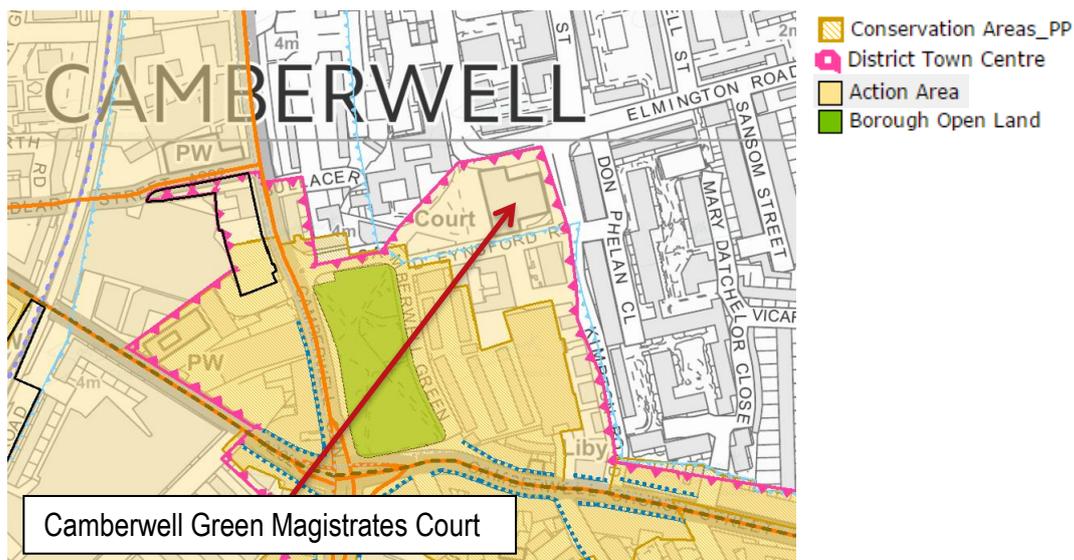


Figure 4.1 Extract of LBS Proposals Map

Source: *LBS Proposals Map (2011)*

5.3 Principle of Loss of Community Use

The site is in civic use as a magistrates’ court (Class D1) with ancillary offices.

Whilst ‘civic’ buildings are not specifically protected by planning policy, as a starting point, the loss of community facilities will be considered in the light of adopted planning policy. The NPPF (paragraph 70) seeks to guard against the “*unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs*”.

This protection is carried down through the regional level in London Plan policy 3.16 (Protection and Enhancement of Social Infrastructure) which resists the loss of social infrastructure in areas of defined need without realistic re-provision and Core Strategy policy 4 which supports the delivery of “*a network of community facilities that meet the needs of local communities*”.

UDP Policy 2.1 (Enhancement of Community Facilities) states that planning permission for a change of use from D class community facilities will not be granted unless it can be demonstrated that the community facility is surplus to requirements and that replacement development meets an identified need; or it is demonstrated that another locally accessible facility with similar or enhanced provision can meet the identified needs of the local community facility users.

However, at the heart of the NPPF is a “*presumption in favour of sustainable development*” (paragraph 14) and planning policy context encourages effective use of previously developed (brownfield) land and a mix of land uses.

LBS accept that the court is being closed as part of a strategic estate review. Nevertheless, in line with Policy 2.1 further exploration of alternative Class D occupiers should be undertaken (whilst considering the New Southwark Local Plan allocation for Class B / D users, see discussion below).

Summary

Adopted policy seeks to guard against the ‘unnecessary loss’ of community facilities, unless there is ‘*clear evidence that there is no longer an identified need for a particular facility*’.

The court’s disposal by the MoJ following public consultation demonstrates that it is surplus to operational requirements and that the court consolidation programme demonstrates that it is no longer required to serve its catchment area. Further, there would not be a loss of service as the operations are being reprovided elsewhere.

While LBS accept that the court is being closed as part of a strategic estate review, Officers require further consideration to be given to alternative Class D occupiers.

5.4 Form of development

This is a town centre location where London Plan policy 3.4 supports the principle of higher density development.

LBS Officers confirmed during pre-application meetings that the principle of a perimeter block with a slender tower element would be acceptable. In order to successfully accommodate a tower up to 16 storeys, careful consideration would need to be given to ensuring that there is a generous public realm at ground floor (especially to the west fronting the library).

Two options were presented at pre-application for discussion. Option 1 (which included Southwark land) was considered to be compromised in terms of public realm, particularly towards the library.

Summary

The site has the opportunity of accommodating a large building (perimeter block and tower element up to 16 storeys). In order to achieve this massing, LBS expect a generous quantum of public realm, particularly towards the library.

If a forthcoming application was to incorporate Southwark land, additional massing is more likely to be supported on the highways land, as opposed to the public realm land near the library.

5.5 Employment Uses

The emerging New Southwark Plan allocates the site for provision of employment floorspace (B1 or D Class uses) of “*at least the amount currently on site*” (9,732sqm). The Council considers that the site has significant opportunity to provide a high quality “*mixed-use hub*”.

HMCTS has submitted representations as part of the public consultation on the New Southwark Local Plan, requesting that the level of commercial floorspace expected be reduced (based on financial viability and marketability reasons). A copy of these representations is presented in **Appendix 3**. LBS will require strong evidence to justify a reduction in the level of commercial floorspace below that expected in the New Southwark Local Plan.

Summary

New commercial uses (B1 and D Class) will be supported on this town centre site. Indeed, the emerging New Southwark Local Plan allocates the site for replacement of commercial floorspace of at least the amount currently on site (9,732 sqm).

Any forthcoming application which proposes less than 9,732sqm of commercial space will need to be accompanied by robust evidence on financial viability and deliverability.

5.6 Residential

The NPPF seeks to boost the supply of housing (**paragraph 47**) and requires housing applications to be considered in the context of the presumption in favour of sustainable development (**paragraph 49**).

The site is considered to constitute an ‘acceptable’ and sustainable’ location for residential as it has the following characteristics:

- Brownfield;
- Within walking distance of a range of public / community facilities (by virtue of the fact the site is within the District Town Centre); and,
- Good public transport access (by virtue of the fact the site has PTAL Level 5).

London Plan policies 3.3 and 3.4 seek to increase housing supply and optimise housing output whilst taking account of local context and character. Policy 3.7 specifically encourages large residential developments, which include an element of complementary non-residential uses, in areas of high public transport accessibility.

LBS confirmed during pre-application discussions that residential would only be supported as a secondary use.

Summary

This brownfield site is located within a District Town Centre, where residential development is directed and supported. Residential use is, therefore, appropriate in this location.

LBS advised during pre-application discussions that residential would only be supported as a secondary use.

5.7 Affordable Housing / Mix

Core Strategy Policy 6 expects developments of 10 or more units to provide a minimum of 35% affordable housing in this location. In addition, this policy seeks a minimum of 35% private housing units in new development. Affordable housing should be provided at a ratio of 70% social rented and 30% intermediate.

Emerging London Plan Policy H5 expects public sector land to deliver 50% affordable housing. LBS advised during pre-application discussions that the GLA is applying weight to this policy and potential purchasers should bid for the site on this basis.

Summary

At a local level, affordable housing will be sought on any redevelopment scheme that provides 10 or more residential units at a minimum of 35%. In addition, 35% of units must be delivered for the private market.

At a strategic level, the emerging London Plan expects public sector land to deliver 50% affordable housing.

5.8 Access/ Highways

The main pedestrian access is located to the front of the building and accessed by a private path leading between D’Eynsford Road and Elmington Road. A pedestrian entrance also exists to the rear off Kimpton Road. Main vehicular access to the basement parking is from Kimpton Road with court vehicles accessing through a secure entrance off Elmington Road.

Any redevelopment will need to take into account the existing access and car parking arrangements and consider whether it can support the quantum of development proposed. LBS seek to minimise car use and given the sites high accessibility by public transport, justification can be made for a car free development.

A full Transport Assessment and discussions with LBS’s Highways Department will be required as part of any planning application.

5.9 Infrastructure

Developers should consider the infrastructure requirements needed to support and service the proposed development. Any development will be subject to impact assessments including traffic, environment, and school capacity.

6 Planning Obligations

Delivering new development in the UK requires payment of a Community Infrastructure Levy (CIL) to mitigate for any potential impact on the local community and infrastructure, and to ensure that the necessary additional infrastructure is paid for.

Pursuant to this, both the Mayor and LBS have their own charging regimes in place.

CIL will be charged at the following rates (index linked) based on net additional floorspace (gross internal area) of all new development apart from that exempt under Part 2 and Part 6 of the CIL Regulations 2010 (as amended).

Please note that social housing development is excluded from CIL charges (i.e. in mixed tenure schemes, the social housing content will not be chargeable).

Section 40 (10) of CIL Regulations 2010 (as amended) when read with Section 40 (6) (a) indicate that it is only possible to deduct existing floorspace from the CIL calculation if a part of that building has been in lawful use for 6 months of the previous year, on the date when planning permission is granted.

It is understood that the site remains in current occupation and has, therefore, been in lawful use for 6 months of the previous 36 months. In light of this, it is considered that CIL payment only applies to the proposed floorspace uplift.

6.1 Mayoral obligations

The Mayor published a CIL Charging Schedule for London which came into effect on 1st April 2012. Mayoral CIL came into operation on 1 April 2013. The Levy raises money towards Crossrail and is collected by the London boroughs.

It applies to all applications, irrespective of proposed use or location. CIL requires planning gain at a level of £35 (+indexation) per sqm GIA of additional floorspace created in LBS.

The site is located outside of the Central Activities Zone / 1km of a Crossrail Station / Isle of Dogs so will not be liable for the Crossrail Levy.

6.2 LBS obligations

LBS began charging their own CIL in April 2015 for most planning obligations. The CIL is the new way in which the Council collects financial contributions from developers to help pay for new and improved infrastructure. Camberwell Green Magistrates’ court is in Zone 3.

