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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 yeild 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 than 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 removed 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

