



*The Town and Country Planning Appeals (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2000/1625*

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**STATEMENT OF CASE**  
**LONDON BOROUGH OF SOUTHWARK**

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Date: 16 March 2022

Appeal References: APP/A5840/W/22/3290483 and APP/A5840/Y/22/3290490

LPA References: 21/AP/1361 and 21/AP/1364

Appellant: GPE (St Thomas Street) Limited

Site Address: New City Court, 4-26 St Thomas Street, London, SE1 9RS

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Copies of this statement and the documents referred to are available on the council's online planning register (<https://planning.southwark.gov.uk/online-applications> using references APPEAL/22/0004, APPEAL/22/0002, 21/AP/1361 and 21/AP/1364), and for inspection Mondays to Fridays 9am to 5pm by prior arrangement at the Council's offices, 160 Tooley Street, London SE1P 5LX. Please contact Victoria Crosby ([victoria.crosby@southwark.gov.uk](mailto:victoria.crosby@southwark.gov.uk) 020 7525 1412) to arrange a time to view the appeal documents.

## **1. Introduction**

- 1.1 This statement has been prepared by the London Borough of Southwark (“the Council”) in relation to the two appeals, allocated reference APP/A5840/W/22/3290483 for the planning application and reference APP/A5840/Y/22/3290490 for the listed building consent application. The appeals have been made by GPE (St Thomas Street) Limited (“the Appellant”), to the Secretary of State against the Council’s failure to determine the applications referred to in section 3 below.

## **2. Description of the Site and Area**

- 2.1 The applications relate to a site known as New City Court, 4-26 St Thomas Street, London, SE1 9RS (“the Site”). The Site is on the southern side of St Thomas Street and extends southward to form the northern side of Kings Head Yard, extends to the west to the rear of the Borough High Street properties, and to the east to Guy’s Hospital campus.

- 2.2 The Site has an area of 0.37 hectares and comprises three main buildings, all of which are in office use:

- No. 20 St Thomas Street, is a four- to six-storey 1980s office building (plus basement) which covers most of the site. Its Kings Head Yard frontage is a two-storey façade in a Victorian design, forming the northern side of this yard.
- Nos. 4-16 St Thomas Street is Georgian terrace of seven buildings that forms most of the site’s St Thomas Street frontage. These grade II listed buildings are linked at the rear and side to the 1980s office building.
- Nos. 24-26 St Thomas Street, known as Keats House, is a 4-storey building which sits between the main office building and Guy’s Hospital. Its Italianate red brick and stone front façade, short eastern façade, railings and lightwells are original, while the rest of the building was rebuilt in the 1980s and links to the main office building.

- 2.3 The Site is within the Central Activities Zone, the Bankside Borough and London Bridge Opportunity Area, and the London Bridge district town centre. It is also

within the South Bank Strategic Cultural Quarter, flood zone 3 and the air quality management area.

- 2.4 The Site is within the Borough High Street Conservation Area and the North Southwark and Roman Roads Archaeological Priority Area. It is within the background assessment area of the two London View Management Framework (“LVMF”) views from Parliament Hill, and from Kenwood viewing gazebo. There are no protected trees within the Site nor adjacent to it.
- 2.5 The Site has an excellent PTAL of 6b due to its proximity to London Bridge rail and Underground stations and bus routes in the area. Its main entrance is on St Thomas Street and it has vehicle access to the rear service yard from White Hart Yard leading into Kings Head Yard.
- 2.6 To the north of the Site are the buildings on the opposite side of St Thomas Street. Nos. 1-7 is a relatively modern, four-storey office block. Further east is a row of historic buildings, some of which are set slightly back from the pavement. These buildings include no. 9 St Thomas Church, 9A (Old Operating Theatre Museum and Herb Garret) and 11-13 Mary Sheridan House with associated railings, all of which are grade II\* listed, and no. 15 which is grade II listed. A K2 telephone box outside nos. 17 and 19 is grade II listed. The recently completed Shard Place development (99m high above ground level, 101.5m AOD) is to the north-east of the Site, and further to the east is The Shard (306m above ground level, 312m AOD) and entrances to the train station.
- 2.7 Guy’s Hospital lies to the east of the Site, with its grade II\* listed main building set around courtyards, and its wider campus further to the south-east. The gates, piers and railings along St Thomas Street are themselves grade II listed, as is the statue of Thomas Guy in the main courtyard (currently covered). Further to the east is Guy’s Tower (142m high) as part of the hospital site.
- 2.8 To the south of the Site are the buildings along Kings Head Yard (including the grade II listed Old Kings Head public house) and White Hart Yard which are in use as offices, student housing and higher education.