The following charges are applicable:

Table 5.1 CIL Charging Schedule

Development Type	CIL Rate (£ per sqm)
	Zone 3
Office	£nil
Hotel	£125
Residential	£50
Student housing (direct let)	£100
Student housing (nomination)	£nil
All retail	£125
Town centre car parking	£nil
Industrial and warehousing	£nil
Public libraries	£nil
Health	£nil
Education	£nil
All other uses	£nil

6.3 Section 106 contributions

Notwithstanding the position on CIL, any proposals would need to deliver a scheme that does not place pressure on existing social and community infrastructure without delivering adequate solutions.

Indeed, contributions secured via s106 of the Town and Country Planning Act 1990 (‘s106’) are still payable to secure affordable housing and to pay for site specific mitigation works which would not be covered by the CIL regime. Therefore, other s106 capital contributions might include:

- Archaeological investigations;
- Carbon off-setting; and,
- Transport and highways.

Other non-capital contributions might include:

- Employment and enterprise (jobs during construction period, skills, training and employment);

- Provision of affordable business and/or retail units; and,
- Public realm measures.

Appendix 1 – Relevant Planning Policies

National Planning Policy Framework (March 2012)

The NPPF sets out the Government’s planning policies and how they are to be applied. It sets out the Government’s requirements for the planning system “*only to the extent that it is relevant, proportionate and necessary to do so*”.

a. General Approach

The key driver within the NPPF “*is a presumption in favour of sustainable development*” (paragraph 14). It requires local planning authorities to:

- “*Approve development proposals that accord with the development plan without delay; and*
- *grant permission where the plan is absent, silent, indeterminate or where relevant policies are out of date, unless:*
 - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
 - *specific policies in this Framework indicate development should be restricted.*”

The Core Principles of Planning (paragraph 17) reiterates this presumption in favour of sustainable development (inter alia):

- “*proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities*”;
- “*always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings*”;
- “*take account of the different roles and character of different areas, promoting the vitality of our main urban areas...*”;

- “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”.

b. Community Uses

Paragraph 70 seeks to guard against the “unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day to day needs”.

c. Residential Uses

The Framework seeks to significantly boost the supply of housing (**paragraph 47**) and requires housing applications to “be considered in the context of the presumption in favour of sustainable development” (paragraph 49).

Under **paragraph 50**, the NPPF sets out that local planning authorities should deliver a wide range of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.

“The Government attaches great importance to the design of the built environment” (**paragraph 56**), however, notes that “securing high quality and inclusive design goes beyond aesthetic considerations” (**paragraph 61**).

Paragraph 111 encourages “the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value”.

d. Sustainable and inclusive design

The NPPF advises that planning decisions should not attempt to impose architectural styles or particular tastes and should not stifle innovation or originality, adding that great weight should be given to innovative design. Visual appearance is a significant factor but it is important that design considers connections between people and places.

Paragraph 56 states that “the 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”.

Paragraph 58 of the NPPF states that good design is fundamental to achieving

sustainable development. Planning decisions should aim to ensure that developments achieve a high quality design response, that has regard to the establishment of a strong sense of place, functions well and adds to the overall quality of the area, responds to local character and history, creates safe and accessible environment, supports local facilities and transport networks and is visually attractive as a result of high quality architecture.

e. Transport and Highways

Paragraph 32 refers to transport, noting that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. The NPPF further states that plans and decisions should take account of whether:

- *“The opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;*
- *Safe and suitable access to the site can be achieved for all people; and*
- *Improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe”.*

The NPPF highlights that transport strategies need to be considered and should be balanced in favour of sustainable transport modes, for movement of goods or people.

Paragraph 30 states that there is a general presumption in favour of reduction in congestion and greenhouse gas emissions.

London Plan (March 2016)

The London Plan is the overall strategic plan for London, setting out an integrated economic, environmental, transport and social framework for the development of London over the next 20-25 years. The London Plan has been consolidated with alterations since its initial publication in 2011.

The most relevant policies for this site are:

a. General Approach

Policy 1.1 (*Delivering the Strategic Vision and Objectives for London*) sets the key aims for the London Plan as realising the Mayor’s vision for London’s sustainable

development. Growth is supported across “*all parts of London to ensure it takes place within the current boundaries of Greater London*”.

Within Inner London, **Policy 2.7 (Inner London)** the aim of the plan is to “*realise in potential of inner London in ways that sustain and enhance its recent economic and demographic growth while also improving its distinct environments, neighbourhoods and public realm*”.

Policy 2.13 (Opportunity Areas and Intensification Areas) states that within designated opportunity and intensification areas support is given to realising each areas potential. This will be achieved by taking planning decisions that support the strategic policy directions and also to “*optimise residential and non-residential output and densities, provide necessary social and other infrastructure to sustain growth, and, where appropriate, contain a mix of uses*”.

b. Community Uses

Policy 3.16 (Protection and Enhancement of Social Infrastructure) resists the loss of social infrastructure in areas of defined needs for that type of social infrastructure without realistic proposals for re-provision.

c. Residential Uses

Policy 3.3 (Increasing Housing Supply) seeks to ensure the provision of at least an annual average of 42,000 net additional homes across London, in particular the potential to realise brownfield housing capacity including intensification, town centre renewal, mixed use redevelopment, and renewal of existing residential areas.

Within Southwark, the specific housing target is 27,362 units over the period 2015 to 2025, equating to 2,788 units per annum.

Policy 3.4 (Optimising Housing Potential) expects developments to optimise housing output taking into account local context and character. With regards to density, developments are expected to optimise housing output for different types of location, in accordance with **Table 4.1** below.

Setting	Public Transport Accessibility Level (PTAL)		
	0 to 1	2 to 3	4 to 6
Suburban	150–200 hr/ha	150–250 hr/ha	200–350 hr/ha
3.8–4.6 hr/unit	35–55 u/ha	35–65 u/ha	45–90 u/ha
3.1–3.7 hr/unit	40–65 u/ha	40–80 u/ha	55–115 u/ha

2.7–3.0 hr/unit	50–75 u/ha	50–95 u/ha	70–130 u/ha
Urban	150–250 hr/ha	200–450 hr/ha	200–700 hr/ha
3.8 –4.6 hr/unit	35–65 u/ha	45–120 u/ha	45–185 u/ha
3.1–3.7 hr/unit	40–80 u/ha	55–145 u/ha	55–225 u/ha
2.7–3.0 hr/unit	50–95 u/ha	70–170 u/ha	70–260 u/ha
Central	150-300 hr/ha	300–650 hr/ha	650–1100 hr/ha
3.8–4.6 hr/unit	35–80 u/ha	65–170 u/ha	140–290 u/ha
3.1–3.7 hr/unit	40–100 u/ha	80–210 u/ha	175–355 u/ha
2.7–3.0 hr/unit	50–110 u/hr	100–240 u/ha	215–405 u/ha

Table 4.1 Sustainable residential quality density matrix

Source: London Plan (March 2015), Table 3.2, Sustainable residential quality density matrix

Policy 3.5 (*Quality and Design of Housing Developments*) expects housing developments to be of the highest quality. Developments are expected to adhere to minimum space standards, as shown in **table 4.2** overleaf.

Policy 3.7 (*Large Residential Developments*) encourages large residential developments, which include an element of complementary non-residential uses, in areas of high public transport accessibility.

Policy 3.8 (*Housing Choice*) seeks a mix of housing sizes and types, all new housing built to ‘The Lifetime Homes’ standard and 10% should meet Building Regulations Requirement M4 (3) ‘wheelchair user dwellings’ (i.e. is designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users). 90% of dwellings should meet Building Regulations Requirement M4 (2) ‘accessible and adaptable dwellings’.

Number of Bedrooms	Number of bed spaces	Minimum GIA (sqm)			Built in Storage
		1 Storey Dwellings	2 Storey Dwellings	3 Storey Dwellings	
1b	1p	39 (37 where there is a shower instead of a bath)			1.0
	2p	50	58		1.5
2b	3p	61	70		2.0
	4p	70	79		2.0
3b	4p	74	84	90	2.5
	5p	866	93	99	2.5
	6p	95	102	108	2.5
4b	5p	90	97	103	3.0
	6p	99	106	112	3.0
	7p	108	115	121	3.0
	8p	117	124	130	3.0
5b	6p	103	110	116	3.5
	7p	112	119	125	3.5
	8p	121	128	134	3.5
6b	7p	116	123	129	4.0

Table 4.2 Minimum space standards for new dwellings

Source: London Plan (March 2016), Table 3.3, Minimum space standards for new dwellings

Policy 3.9 (*Mixed user and balance communities*) seeks a more mix of tenures in all parts of London.

Policy 3.11 (*Affordable Housing Targets*) seeks to maximise affordable housing provision and a split of 60% social and affordable rent and 40% intermediate, prioritising affordable family housing.

Policy 3.12 (*Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes*) expects the maximum reasonable amount of affordable housing to be sought.

Policy 3.13 (*Affordable Housing Thresholds*) normally requires affordable housing

provision on a site which has capacity to provide 10 or more homes.

d. Sustainable and Inclusive Design

Policy 3.6 (*Children and Young People’s Play and Informal Recreation Facilities*) requires development proposals that include housing to make provision for play and informal recreation, based on the expected child population generated by the scheme and an assessment of future needs.

Policy 5.1 (*Climate Change Mitigation*) seeks to achieve an overall reduction in London’s carbon dioxide emissions of 60 per cent (below 1990 levels) by 2025.

Policy 5.2 (*Minimising Carbon Dioxide Emissions*) seeks zero carbon residential buildings from 2016 and zero carbon non domestic buildings from 2019.

Policy 5.3 (*Sustainable Design and Construction*) seeks the highest standards of sustainable design and construction.

Policy 5.4 (*Retrofitting*) seeks to reduce carbon dioxide emissions, improve the efficient use of resource and minimise the generation of pollution and waste from existing building stock.

Policy 5.13 (*Sustainable Drainage*) requires development to utilise sustainable urban drainage systems (SUDS) unless there are practical reasons for not doing so, and should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its could as possible.

Policy 5.15 (*Water Usage and Supplies*) requires new residential development to be designed to ensure that mains water consumption would meet a target of 105 litres or less, per head, per day.

Policy 7.4 (*Local Character*) expects development to have regard to the form, function and structure of an area, place or street and the scale, mass and orientation of surrounding buildings.

Policy 7.5 (*Public Realm*) expects developments to make the public realm comprehensible at a human scale.

Policy 7.6 (*Architecture*) requires the highest architectural quality that makes a positive contribution to a coherent public realm, streetscape and wider cityscape.

e. Transport and Highways

Policy 6.13 (*Parking*) sets maximum parking / minimum cycle parking standards and electrical charging point provision requirements.

Table 6.2 of the London Plan provides maximum car parking as follows:

	PTAL 0 to 1		PTAL 2 to 4		PTAL 5 to 6	
	150–200 hr/ha	Parking provision	150–250 hr/ha	Parking provision	200–350 hr/ha	Parking provision
Suburban						
3.8–4.6 hr/unit	35–55 u/ha	Up to 2 spaces per unit	35–65 u/ha	Up to 1.5 spaces per unit	45–90 u/ha	Up to one space per unit
3.1–3.7 hr/unit	40–65 u/ha		40–80 u/ha		55–115 u/ha	
2.7–3.0 hr/unit	50–75 u/ha		50–95 u/ha		70–130 u/ha	
Urban	150–250 hr/ha		200–450 hr/ha		200–700 hr/ha	
3.8–4.6 hr/unit	35–65 u/ha	Up to 1.5 spaces per unit	45–120 u/ha	Up to 1.5 spaces per unit	45–185 u/ha	Up to one space per unit
3.1–3.7 hr/unit	40–80 u/ha		55–145 u/ha		55–225 u/ha	
2.7–3.0 hr/unit	50–95 u/ha		70–170 u/ha		70–260 u/ha	
Central	150–300 hr/ha		300–650 hr/ha		650–1100 hr/ha	
3.8–4.6 hr/unit	35–80 u/ha	Up to 1.5 spaces per unit	65–170 u/ha	Up to one space per unit	140–290 u/ha	Up to one space per unit
3.1–3.7 hr/unit	40–100 u/ha		80–210 u/ha		175–355 u/ha	
2.7–3.0 hr/unit	50–110 u/hr		100–240 u/ha		215–405 u/ha	

Table 4.3 Car Parking Standards

Source: London Plan (March 2016), Table 6.2, Car parking standards

Parking addendum to chapter 6 gives maximum car parking standards, as follows:

- Less than 1 space per 1-2 bed unit;
- Up to 1.5 spaces per 3 bed unit; and,
- Up to 2 per unit for 4 or more bed units.

f. Flooding

Policy 5.12 (Flood Risk Management) requires development proposals to comply with the flood risk assessment and management requirements set out in the NPPF and the associated technical guidance.

Southwark’s Core Strategy (CS, 2011)

The Core Strategy (CS) is the Council’s key planning document and sets out the overall ambitions and priorities for development in the borough up to 2026. This includes the location, amount and types of new housing, jobs and shops that the Council has determined is needed.

a. General development approach

Objective 5, states that the Council is committed to ensuring that Southwark improves as a place where local facilities, transport and infrastructure support the growth of homes, office space and employment planned for growth areas. Regeneration will be made sustainable through the implementation of high environmental and design standards.

Development in the Central Activities Zone will support the continued success of London as a world-class city as well as protecting and meeting the more local needs of the

residential neighbourhoods. There will be new homes, office space, shopping and cultural facilities, as well as improved streets, spaces and community facilities (**Supporting Paragraph 4.4**).

Within the Camberwell Action Area, LBS has said they will continue to protect this successful town centre which has many small and medium sized businesses. Many of them are independently run which helps to give Camberwell a special character. Butterfly Walk shopping centre is the only large development site. However, the focus is on improving current shops rather than retail growth or new development, particularly businesses in the town centre and along Camberwell New Road towards the Oval (**Supporting Paragraph 4.60**).

b. Community Uses

Strategic Policy 4 (*Places for learning, enjoyment and healthy lifestyles*) supports the delivery of “*a network of community facilities that meet the needs of local communities*” and “*ensuring development provides flexible community spaces that can be shared by many groups, where there is a local need and an identified occupier for the space*”.

Supporting paragraph 5.44 makes specific reference to courts as a community facility: “*We will continue to develop our network of community facilities to make sure everyone has access to the facilities they need. This includes looking at wider community facilities such as libraries, sports centres, community halls, court facilities, places of worship and children’s play areas as required by London Plan Policy 3A.18.*”

c. Residential Uses

Strategic Policy 5 (*Providing New Homes*) states that the need for new housing in Southwark will be met by providing new high quality homes, particularly in growth areas. The density for new urban development in Urban Zones will be 200 to 700 habitable rooms per hectare, although this may be exceeded with identified growth areas where developments are of an exemplary standard of design.

Strategic Policy 6 (*Homes for people on difference incomes*) confirms that developments of 10 or more units will be required to provide as much affordable housing as is financially viable. A minimum of 35% private housing is expected in this location, with a further minimum 35% affordable housing expected. .

Strategic Policy 7 (*Family Homes*) requires developments of 10 or more units to have at least 60% 2 or more bedrooms.

d. Design

Strategic Policy 12 (*Design and Conservation*) expects new development to achieve the highest possible standards of design and make a positive contribution to regeneration and creating unique places.

Southwark’s historic environment should be protected and enhanced by development. The height and design of new buildings should be appropriate to its context and important local views.

Tall buildings are defined as either over 30m in height/ around 7 to 10 storeys, or in areas that have a low scale character, any building that is significantly higher than surrounding buildings. Tall buildings may be suitable in appropriate locations such as Action Areas where there is good transport accessibility (Strategic Policy 12).

e. Sustainability and Inclusive Design

Strategic Policy 13 (*High Environmental Standards*) requires development to achieve the highest possible environmental standards, including targets based on BREEAM.

f. Heritage

Strategic Policy 12 (*Design and Conservation*) expects development to conserve and/or enhance the significance of Southwark’s heritage assets, their settings and wider historic environment, including conservation areas, archaeological priority zones and sites, listed and locally listed buildings, registered parks and gardens, world heritage sites and scheduled monuments.

g. Transport and Highways

Strategic Policy 2 (Sustainable Transport) states that development should prioritise sustainable transport such as walking and cycling and should seek to maximise the use of public transport whilst minimising car use. Development will be directed towards areas with high public transport accessibility. Transport assessments will be required to support applications to ensure that proposals maximise sustainable transport use.

h. Flooding

Strategic Policy 13 (*High Environmental Standards*) allows development within the protected flood zone as long as “*it is designed to be safe and resilient to flooding and meets the exceptions test*”.

Supporting paragraph 5.134 adds it is “*not realistic to expect new development to occur outside the flood risk area*”.

‘Saved’ policies from Southwark’s Plan (UDP, 2007)

a. General development approach

Policy 7.7 (*Camberwell Neighbourhood Area*) seeks to develop the Camberwell Neighbourhood Area into an easily accessible district town centre that provides a range of arts, leisure and retail services, some specialist shopping opportunities, community facilities, homes, and local employment.

b. Community Uses

Policy 2.1 (*Enhancement of community facilities*) states that planning permission for a change of use from D class community facilities will not be granted unless:

- i The applicant demonstrates to the satisfaction of the LPA that the community facility is surplus to requirements of the local community and that the replacement development meets an identified need; or
- ii The applicant demonstrates that another locally accessible facility with similar or enhanced provision can meet the identified needs of the local community facility users.

c. Residential Uses

Proposals for residential development and mixed use schemes should provide a good quality of accommodation, including high standards of accessibility, privacy, sunlight/ daylight, ventilation, outdoor space, safety/ security and protection from pollution (**Policy 4.2 – Quality of Residential Accommodation**).

Major residential new-build should provide a mix of dwelling types, including a majority of two or more bedroom units, no more than 5% studio flats and at least 10% wheelchair accessible (**Policy 4.3 – Mix of Dwellings**).

For every affordable unit that is wheelchair accessible, one less affordable habitable room will be required (**Policy 4.5**).

d. Sustainable and Inclusive Design

Policy 3.4 (Energy efficiency) states that all developments must be designed to maximise energy efficiency and to minimise and reduce energy consumption and carbon dioxide (CO₂) emissions. Major developments will be required to provide an assessment of the energy demand of the proposed development (such as those contained within the BREEAM and EcoHomes Schemes). These should also demonstrate how the Mayor’s energy hierarchy will be applied.

Developments should achieve a high quality of design, appropriate to the site’s shape, size and location, and should be accompanied by a Design and Access Statement (**Policy 3.12 – Quality in Design**).

New developments should incorporate the principles of good urban design (**Policy 3.13 – Urban Design**). Consideration must be given to the following:

- i Height, scale and massing of buildings – appropriate to the local context and which does not dominate its surroundings inappropriately;
- ii Urban structure, space and movement – having regard to the existing urban grain,

- development patterns and density;
- iii Townscape, local context and character – having regard to the local context, contributing to the character of the area and providing active frontages;
- iv Site layout – includes building location, public spaces, microclimate, and outlook, site access and servicing, permeability, safety and ease of movement including vehicular, pedestrians and cyclists;
- v Streetscape – high quality of design and materials will be required for the street environment ;
- vi Landscaping – should enhance the area and biodiversity; and
- vii Inclusive Design – incorporating access for people with disabilities or those who are mobility impaired.