- 2.9 To the west, the Borough High Street properties adjoin the Site. These are 3-, 4- and 5-storey buildings with a mixture of retail, commercial and residential properties and the Borough High Street entrance to the London Bridge Underground station. The Bunch of Grapes public house attaches to the western end of the Georgian terrace on St Thomas Street and is grade II listed.
- 2.10 In addition to those already mentioned, there are further heritage assets whose setting is potentially affected by development of the site, including the following:
- The Tower of London World Heritage Site.
  - Grade I Listed Buildings - Cathedral Church of St Saviour and St Mary Overie (Southwark Cathedral) and The George Inn.
  - Grade II\* Listed Building Church of St George the Martyr, Borough High Street.
  - Grade II Listed Buildings - London Bridge station (platforms 9-16) and the railway viaduct arches along Crucifix Lane and St Thomas Street. Several properties along Borough High Street including numbers 2, 4, 6, 8, 10, 19A, 28, 30, 32, 34, 38, 40, 50, 52, 53, 53A, 54, 55, 58, 66, 67, 68, 70, 91, 93, 95, 101 and 103, the St Saviours Southwark war memorial, and the bollards at the entrance to Green Dragon Court. The Hop Exchange, 1B and 3 Southwark Street, bollard between nos. 1 and 2 Stoney Street, 5 and 6 Stoney Street. The Globe Tavern (and bollards and lamp post to rear), and post at north corner of Bedale Street.
- 2.11 The Council will seek to agree with the Appellant a description of the Site, the area within which it is situated and the Site's designations in the Statement of Common Ground. If it proves not possible to agree this information, further detail may be provided in the proofs of evidence of the Council's witnesses.

### **3. Planning Application and Listed Building Consent Application**

- 3.1 In November 2020 a formal request for pre-application advice was submitted (reference 20/EQ/0286) in relation to a scheme to redevelop the Site with an office building, changes to the listed buildings and relocation of Keats House with a proposed alternative and revised design to that proposed by the submitted 2018 applications (ref. 18/AP/4039 and 18/AP/4040). The main changes in the

proposed revised design were that the new scheme was lower than the proposed tower of the submitted 2018 scheme, had a larger footprint, was wider and broader, had different materials and architectural detailing and included a public roof garden. A short series of pre-application meetings were held with the Appellant. The pre-application advice letter issued by the Council in April 2021 stated that while this revised proposal may address the on-street servicing issue of the submitted 2018 application scheme and proposes more affordable workspace, the proposal would not be supported in its current form, primarily because of the adverse design and heritage impacts.

- 3.2 The Council will refer to the relevant pre-application response as part of the evidence before the Inquiry
- 3.3 The Appellant did not present these revised pre-application proposals to the Design Council's Design Review Panel.
- 3.4 On 21 April 2021, the Appellant submitted an application for planning permission (for the "Planning Application Proposal") and listed building consent (for the "Listed Building Consent Proposal") to the Council. The submitted proposals are similar to the pre-application version of the scheme to which the Council's pre-application advice letter related; the ground floor layout with its colonnade route, the levels to the western square, the façade detailing and the roof level landscaping were revised in the submitted scheme. The applications were given two references by the Council and have the following descriptions:

*Planning Application Proposal 21/AP/1361 - Redevelopment to include demolition of the 1980s office buildings and erection of a 26-storey building (plus mezzanine and two basement levels) of a maximum height of 108.0m AOD, restoration and refurbishment of the listed terrace (nos. 4-16 St Thomas Street), and redevelopment of Keats House (nos. 24-26 St Thomas Street) with removal, relocation and reinstatement of the historic façade on a proposed building, to provide 46,442sqm GEA of Class E(g)(i) office floorspace, 358sqm GEA flexible office E(g)(i)/retail E(a) floorspace, 450sqm GEA Class E(b) restaurant/cafe floorspace and a public rooftop garden, and 5,449sqm GEA of affordable workspace within the Georgian terrace, Keats House and part of the tower,*

*associated public realm and highways improvements, provision for a new access to the Borough High Street entrance to the Underground Station, cycling parking, car parking, service, refuse and plant areas, and all ancillary or associated works.*

*Listed Building Consent Proposal 21/AP/1364 – Listed building consent for restoration, rebuilding and refurbishment of the listed terrace (nos. 4-16 St Thomas Street) including:*