Development should be designed to improve community safety and crime prevention (**Policy 3.14** – Designing out Crime).

Policy 3.20 (*Tall Buildings*) states that planning permission may be granted for buildings that are significantly taller than their surroundings or have a significant impact on the skyline, on sites which have excellent accessibility to public transport facilities and are located in the Central Activities Zone (particularly in opportunity areas) outside landmark viewing corridors. Proposals for tall buildings should ensure that there are excellent links between the building(s) and public transport services. Any building over 30 metres tall (or 25 metres in the Thames Policy Area) should ensure that it:

- i. Makes a positive contribution to the landscape; and
- ii. Is located at a point of landmark significance; and
- iii. Is of the highest architectural standard; and
- iv. Relates well to its surroundings, particularly at street level; and
- v. Contributes positively to the London skyline as a whole consolidating a cluster within that skyline or providing key focus within views.

Policy 5.1 (*Locating Developments*) promotes the location of major developments near to transport nodes, where sustainable transport options are available to users.

Planning permission will not be granted where there would be adverse impacts on the environment (**Policy 3.1 – Environmental Effects**), or cause a loss of amenity (for example through noise disturbance) (**Policy 3.2 – Protection of Amenity**) or lead to a reduction in air quality (**Policy 3.6 – Air Quality**).

The economic, environmental and social impacts of major proposal should be addressed through a Sustainability Assessment. Developments should maximise their energy efficiency and minimise their CO2 emissions, applying the Mayor’s energy hierarchy (**Policy**

3.4 – Energy Efficiency).

Developments should ensure adequate provision of recycling and waste disposal facilities (**Policy 3.7 – Waste Reduction**).

New developments should include measures to reduce water demand and recycle grey/ rainwater and should not result in an increase in surface water runoff, incorporating sustainable drainage methods (**Policy 3.9 - Water**).

e. Transport and Highways

Development should not have an adverse impact on transport and should make provision for servicing (**Policy 5.2 – Transport Impacts**). New development should make provision for pedestrians and cyclists, promoting these sustainable forms of transport, for example inclusion of convenient, secure and weatherproof cycle parking (**Policy 5.3 – Walking and Cycling**). The number of car parking spaces should be minimised in line with minimum standards (**Policy 5.6 – Car Parking**).

Appendix 2 – Pre-application feedback



Chief executive's department
Planning division
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LONDON SE1P 5LX

Mr Guy Bransby
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Our Ref: 17/EQ/0421
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Date: 02/05/2018

Dear Mr Bransby

TOWN & COUNTRY PLANNING ACT 1990 (as amended)
PRE-APPLICATION ENQUIRY

At: MAGISTRATES COURT, 15 DEYNSFORD ROAD SE5 7UP
Proposal: Demolition of existing magistrates court and construction of new residential buildings up to 12 storeys in height (plus basement) providing around 170 flats

I write in connection with your pre-application enquiry received on 31/10/2017 regarding a scheme to redevelop the site above. This letter summarises the council's written advice on your proposal and whether, based on the details submitted, it meets local planning requirements

Planning Policy

The statutory development plan for the borough comprises The London Plan consolidated with further alterations (2016); The Core Strategy (2011) and saved policies from the Southwark Plan (2007).

The site is located within the:

- **Urban Zone**
- **Air Quality Management Area**
- **Critical Drainage Area**
- **Flood Risk Zone 2**
- **Camberwell District Town Centre**
- **Identified as Proposal site within the New Southwark Plan Proposed Submission Version**

The site is situated within the setting of the Camberwell Green conservation area and is within the setting of the Grade II listed Camberwell public baths. The site is also situated adjacent to the Camberwell Green Archaeological Priority Zone

Other key material considerations

The National Planning Policy Framework
The New Southwark Plan Proposed submission version

Proposal

Two proposals are submitted within the pre-application documents, one that takes into account the Magistrates Court site as well as public realm and highways land within ownership of the Council, and a second scheme that looks at the Magistrates Court site only.

The 'combined Magistrates Court/Southwark land ownership' proposal has a total of 166 residential units (67 x 1 bed, 71 x 2 bed, 28 x 3 bed) and 1,796 m2 of commercial floorspace (1650sqm B1, 146sqm leisure/retail D1/A1/A2/A3)

The 'Magistrates Court land only' proposal (shown in the Appendix) has a total of 118 residential units (61 x 1

bed, 42 x 2 bed, 15 x 3 bed) and 1,367 m² of commercial floorspace (1260sqm B1, 107sqm leisure/retail D1/A1/A2/A3).

The pre-application response will concentrate on the response to scheme 1 as discussed, since this is the preferred option moving forward, however, some comment is provided in relation to scheme 2 where appropriate.

Land Use

The existing use of the site lies within Class D1, reflecting its Court building use. Saved Southwark Plan policy 2.1 states that planning permission for a change of use from 'D class' community facilities will not be granted unless:

- i. The applicant demonstrates to the satisfaction of the Local Planning Authority that the community facility is surplus to the requirements of the local community and that the replacement development meets an identified need; or
- ii. The applicant demonstrates that another locally accessible facility with similar or enhanced provision can meet the identified needs of the local community facility users.

During the meeting, and further detailed within the submission package, the applicants have outlined that the Ministry of Justice have been reviewing their property portfolio with the aim to rationalise their service, to create more efficient use of the sites retained. It has subsequently been identified that the Camberwell Magistrates Court building has thus been deemed surplus to requirements. Whilst it is noted that the site is surplus to requirements of the landowners for the current use, the abovementioned policy looks beyond this. Any future application should consider whether other potential community uses could be provided within the site. This information should be detailed within a planning statement with any future submission. It is noted that the draft site allocation in the New Southwark Plan (NSP) does not specifically require replacement D Class use (it has the option of B1 or D), and this would gain greater material weight if the allocation is maintained as the NSP moves towards adoption.

The New Southwark Plan (NSP) identifies that any proposal within the site should provide employment floorspace (B1/D class) of at least the amount currently on site (approx 9,732 m²). It also notes that residential use should also be provided within the site. The New Southwark Plan is at submission stage and it is understood that an objection has been received in relation to level of commercial space required within the site allocation. At present, the NSP is being given some weight and as such must be considered, however the timing of any future submission would impact on the level of weight that is given to the site allocation.

Through the pre-application process, the scheme has been modified to include commercial space to the Camberwell Green frontage, however the level of commercial space currently proposed falls significantly below the required level within the New Southwark Plan allocation. Notwithstanding this, it was suggested during the pre-app meeting that the level of commercial space required by the New Southwark Plan would not be commercially viable within this location due to the lack of a major transport node within the immediate vicinity. It is also understood that the applicants have made representations in relation to the Council's allocation in order to seek revisions to the allocation, which the Council are now considering.

It is recognised that the current proposal does not comply with the emerging Council policy framework. The site is a significant opportunity to provide a high quality mixed use hub and as such it is advised that further provision of commercial space is considered; it is also noted that part of the proposed commercial floorspace is at basement level, and the quality and marketability of this space will need to be robustly demonstrated. Any future application will need to clearly evidence that the required policy provision is not commercially viable or deliverable, and that the space which is provided would be attractive to potential tenants..

However, the overall principle of providing a mixed use development within the site is largely appropriate subject to the abovementioned considerations.

Access and site layout

The proposed development would be set out in a courtyard typology providing building frontages to the three surrounding roads and the public realm area opposite the library. This is considered an appropriate layout and gives the opportunity to optimise use of the land, while also ensuring that residents have access to high quality external space. The public

As noted above, the scheme has been built up to provide commercial space at ground level and the building line recessed to provide a public realm area adjacent to the library with active uses at ground level here. The remainder of the ground floor of the site is characterised by residential units fronting onto the quieter roads around the site. This is appropriate as defensible space is provided where residential is at ground floor level.

The proposed vehicular access routes into the site are from Elmington Road, which provides access into the

basement car park and is considered appropriate. Details will need to be provided to ensure that either two vehicles can safely pass one another on the entry/exit ramp or that an appropriate traffic light system would be proposed. At present the proposal would result in servicing being undertaken on street. As discussed during the pre-application meeting, it would be required that the development should provide sufficient space within the site for servicing activities, and as such further exploration would be required in order to ensure that servicing can be undertaken from within the site.

Scale, height and massing

Context

The present site contains a substantial civic building in the form of the Magistrates Court. This civic status is emphasised by its size- it rises 8 and 9 storeys to form a local landmark. Together with the newly constructed library building to the west it forms a civic hub and focal point of the surrounding area. The wide surrounding streets and a green space between the courts and the library building both serve to separate the magistrates court/library complex somewhat from the surroundings.

The site is very close to key space of Camberwell Green together with its surrounding conservation area of grand Victorian flat blocks. Despite this the present bulky and tall magistrates building is largely hidden from the conservation area by the general scale and continuity of existing buildings around the Green.

Combined site

The design for the combined site continues the civic scale of the Magistrates Courts by an arrangement of quite large perimeter blocks (7, 5 and 4 storeys) around the edges of the site defining an inner courtyard, and on the north side of the site, a (slimish – 4 flats per floor) 16 storey tower.

The basic perimeter block arrangement is sound, and the focal point tower is also an understandable design decision. The scale of both is however such that the proposal will be rather bigger and more visible within its surroundings than the already large Magistrates Court.

This can be justified in that the site sits somewhat separately from its surroundings and constitutes, with the library and open space, a location with some landmark significance. It is nevertheless important, if the larger scale of buildings and particularly the 16-storey tower are to be accepted, that this landmark status is enhanced by an appropriate land use and by an enhanced public realm. In this respect the scheme will have a tall ground floor to accommodate retail and employment uses facing across and activating the space between the site and library. The very large basement will also be used for employment. Together with the library, therefore, the proposal will become a mixed use hub at the centre of the immediate neighbourhood.

The buildings will be set back from the perimeter of the combined site to provide a wide pedestrian zone along the active frontage of the site facing the library and, along other streets, space for private residential amenity space servicing flats at the base of the building and separating the flats from the public footways. This is welcome although the extent of public realm is not generous, especially given the requirement of tall building policy 3.20 for schemes to make a positive contribution to landscape. This space will be critical to the success of the development, and to avoid it appearing squeezed, I would suggest that the building line needs to be further set back to ensure the public space seems meaningful and attractive. The quality of the landscaping and finishes need to be very high quality and this may require off-site public realm improvements as well as works within you 'red line'.

It is noted however that the internal courtyard appears to have pedestrian routes into from surrounding streets; however, given the density and child yield of the proposal it may be better to retain this as a communal space for residents and not create an ambiguity about the status of this space (which may itself affect the residents use of the courtyard).

Listed buildings and conservation area

The existing Magistrates Court does not impinge upon the setting of Camberwell Green Conservation Area or nearby listed buildings to any great degree. However, the proposal is for a far taller building. There is a possibility that it will be much more widely visible and that it will appear above the run of buildings on the east side of Camberwell Green. This should be explored before a conclusion can be made with regard to acceptable height.

In general, listed buildings in the vicinity have tight urban settings rather than grand designed settings. The proposal is therefore unlikely to cause undue harm to their settings. A slight exception to this is the Public Baths, which have quite grand front symmetrical façade that terminates in Artichoke Place, as viewed from Camberwell Church Street. It is possible that the scheme proposal will appear in this view and hence harm the setting of the facade. This aspect requires to be examined.

Architecture

The architectural manifestation of the scheme is quite generic. This is understandable at this early stage in the development of the design. Nevertheless the scheme design makes the right basic moves. The facades of the perimeter blocks appear to be heavyweight pale brick with simple openings which should sit well with the smaller brick library building. The tower is also brick but is given a vertical emphasis by the use of a double storey module to articulate its façade. The mixed-use block has a high ground floor zone to add activity and emphasis to this active façade, whilst some attention has been paid to how the residential blocks will interact with surrounding streets. These aspects will have to continue to be developed with an emphasis on careful proportions and immaculate detailing.

Standalone site

The basic layout of the stand-alone site is similar to the combined site: a perimeter block layout and a tower. However, the site is much more compact. This provides much less of a context for the tower, which will be a rather more dominant feature in the immediate streetscape as a result. In addition the inner courtyard of the scheme is also much more compact and hence enclosed. The outlook from the proposed flats will suffer as a result. This is especially the case given that the tower forms one complete wall of the courtyard. It is also doubtful whether the flats will receive sufficient daylight from the courtyard. For these reasons the proposed design concept is less suitable for the smaller site.

Density

Scheme 1:

The proposal is estimated to have a density of 1,013 habitable rooms per hectare in the Urban Zone, which exceeds the expected density range of 200 to 700 set out within Core Strategy Policy 5.

Scheme 2:

This proposal is estimated to have a density of 1,152 habitable rooms per hectare in the Urban Zone, which again significantly exceeds the expected density range of 200 to 700 set out within Core Strategy Policy 5.

Maximum densities may be exceeded in Town Centre locations where developments achieve the highest standard of design, exceeding minimum internal space standards as well as providing an acceptable standard of daylight and sunlight, privacy, good outlook and amenity space. It is also important that the density does not result in a form of development which appears over-bearing or oppressive in the local context. The scheme shown for the combined site (scheme 1) does not exhibit the usual aspects of overdevelopment, and includes a number of positive features such as residential units being predominantly dual aspect and having access to sufficient private amenity space and large areas of communal amenity space. It is not clear how far other measures of excellent design such as flat layouts and access to natural light have been achieved, and the level of public realm being created by the scheme is questioned (particularly since the development would sit partly on existing public realm, albeit not of the highest quality)

Housing Mix

Scheme 1:

The proposed dwelling mix would include 67 x 1 bed units (40%), 71 x 2 bed units (43%), 26 x 3 bed units (17%). The combined total of the two and three bed units would meet the minimum requirement of 60% as set out under Core Strategy Policy 7, but the proposed number of 3 or more bedroom dwellings would fall short of the requirements of Core Strategy policy 7 and further provision of three bed units should be sought in any future scheme.

Scheme 2:

The proposed dwelling mix would include 61 x 1 bed units (52%), 42 x 2 bed units (36%), 15 x 3 bed units (13%). As the combined total of the two and three bed units would not meet the minimum requirement of 60% as set out under Core Strategy Policy 7 the proposed dwelling mix is considered to be unacceptable. Furthermore, the proposed number of 3 or more bedroom dwellings would fall far short of the requirements of Core Strategy policy 7 which is not acceptable.

Housing tenure

During the meeting officers discussed the emerging London Plan which requires public sector land to deliver at least 50% affordable housing within developments. The emerging London Plan is now being given significant weight by the GLA and by the time an application was due to be determined this policy may have been adopted. A full viability appraisal should be provided in accordance with the Councils Viability SPD with any future application in order to assess the level of affordable housing that can be delivered on site. It would be helpful if viability information could be provided to the Council during the pre-application stage, so that any concerns about the methodology or the key inputs can be resolved prior to any formal submission.

The tenure split for the proposed affordable housing should equate to 70% social rent 30% intermediate.

Housing Quality

From the information submitted, both proposals would have units that all meet the internal unit sizes prescribed by the 2015 Technical Update to the Residential Design Standards SPD (2011), which is acceptable. One measure of excellence related to higher density schemes in the extent to which units exceed the minimum prescribed floor areas, and this should be considered further. Following concerns raised in the meeting regarding the number of single aspect dwellings, the proposal has been revised to provide a total of 74% of the units being dual aspect. Of the single aspect flats, none of these would be north facing and as such the proposal would provide a good quality outlook and access to daylight for the future occupiers of the development.

All new residential units should be designed to achieve good levels of internal daylight and sunlight in accordance with the BRE guidelines. It is recommended that calculations for the proposed new spaces are provided with future pre-application submissions.

At this stage, the applicants have not specified in the submission document the proportion of wheelchair accessible/adaptable units. However, they have advised that they have allowed for a 10% provision of oversized units that could be adapted. In order to provide at least 10% of wheelchair accessible flats, a total of 17 flats or 46 habitable rooms would be required for scheme 1. Of these units 14 would have a designated on-site wheelchair accessible parking spaces which is acceptable taking account of good overall PTAL.

All wheelchair units should be designed to meet the South East London Housing Partnership Wheelchair Housing Design Guide space standards. Technical Guidance on these standards is set out in the 2015 Technical Update to the Residential Design Standards SPD (2011) on the Council’s website dated October 2015 - http://www.southwark.gov.uk/downloads/download/2257/residential_design_standards_spd.

Dwellings should be designed to have integral bulk storage facilities and should have a mix of open plan living-kitchen-diners and units with separate kitchen diners to offer choice to potential occupiers. All three bed affordable dwellings should be designed to have self-contained kitchens in accordance with guidance in the 2015 Technical Update to the Residential Design Standards SPD (2011).

Each dwelling would have sufficient private amenity space in accordance with Southwark’s 2015 Technical Update to the Residential Design Standards SPD (2011). Whilst there is slight shortfall for the overall amount of private amenity space, the level of communal amenity space proposed is 1773m², as well as 503m² of playspace, and as such is considered to be an acceptable level of provision that takes account of mix and tenure split of the proposed residential units.

Amenity impacts

No analysis has been provided in relation to the potential impacts of the development on the surrounding residential uses. The proposed site layout and massing has potential to have a harmful impact on neighbouring occupiers in terms of daylight/sunlight, overlooking and outlook. As such a daylight, sunlight and overshadowing study should be carried out at the earliest opportunity allowing time for discussions with the local authority to address any issues in advance of a formal application.

In terms of overlooking, both schemes have been designed to limit the impact of mutual overlooking within the development and would generally meet the Council’s guidance in relation to separation distances between habitable windows of 21m. Regarding overlooking into surrounding properties, the proposal has been designed to limit overlooking into the surrounding properties and would meet the Council’s guideline of 12m separation across a road. As such, it is not considered that there would be any significant impacts in terms of privacy.

It is possible that there would be plant associated with commercial uses on site, or that nearby commercial uses have existing plant. As such, any application should be accompanied by a noise and vibration assessment to demonstrate that any harmful amenity impacts to future residents can be appropriately mitigated including sound insulation, design of windows and proposed ventilation. Plant noise and vibration should be designed to avoid both creep and potential disturbance to both existing residents and new occupants. An assessment of current background noise should be undertaken to influence design and mitigation. Residential units will need to be sound insulated from any proposed noise generating uses within the site. Any required mitigation should be incorporated into the design of the scheme.

Trees

The submitted details do not identify the number of trees that would be required to be removed, however it does provide set back areas to allow for a replanting programme to be undertaken in order to help improve the public realm and amenity spaces. A full arboricultural assessment and method statement should be provided where it is proposed to remove existing trees. Loss of existing trees was a sensitive issue when the adjacent library building was being considered, and positive steps should be taken to enhance, rather than diminish, local canopy cover and biodiversity.

Transport and servicing issues

Car parking

The proposal would provide 14 car parking spaces which are solely for the proposed disabled units. Given the high PTAL of the site, the provision of only disabled parking is considered acceptable within this location. Future occupants of the site would be excluded from being eligible for on-street parking permits (except for blue badge holders) to avoid additional parking pressure on surrounding streets.