- *Demolition of 1980s fabric across the rear elevation and demolition of the attached 1980s office building, reinstatement of the rear elevation of the terrace, and recladding and partial rebuilding of rear walls.*
- *Rebuild roof and chimneys, reskin the side façade and front façade at top floor level of 1980s extension.*
- *Rebuild the roof and chimneys of no. 14.*
- *Removal and replacement of roof slates with natural slate to nos. 4-16.*
- *Opening up the ground floor passageway between nos. 8 and 10 by removing 1930s door, and reinstate two adjacent door openings on front elevation.*
- *Replacement of two second floor windows on front elevation.*
- *Replacement of secondary glazing to front elevation.*
- *Alterations to the front elevation of the lower ground level and vaults beneath the pavement.*
- *Internal alterations within the terrace to reinstate the plan form and the internal features, rearrange the circulation between the lower ground and upper levels (with reinstated stairs in between) for office use.*
- *Cleaning the brickwork, repointing, works to repair sash windows, restore the railings and first floor balconettes of the north façade.*

3.5 The planning application was accompanied by an Environmental Statement. The Council advertised the applications and consulted with the Greater London Authority (“GLA”), statutory bodies, internal specialists, local neighbours and amenity groups. A number of responses were received which the Council will refer to as part of its evidence before the Inquiry.

- 3.6 Re-consultation was undertaken in November to 17 December 2021 as further environmental information and amended drawings (particularly to revise the southern façade of the tower) were submitted by the Appellant.
- 3.7 The Council's likely reasons for refusal (set out below) take due account of the representations received in response to consultation, including those from the GLA, TfL, Historic England, the Victorian Society, the Georgian Group and others. It is understood that Historic England has been granted Rule 6 status for the forthcoming Inquiry, and will therefore be able to provide its advice to the Inquiry directly. It is also understood that TfL will be submitting written representations to the Inquiry.

#### **4. Appeal**

- 4.1 In January 2022, the Appellant made an appeal to the Secretary of State against the Council's failure to determine the applications, and requested that this be heard by way of an inquiry. The Inspectorate reference is APP/A5840/W/22/3290483 for the planning application. This appeal is to be heard alongside the related listed building consent application (appeal reference APP/A5840/Y/22/3290490) as well as the pair of 2018 applications for an alternative scheme (appeal references APP/A5840/W/22/3290473 and APP/A5840/Y/22/3290477).
- 4.2 On 10 February 2022, the Planning Inspectorate wrote to the Council stating that the inquiry procedure is considered suitable to determine the appeals and setting out the timetable for the appeal process. The letter provided a deadline for submission of the Council's statement of case of 16 March 2022. Given the short period between the receipt of the letter and the deadline, there has been insufficient time to present reports to the Council's Planning Committee in respect of the appeals. The Council's Director of Planning and Growth has delegated authority to prepare this statement of case identifying the likely grounds for refusal. Reports in respect of the appeals will be presented to the Planning Committee for its consideration but the timetable for this is constrained by the local elections, which take place on 5 May 2022 and the pre-election period commencing on 25 March 2022.



## **5. Planning History of the Site**

- 5.1 The earlier planning history of the site relates to small-scale proposals for the buildings and listed building consent works, which are of limited relevance to the Appeal Scheme.
- 5.2 The Council will seek to agree with the Appellant a description of the planning history of the Site in the Statement of Common Ground. If it proves not possible to agree this information, this will be provided in the proof of evidence of the Council's witnesses.

## **6. Planning History of Nearby Sites**

- 6.1 The Council's evidence will consider the planning history of nearby sites where relevant to the appeal.
- 6.2 The Council will seek to agree a list of any relevant nearby planning decisions and land uses with the Appellant in the Statement of Common Ground.

## **7. Planning Policies**

- 7.1 The statutory development plan for the borough consists of the London Plan (2021) and the Southwark Plan (2022). The National Planning Policy Framework is a material consideration with significant weight.
- 7.2 The Southwark Plan (2022) was adopted on 23 February 2022 and replaces the Council's earlier Core Strategy (2011) and saved policies of the Southwark Plan (2007). The site is not within a site allocation of the Southwark Plan (2022) and is within the AV.11 London Bridge Area Vision.
- 7.3 The following is a list of the policies considered relevant to the issues in this case and copies will be provided with this statement.
- 7.4 The relevant policies of the London Plan (2021) are:

- Policy GG1 - Building strong and inclusive communities
- Policy GG2 - Making the best use of land
- Policy GG3 - Creating a healthy city
- Policy GG5 - Growing a good economy
- Policy GG6 - Increasing efficiency and resilience
- Policy SD1 - Opportunity Areas
- Policy SD4 - The Central Activities Zone (CAZ)
- Policy SD5 - Offices, other strategic functions and residential development in the CAZ
- Policy SD6 - Town centres and high streets
- Policy SD7 - Town centres: development principles and Development Plan Documents
- Policy D1 - London's form, character and capacity for growth
- Policy D2 - Infrastructure requirements for sustainable densities
- Policy D3 - Optimising site capacity through the design-led approach
- Policy D4 - Delivering good design
- Policy D5 - Inclusive design
- Policy D8 - Public realm
- Policy D9 - Tall buildings
- Policy D10 - Basement development
- Policy D11 - Safety, security and resilience to emergency
- Policy D12 - Fire safety
- Policy D14 - Noise
- Policy S6 - Public toilets
- Policy E1 - Offices
- Policy E2 - Providing suitable business space
- Policy E3 - Affordable workspace
- Policy E8 - Sector growth opportunities and clusters
- Policy E9 - Retail, markets and hot food takeaways
- Policy E10 - Visitor infrastructure
- Policy E11 - Skills and opportunities for all
- Policy HC1 - Heritage conservation and growth
- Policy HC2 - World Heritage Sites
- Policy HC3 - Strategic and Local Views

- Policy HC4 - London View Management Framework
- Policy HC5 - Supporting London's culture and creative industries
- Policy HC6 - Supporting the night-time economy
- Policy G1 - Green Infrastructure
- Policy G5 - Urban greening
- Policy G6 - Biodiversity and access to nature
- Policy G7 - Trees and woodlands
- Policy SI 1 - Improving air quality
- Policy SI 2 - Minimising greenhouse gas emissions
- Policy SI 3 - Energy infrastructure
- Policy SI 4 - Managing heat risk
- Policy SI 5 - Water infrastructure
- Policy SI 6 - Digital connectivity infrastructure
- Policy SI 7 - Reducing waste and supporting the circular economy
- Policy SI 10 - Aggregates
- Policy SI 12 - Flood risk management
- Policy SI 13 - Sustainable drainage
- Policy T1 - Strategic approach to transport
- Policy T2 - Healthy Streets
- Policy T3 - Transport capacity, connectivity and safeguarding
- Policy T4 - Assessing and mitigating transport impacts
- Policy T5 - Cycling
- Policy T6 - Car parking
- Policy T6.2 - Office parking
- Policy T6.3 - Retail parking
- Policy T6.5 - Non-residential disabled persons parking
- Policy T7 - Deliveries, servicing and construction
- Policy T9 - Funding transport infrastructure through planning
- Policy DF1 - Delivery of the Plan and Planning Obligations.

7.5 The relevant policies of the Southwark Plan (2022) are:

- ST1 Southwark's Development Targets
- ST2 Southwark's Places
- SP2 Southwark Together

- SP3 Great start in life
- SP4 Green and inclusive economy
- SP5 Thriving neighbourhoods and tackling health inequalities
- SP6 Climate emergency
- P13 Design of places
- P14 Design quality
- P16 Designing out crime
- P17 Tall buildings
- P18 Efficient use of land
- P19 Listed buildings and structures
- P20 Conservation areas
- P21 Conservation of the historic environment and natural heritage
- P22 Borough views
- P23 Archaeology
- P24 World Heritage Sites
- P26 Local list
- P28 Access to employment and training
- P30 Office and business development
- P31 Affordable workspace
- P33 Business relocation
- P35 Town and local centres
- P39 Shop fronts
- P44 Broadband and digital infrastructure
- P45 Healthy developments
- P46 Leisure, arts and culture
- P49 Public transport
- P50 Highway impacts
- P51 Walking
- P53 Cycling
- P54 Car parking
- P55 Parking standards for disabled people and the physically impaired
- P56 Protection of amenity
- P59 Green infrastructure
- P60 Biodiversity

- P61 Trees
- P62 Reducing waste
- P64 Contaminated land and hazardous substances
- P65 Improving air quality
- P66 Reducing noise pollution and enhancing soundscapes
- P67 Reducing water use
- P68 Reducing flood risk
- P69 Sustainability standards
- P70 Energy
- IP1 Infrastructure
- IP2 Transport infrastructure
- IP3 Community infrastructure levy (CIL) and Section 106 planning obligations
- IP6 Monitoring development.

7.6 The Supplementary Planning Documents (SPDs) produced by the Council that are relevant to the appeal include:

- Design and Access Statements (2007);
- Heritage (2021);
- Sustainable Design and Construction (2009);
- Section 106 Planning Obligations and CIL (2015, November 2020 Update);
- 2015 Technical Update to the Residential Design Standards (2011) Supplementary Planning Document
- Draft Bankside, Borough and London Bridge Supplementary Planning Document (2009).