Cycle parking

It is not clear from the submitted proposal how many residential cycle parking spaces would be provided. As outlined within the London Plan, at least 1 cycle space per 1 bed unit and 2 spaces for all other dwellings should be provided. For the current proposed dwelling mix, a total of 265 cycle spaces would be required. It appears that cycle storage has been designed in with cycle storage areas accessed from each of the cores, however, there is insufficient information at present to conclude whether the required provision can be adequately met. Similarly, the number of commercial cycle parking spaces is not known, however storage spaces have been incorporated into the scheme, which is supported. In accordance with the London Plan, 1 space per 150m² would be provided for the commercial space.

The proposed cycle parking would be secure, weatherproof and their locations convenient, though there is no information regarding the method of storage and whether cycle storage could be conveniently used by cyclists of all abilities. The preferred option would be for horizontal cycle parking such as ‘Sheffield’ stands as these are accessible for all users. Cycle storage should be provided at ground floor level or have clear step free access to street level.

Servicing

The information provided indicates that servicing would take place from Elmington Road and it is considered that these servicing arrangements at present are unacceptable. As discussed during the pre-application meeting, it would be required that the development should provide sufficient space within the site for servicing, as such further exploration would be required in order to ensure that servicing can be undertaken from within the site.

A servicing strategy and tracking drawings will need to be provided with any submission detailing what provision will be made to ensure servicing would be safe and would not have harmful impacts on either vehicle or pedestrian safety. The tracking drawings should illustrate a worst case scenario i.e. for the largest delivery vehicle that could be used by a commercial operator/refuse vehicle. The servicing strategy should include the predicted number of vehicles to and from the site and the nature of those vehicles. The document should be prepared in accordance with Transport for London document “London Freight distribution plan: A Plan for London” and “Managing Freight Effectively: Delivering and Servicing Plans”.

Sustainable development implications

Energy

London Plan Policy 5.2 requires new residential developments to be carbon neutral. A detailed energy assessment will be required to demonstrate how the regulated carbon dioxide emissions can be reduced by using the measures outlined in the energy hierarchy. Further guidance is set out in the Mayoral SPD. As a major development, meaningful areas of green living roofs and other sustainability measures should be incorporated into the design to ensure the development contributes positively to the environment and biodiversity.

Air Quality

The site is in an Air Quality Management Area and potential air quality impacts may arise as a result of demolition/construction impacting on nearby sensitive receptors. Details of appropriate mitigation should be provided with any formal application to demonstrate that the effects of demolition/construction/the completed development on air quality would not be significant and would be in accordance with the Mayors guidance. An air quality assessment that includes an Air Quality Neutral Statement will be a validation requirement for any future planning application.

Flood risk

The site is situated in Flood Risk Zone 2 and within a critical drainage area. A Flood Risk Assessment and drainage strategy should be provided any formal submission that properly assesses all possible forms of flooding and sets out a range of appropriate mitigation measures.

Ground contamination

Based on the site’s historic uses there is a risk of exposure to potential contaminants during construction and in the completed development to construction workers, future occupiers, ground water and surface water. For

these reasons a full land contamination exploration and assessment will be required.

Archaeology

The site adjacent to an archaeological priority zone and will be within the archaeological priority area as outlined within the New Southwark Plan and as such may have important archaeological remains which should be appropriately managed. The submission should provide detailed archaeological analysis in the form of a desk based assessment and any subsequent site investigation that may be required.

BREEAM

The proposal rating would require a rating of 'Very Good' for any community use and all other non-residential components would be required to meet the 'excellent' rating.

Planning obligations (S.106 undertaking or agreement)

Planning obligations will be required to offset the negative impacts of any development on the site. The Council's SPD on S106 Planning Obligations (2015) sets out the general expectations in relation to the type of obligations that will be sought. It is important to ensure that all future development is sustainable and contributes towards the provision of appropriate infrastructure and services in the area that future residents may use. Draft Heads of Terms should be submitted in accordance with the SPD as part of any formal application and are required for the purposes of validation.

Community Infrastructure Levy

This development will be subject to the Mayoral CIL and Southwark CIL. The charge will be calculated according to the amount of new floor space the development will provide. The chargeable rate for Mayoral CIL in Southwark is £35 per square metre, as well as £50 per square metre for residential floorspace and £125 per square metre for retail uses for SCIL (both subject to indexation). It is necessary to complete a 'Planning Application Additional Information Requirement Form' to determine the amount of chargeable floorspace on the site and submit this with any formal planning application on the site. The amount to be paid is calculated when planning permission is granted and it is paid when development starts. Further details about the CIL can be found using the links below.

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

<http://www.communities.gov.uk/publications/planningandbuilding/communityinfrastructurelevymay11>

Other matters

It is advised that prior to the submission of an application discussions should be had with the Council's Highway Development Control Team regarding any works on or adjacent to the Highway. Regard should be had to the material palette set out in the Council's SSDM (Southwark Street Design Manual). All development will be required to incorporate the principles of inclusive design, with suitable access provided for people with disabilities or those who are mobility impaired.

Conclusion

The principle of the redevelopment of the site is broadly acceptable, however the current provision of commercial floorspace would be significantly below the required employment space as outlined within the emerging New Southwark Plan. Further commercial space should be provided within the development and detailed justification would be required if the scheme would not meet the required levels of employment space. The proposed site layout is broadly acceptable in design terms and would help maximise residential accommodation within the site whilst also providing good access to outdoor amenity space. However, the scheme makes no significant contribution to the public realm commensurate with its density, or the fact that it would be developed in part on existing public realm. The relationship with the newly laid open space to the rear of the library is particularly sensitive, and the potential and enjoyment of this space needs to be further explored in follow-up pre-application discussions. The inclusion of a tall building in the scheme would mark this significant location, but the optimum height of the tower element will be dependant on its visual impact within the townscape and the amenity impacts on surrounding residents.

This advice is given to assist you but is not a decision of the Council. Further issues may arise following a formal planning application, where a site visit and public consultation and consultation with statutory consultees would be undertaken.

Please accept this letter as the closure of your current enquiry.

Yours sincerely

Simon Bevan
Director of Planning

Appendix 3 – Representations to the New Southwark Local Plan Consultation (Regulation 18 consultation and Regulation 19 consultation)



1) Appropriateness of Proposed Policy DM40 (Flexible Community Uses)

We recognise that your Council is concerned that finding new sites for community facilities can sometimes be difficult; however, an essential element of supporting the wider transformation of justice facilities is to ensure that surplus and vacant justice sites are not strategically constrained by local planning policies.

Restrictive policies that prevent and/or limit the loss of ‘community uses/facilities’ can have the effect of preventing or delaying a viable receipt for identified surplus land. This, in turn, can prevent or delay the opportunity to re-invest a receipt into alternative facilities, working against the shared aim to provide essential services to the community.

We are concerned that your current proposed policy DM 40 does not allow for sufficient flexibility in the context of local, regional or national community infrastructure improvement/modernisation strategies, such as HMCTS’s Court Estate Reform Programme. We consider that, if the need for the change of use of a site is clearly demonstrated in the context of such strategies, 18 months marketing should not be required.

2) Site Allocation NSP65: Camberwell Green Magistrates Court

The Local Plan Review proposes a potential site allocation for Camberwell Green Magistrates’ Court for a mix of: a. residential, and, b. employment. The allocation expects that at least 50% of the development should be employment floorspace.

We support the proposed re-use of this site for residential use. We consider that the expectation that 50% of the site should be for employment floorspace is not appropriate for this site, and propose that the site allocation is amended for residential development only.

As discussed above, an essential element of supporting the wider transformation of justice facilities is to ensure that surplus and vacant justice sites are not strategically constrained by local planning policies. Camberwell Green Magistrates’ Court has been identified as surplus to the operational assets of the HMCTS and will be closed in line with the MCHTS’s Court Estate Reform Programme. The proposed requirement for 50% employment floorspace will seriously undermine the HMCTS’s ability to achieve a viable receipt for Camberwell Green Magistrates’ Court as part of its Court Estate Reform Programme.

In addition, we consider that it will be very challenging to let a significant quantum of commercial accommodation, as called for by the proposed allocation. The site does not lend itself to commercial uses as it is: not visible from a major arterial route; there is limited pedestrian footfall; and, is located some distance from the main commercial area of Camberwell.

Camberwell Green Magistrates’ Court is deliverable as a residential site within the plan period. This site can contribute capacity for housing numbers on previously developed land. This is consistent



with the Core Principles of the NPPF and also Paragraph 111 of the NPPF which seeks to encourage the effective re-use of brownfield land. This should remain a priority within the emerging Local Plan in order to meet Southwark’s Objectively Assessed Housing Needs in its entirety.

If you require any further correspondence in relation to these representations please do not hesitate to contact Guy Bransby (0207 399 5409) or Emma Thorpe (0207 399 5020) of these offices.

Yours faithfully,

Guy Bransby

Guy Bransby
Lead Director – Planning, Development and Heritage
For JLL on behalf of the MoJ



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By email only

27 February 2018

Dear Sirs,

New Southwark Local Plan – Proposed Submission Version

**Representations by Her Majesty’s Courts and Tribunals Services in response to the New Southwark Local Plan – Proposed Submission Version
Camberwell Green Magistrates’ Court**

On behalf of our client, Her Majesty’s Court and Tribunals Services (‘HMCTS’), we write to provide Representations on London Borough of Southwark’s (‘LBS’) New Southwark Plan – Proposed Submission Version.

As your Officers will be aware, HMCTS is in the process of reforming courts and tribunals in England and Wales. Reform is intended to reduce surplus capacity by closing those courts and tribunals which are underused/unused or that are unsuitable for the services HMCTS need to provide from them. On 08 February 2017, following careful consideration of consultation responses, the Government announced the decision to close Camberwell Green Magistrates’ Court.

This Representation seeks to:

- 1) Propose changes to Policy P44 (Community Uses); and,
- 2) Propose changes to site allocation NSP33: Camberwell Green Magistrates’ Court.

Representations based on soundness

At this stage of the Local Plan process, your Council is asking for feedback on matters of soundness and legal compliance with the Town and Country Planning (Local Planning) (England) Amendment Regulations 2012.

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Paragraph 182, of the National Planning Policy Framework (NPPF) states that:

“A local planning authority should submit a plan for examination which it considers is “sound” – namely that it is:

- **Positively prepared** – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
- **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework”.

We propose two areas where we consider that the Proposed Submission New Southwark Local Plan is unsound, based on the NPPF assessment identified above.

1) Appropriateness of Proposed Policy P44 (Community Uses)

We recognise that your Council is concerned that finding new sites for community facilities can sometimes be difficult; however, overly restrictive local planning policies can limit the opportunity of releasing public sector land for new housing. Releasing surplus public assets for alternative uses, particularly residential uses, will support the government’s ambitions to increase housing supply, particularly in areas of high housing demand, by taking advantage of opportunities for development on brownfield land.

We are concerned that your current proposed policy P44 does not allow for sufficient flexibility in the context of:

- i. Local, regional and national housing need and the opportunity that the release of surplus public sector land has in terms of addressing this need; and,
- ii. Local, regional or national community infrastructure improvement/ modernisation strategies, such as HMCTS’s Court Estate Reform Programme.

We consider that the plan is unsound in this regard as it is not the most appropriate strategy when considered against reasonable alternatives. We suggest that the following changes to Policy 44 (Community Uses):

“1. New community facilities (Use Class D1, D2 and Sui Generis) will be permitted where provision is made for the facility to be used by all members of the community.



2. Development should retain community facilities, *unless:*

- i. In exceptional circumstances there may no longer be a local need for a facility. This must be it can be demonstrated that there is no longer a need for a facility, through evidence of a suitable marketing process for continuous period of at least two years, immediately prior to any planning application, for both its existing condition and as an opportunity for an improved community facility; or,*
- ii. the loss is part of a wider public service transformation plan which requires investment in modern, fit for purpose infrastructure and facilities in order to meet future population needs or to sustain and improve services.*

2) Site Allocation NSP33: Camberwell Green Magistrates’ Court

This Representation also seeks to amend the site allocation for Camberwell Green Magistrates’ Court (Site Allocation NSP33). The Local Plan Review proposes a potential site allocation for Camberwell Green Magistrates’ Court for comprehensive mixed-use redevelopment. As part of this, the site must “*provide employment floorspace (B1, D class) of at least the amount currently on site*”.

We support the proposed re-use of this site for residential use. However, we consider that the expectation that the same amount of employment floorspace as is on the current site is not appropriate for this site, and propose that the site allocation is amended for residential development with ground floor employment uses of between 1,000-2,000 sqm.

Lost opportunity for delivering housing and affordable housing

Adherence to this draft policy in its current format will have a dramatic impact in reducing both the overall amount of housing that can be delivered on site (as employment floorspace will replace the potential to provide additional housing numbers) and the proportion of affordable housing (as the scheme viability will demonstrate that a much smaller proportion of affordable housing can be supported by replacing residential with a large amount of lower value employment uses). Initial feasibility studies on this site estimate that if the site allocation is adopted as drafted to “*provide employment floorspace (B1, D class) of at least the amount currently on site*” less than 50 residential units could be delivered, compared to up to 150 residential units with a more appropriate provision of c.10,000 sqft of employment floorspace

Financial viability

We question the financial viability of such a significant quantum of employment floorspace in this location and believe that there is a strong possibility that a large proportion of the



floorspace could remain unoccupied for a long period after construction if planning policy dictates such a provision.

We have undertaken research to support this position by obtaining sample data using the CoStar Realty Information Database in February 2018. The search includes all B1 office properties on the CoStar database within 1 mile of the subject property. The results show 143 properties containing a total of 1,128,467 sq ft of B1 office floorspace.

The vast majority of the 1 million sq ft is contained within small buildings or makes up a small proportion of a larger mixed-use development. 112 of the 143 properties have less than 10,000 sq ft of employment floorspace. Only 15 of the buildings within a 1 mile radius of the property contain greater than 20,000 sq ft of B1 floorspace and these properties make up approximately half of the overall floorspace totalling 558,812 sq ft. We have analysed data from these 15 office properties to compare against the subject site.

These buildings are situated in prominent, visible positions on major roads and in close proximity to major public transport interchanges i.e. London Underground stations or mainline rail stations. The average weighted walking distance of the 558,812 sq ft to the nearest public transport interchange is circa. 0.35 miles (circa. 6.6 minutes’ walk). The unweighted averages of this dataset are circa. 0.40 miles (circa. 7.7 minutes’ walk). The subject site is situated 0.7 miles (15 minutes’ walk) from the nearest public transport interchange (Denmark Hill station) and is not located in a prominent or visible position, as it sits two streets back from both Camberwell Road and Peckham Road.

Only two buildings within 1 mile of the subject property contain over 38,000 sq ft of floorspace and both are located less than a two minute walk from Oval London Underground station, in a typical location for an office building. Locating a building of this size in a location such as the Camberwell Green Magistrates’ Court site would represent a significant commercial risk that a developer or investor would likely be very reluctant to pursue.

Summary

Camberwell Green Magistrates’ Court can contribute capacity for housing numbers on previously developed land. This is consistent with the Core Principles of the NPPF and also Paragraph 111 of the NPPF which seeks to encourage the effective re-use of brownfield land. This should remain a priority within the emerging Local Plan in order to meet Southwark’s Objectively Assessed Housing Needs in its entirety.

We consider the Proposed Submission New Southwark Local Plan is unsound in this regard, as it is not justified on the most appropriate strategy when based on proportionate evidence, as is required by NPPF policy 182. Therefore, we request that the site allocation is amended to



remove the requirement that development must “*provide employment floorspace (B1, D Class) of at least the amount currently on site*”.

If you require any further correspondence in relation to these representations please do not hesitate to contact Guy Bransby (0207 399 5409) or Emma Thorpe (0207 399 5020) of these offices.

Yours faithfully,

Guy Bransby

Guy Bransby
Lead Director – Planning, Development and Heritage
For JLL on behalf of the MoJ

Cc

Neil Ghandi, DCLG
Joseph Garrod, One Public Estate
Laura Birnbaum, HMCTS

Encl. Annex 1: CoStar Realty Information Database – B1 Office Properties within 1 mile of the subject Property



Annex 1

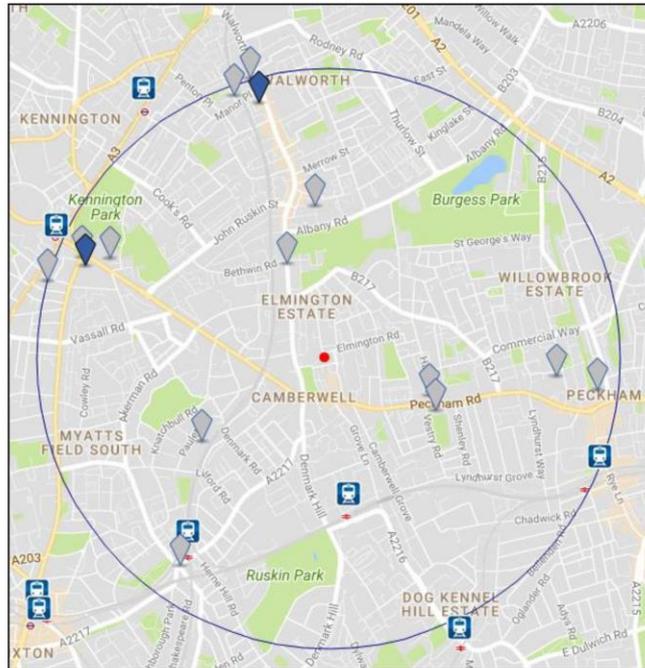
CoStar Realty Information Database – B1 Office Properties within 1 mile of the Subject Property

B1 Office Supply within 1 mile of the Subject Property – Buildings >20,000 sq ft

Building Name	Building Address	City	Closest Transit Stop	Closest Transit Stop Dist (miles)	Closest Transit Stop Walk Time (min)	Rentable Building Area	Floorspace Weighting	Weighted Transit Stop Dist (miles)	Weighted Transit Stop Walk Time (min)
Canterbury Court	1-3 Briton Rd	London	Oval Underground Station	0.1	2	104,109	18.6%	0.0188	0.3726
Offley Works	44-46 Offley Rd	London	Oval Underground Station	0.1	2	61,901	11.1%	0.0111	0.2215
	30-39 Peckham Rd	London	Peckham Rye	0.8	16	37,600	6.7%	0.0638	1.0093
Manor House	224-236 Walworth Rd	London	Kennington Underground Station	0.4	8	36,000	6.4%	0.0258	0.5154
Town Hall	Peckham Rd	London	Denmark Hill	0.8	16	35,056	6.3%	0.0502	1.0037
Chester House	1-3 Briton Rd	London	Oval Underground Station	0.1	2	35,000	6.3%	0.0063	0.1253
Bradenham Block	Aylesbury Estate	London	Kennington Underground Station	0.65	13	34,599	6.2%	0.0402	0.8049
Peckham Library	Peckham Hill St	London	Peckham Rye	0.4	7	34,301	6.1%	0.0246	0.4297
Chalfain House	182-202 Walworth Rd	London	Elephant & Castle	0.3	5	32,158	5.8%	0.0173	0.2877
Lincoln House	1-3 Briton Rd	London	Oval Underground Station	0.1	2	29,321	5.2%	0.0052	0.1049
Shakespeare Commercial Centre	245A Coldharbour Ln	London	Loughborough Junction	0.1	1	28,828	5.2%	0.0052	0.0516
Charwell Building	61-65 Pauliet Rd	London	Loughborough Junction	0.5	9	24,221	4.3%	0.0217	0.3901
	131-139 Camberwell Rd	London	Kennington Underground Station	0.7	14	23,368	4.2%	0.0293	0.5854
	111-123 Crampton St	London	Kennington Underground Station	0.3	6	22,041	3.9%	0.0118	0.2367
Summer House	Summer Rd	London	Peckham Rye	0.7	13	20,309	3.6%	0.0254	0.4725
				Average distance to transport (miles)	Average walking time to transport (min)	Total Supply (sq ft)		Average weighted distance to transport (miles)	Average weighted walking time to transport (min)
				0.40	7.67	558,812		0.35	6.61

Source: CoStar Realty Information Database

B1 Office Supply within 1 mile of the Subject Property – Map Showing Buildings >20,000 sq ft



Source: CoStar Realty Information Database

B1 Office Supply within 1 mile of the Subject Property – All Buildings with B1 Floorspace



Building Name	Building Address	City	Rentable Building Area	Typical Floor Size	Year Built	Year Renovated
Canterbury Court	1-3 Brixton Rd	London	104,109	22,922	1896	2010
Offley Works	44-46 Offley Rd	London	61,901	15,475	1899	2015
	30-39 Peckham Rd	London	37,600	9,400	1790	
Manor House	224-236 Walworth Rd	London	36,000	6,162	1974	
Town Hall	Peckham Rd	London	35,056	7,011	1911	
Chester House	1-3 Brixton Rd	London	35,000	10,000	1988	2011
Bradenham Block	Aylesbury Estate	London	34,599	11,533	1971	
Peckham Library	Peckham Hill St	London	34,301	8,575	2000	
Chatain House	182-202 Walworth Rd	London	32,158	15,281	1984	
Lincoln House	1-3 Brixton Rd	London	29,321	5,864	1888	2010
Shakespeare Commercial Centre	245A Coldharbour Ln	London	28,828	7,207	1905	1980
Chartwell Building	61-65 Paulet Rd	London	24,221	7,905	1979	
	131-139 Camberwell Rd	London	23,368	4,673	1810	
	111-123 Crampton St	London	22,041	7,347	1963	
Sumner House	Sumner Rd	London	20,309	5,077		
	4 Windsor Walk	London	18,979	3,163	1954	
	20-26 Peckham High St	London	18,454	7,778	1980	
Cranmer House	39 Brixton Rd	London	18,042	3,608	1913	
Benefits Agency	Cavaye Pl	London	17,641	8,820	1923	
	15 Deynsford Rd	London	16,468	1,829	1971	
Chaplin Centre	Thurlow St	London	16,287	8,143	1968	
	42 Braganza St	London	16,177	8,088	1934	
	110-110A Warner Rd	London	16,025	5,341		
	32-36 Rye Ln	London	15,824	2,884	1965	
	64-68 Camberwell Church St	London	13,616	3,404	1905	
	29 Peckham Rd	London	13,380	3,345	1905	2009
	34 Love Walk	London	13,094	2,619	1975	
	1-6 Camberwell Green	London	12,565	4,188	1993	
	94-104 Denmark HI	London	10,601	5,300	1926	1971
	94-104 Denmark HI	London	10,601	5,300	1831	
	301 Camberwell New Rd	London	10,092	5,046	1961	
	285-287 Albany Rd	London	9,514	9,514		
	5 Browning St	London	8,543	2,847	1861	
Marina House	63-65 Denmark HI	London	8,440	2,100	1996	
Old Public Baths	Wells Way	London	8,232	2,744	1902	
Fabrica Development	166-176 Camberwell Rd	London	7,944	7,944	2017	
	27-33 Camberwell Rd	London	7,661	1,915	1929	
Sojourner Truth Centre	161 Sumner Rd	London	6,930	2,310	1851	
	11 Mowl St	London	5,709	2,854	1898	
	66 Offley Rd	London	5,636	1,127	1857	
	31 Amelia St	London	5,592	2,796	1992	
East House	Peckham Rd	London	5,552	1,388		
Harris Street Neighbourhood Office	Harris St	London	5,500	5,500	1988	
Marble House	20 Grosvenor Ter	London	5,466	5,466	2003	
	219-223 Coldharbour Ln	London	5,407	2,703	1954	
	170 Sumner Rd	London	5,326	2,663	1992	
	230-234 Brixton Rd	London	5,286	2,643	1953	
	1 Bethwin Rd	London	5,198	2,599	2004	
	161 Denmark HI	London	5,162	2,581	1986	
Neighbourhood Housing Office	Stopford Rd	London	5,138	5,138	1990	
	60 Chadwick Rd	London	5,131	4,916		
Longfield Hall	50 Knatchbull Rd	London	4,553	2,276	1889	
Adams House	7 Badsworth Rd	London	4,488	4,488	2000	
	15 Cranmer Rd	London	4,394	2,197		
	39 Grove Ln	London	4,270	2,135		
Valmar House	Valmar Rd	London	4,263	2,040	1963	
	43-45 Coldharbour Ln	London	4,067	1,355	1969	
	Artichoke Pl	London	3,968	1,984	1890	
	1-27 Sumner Rd	London	3,835	3,835		
	88-90 Camberwell Rd	London	3,789	947	1826	
	37-39 Peckham High St	London	3,758	939	1835	
	82-84 Camberwell Church St	London	3,519	916	1920	
	2 Deynsford Rd	London	3,500	1,754	2003	
	96-98 Albany Rd	London	3,473	1,736	1886	
	19 Frederick Cres	London	3,466	3,466	1990	
	146-154 Wells Way	London	3,407	1,135	1983	
	9 Harmsworth St	London	3,403	1,701		2008
	2 Camberwell Church St	London	3,388	623		
	47-48 Addington Sq	London	3,360	1,120	1840	



Lord Denning Court	Grumant Rd	London	3,340	835	1998	
Post Office	25 Denmark HI	London	3,267	2,685	1950	
	215-217 Coldharbour Ln	London	3,255	1,627	1981	
	5 Windsor Walk	London	3,238	1,619	1866	1980
	Denmark Rd	London	3,141	1,570	1954	
	52 Camberwell Green	London	3,105	3,105	1993	
	146-150 Camberwell Rd	London	3,094	1,031	1886	
	18 Camberwell Church St	London	3,056	611	1877	
	121-123 Camberwell Rd	London	2,960	1,207	1750	
Langport House	Overton Rd	London	2,923	2,923	1973	2000
	66-68 Bolton Cres	London	2,880	1,440	1930	
	45-47 Caldecot Rd	London	2,842	1,421	1937	
	180-182A Brixton Rd	London	2,806	1,403	1920	
Chartwell Business Park	61-65 Paulet Rd	London	2,750	2,750	1983	
	188 Warham St	London	2,739	2,177	1969	
Rose	78 Edmund St	London	2,738	1,369	1920	
	10 Kennington Park Pl	London	2,726	908	1750	
Neighbourhood Housing Office	Foxley Sq	London	2,658	2,658		
	283 Camberwell New Rd	London	2,633	1,512		
	5 Camberwell Church St	London	2,586	605	1913	
Day Nursery	Sultan St	London	2,561	2,561	1961	
East Brixton Neighbourhood Housing O	Loughborough Estate	London	2,503	2,503		
	53 Addington Sq	London	2,483	827		
	27 Camberwell Green	London	2,424	404		
	167 Peckham Hill St	London	2,372	2,372		
	61-63 Peckham High St	London	2,321	580		
Clarson House	Camberwell New Rd	London	2,269	2,269	2012	
	23 Camberwell Green	London	2,239	447		
	18-18a Brixton Rd	London	2,220	2,220	1823	
	Peckham Grove	London	2,182	2,182		
Herbert Morrison House	195 Walworth Rd	London	2,182	1,089		
	121 Grove Ln	London	2,138	713		
	11-13 Dartford St	London	2,134	2,134		
Lord Lyndhurst	53 Lyndhurst Way	London	2,089	696	1921	
	47-53 Dawes St	London	2,069	1,241		
	80 Camberwell Rd	London	1,962	348	1810	
	79 Denmark HI	London	1,915	383	1888	
	99 Coldharbour Ln	London	1,906	476		
	305-307 Camberwell Rd	London	1,880	940		
	8 Camberwell Green	London	1,838	459		
	62 Camberwell Rd	London	1,812	453	1815	
	97 Peckham High St	London	1,770	442		
Units 8-9	36-38 Peckham Rd	London	1,760			
	14 Badsworth Rd	London	1,753	1,314		
	352-354 Camberwell New Rd	London	1,732	577		
Iveagh House	Loughborough Rd	London	1,609	804		
	147 Brixton Rd	London	1,405	468		
	74 Camberwell Church St	London	1,400	389	1900	
	76 Elsted St	London	1,342	427		
	41 Peckham High St	London	1,188	594		
	1 Camberwell Grove	London	1,153	1,153		
	231 Camberwell New Rd	London	1,133	283	1863	
	47 Camberwell Grove	London	1,090	606		
	9A Amelia St	London	1,025	1,011		
	40-41 Foxley Sq	London	972	971		
	226 Coldharbour Ln	London	955	477		
	9 Graces Mews	London	940	940		
	81 Camberwell Church St	London	824	824		
	77 Denmark HI	London	803	401		
	102-102A Grove Ln	London	793	793		
	1 Harbour Rd	London	790	790	2011	
Richmond House	1-2 East St	London	780	780	1963	
	203 Coldharbour Ln	London	727	363		
	Thurlow St	London	695	695		
	24 Shurland Gdns	London	651	325		
	276C Camberwell Rd	London	620	620		
Ashton House	Chrysell Rd	London	608	608		
	115 Camberwell Rd	London	538	269		
	186 Bellenden Rd	London	524	524	1901	
	253 Camberwell New Rd	London	509	254	1842	
	117-17 Camberwell Rd	London	482	482		
	91A Brixton Rd	London	436	436		
	170A Denmark HI	London	298	298		
			Total Supply (sq ft)			
				1,128,467		

Source: CoStar Realty Information Database



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