7.7 The GLA's Supplementary Planning Guidance (SPGs) and London Plan Guidance (LPGs) that are relevant to the appeal include:

- Accessible London: Achieving an Inclusive Environment (October 2014)
- Be Seen Energy Monitoring LPG (September 2021)
- Character and Context (June 2014)
- Energy Assessment Guidance (April 2020)
- London View Management Framework (March 2012)
- London World Heritage Sites (March 2012)

- Air quality neutral LPG – consultation draft (November 2021)
- Circular Economy Statements Guidance – consultation draft (October 2020)
- Fire Safety LPG – consultation draft (February 2022)
- Optimising site capacity: A design-led approach LPG – consultation draft (February 2022)
- Sustainable transport, walking and cycling LPG – consultation draft (September 2021)
- Urban Greening Factor LPG – consultation draft (September 2021)
- Whole-life Carbon Assessments Guidance – consultation draft guidance (October 2020).

#### 7.8 Other relevant documents include:

- The Borough High Street Conservation Area Appraisal (2006).
- Tower of London World Heritage Site Management Plan, Historic Royal Palaces (2016).
- Historic England advice:
  - Good Practice Advice 2 – Managing Significance in Decision-Taking in the Historic Environment (July 2015)
  - Good Practice Advice 3 – The Setting of Heritage Assets (Second edition, December 2017)
  - Advice Note 2 – Making Changes to Heritage Assets (February 2016)
  - Advice Note 4 – Tall Buildings (March 2022).

#### 7.9 The relevant sections of the National Planning Policy Framework (July 2021) are:

- Section 2: Achieving sustainable development
- Section 6: Building a strong, competitive economy
- Section 7: Ensuring the vitality of town centres
- Section 8: Promoting healthy and safe communities
- Section 9: Promoting sustainable transport
- Section 10: Supporting high quality communications
- Section 11: Making effective use of land
- Section 12: Achieving well designed places

- Section 14: Meeting the challenge of climate change, flooding and coastal change
- Section 15: Conserving and enhancing the natural environment
- Section 16: Conserving and enhancing the historic environment.

7.10 The Council will seek to agree with the Appellant a list of policies, guidance and other documents relevant to the Site and the development in the Statement of Common Ground. To the extent that the relevance or otherwise of these matters is disputed, this will be addressed in the proofs of evidence of the Council's witnesses.

7.11 The Council may refer to other new or emerging policies, documents or guidance which raise relevant material considerations during the preparation of evidence or at the Inquiry.

## **8. Likely Reasons for Refusal of the Planning Application Proposal**

8.1 Had the Council determined the application, it would have refused planning permission for the reasons summarised below.

### **(1) The proposed development would give rise to less than substantial harm to a number of designated heritage assets, and the harm is not outweighed by public benefits**

8.2 The Council would have refused planning permission because the harm that would be caused to designated heritage assets by the Planning Application Proposal would be significant and would not be outweighed by the public benefits.

8.3 In reaching this view, the Council has had special regard to its statutory duties within sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("PLBCAA") to the desirability of preserving a listed building or its setting, and to the desirability of preserving or enhancing the character or appearance of a conservation area.

- 8.4 Any harm to a listed building or its setting, or to the character or appearance of a conservation area, gives rise to a strong presumption against the grant of planning permission (*Barnwell Manor Wind Energy Limited v. SSCLG* [2014] EWCA Civ 137).
- 8.5 Great weight should be given to the conservation of a designated heritage asset, and considerable importance and weight must attach to any harm to a designated heritage asset. Beyond this starting point, the further weight that is to be attributed to the harm is a product of the extent of assessed harm and the heritage value of the asset (*Palmer v. Hertfordshire Council* [2016] EWCA Civ 106).
- 8.6 The general statutory duty imposed by section 66(1) of the PLBCAA applies with particular force where harm would be caused to the setting of a Grade I listed building (*Barnwell Manor*).
- 8.7 As identified below, the Planning Application Proposal gives rise to significant, less than substantial harm to the special interest or significance of several heritage assets. This impact includes causing harm to the contribution made to the significance, or the ability to appreciate significance, by the current setting of a number of important listed buildings. Harm is also caused to the character or appearance of the Borough High Street Conservation Area, and the settings of a number of other conservation areas. Harm is caused to the Outstanding Universal Value (OUV) of the Tower of London World Heritage Site derived from its setting (and to the ability to appreciate the OUV).
- 8.8 There is therefore a strong statutory presumption in favour of the refusal of planning permission, and the Council's case will be that the public benefits of the proposal do not outweigh that harm. In those circumstances the proposed development is in conflict with relevant development plan policy (London Plan policies SD1 "Opportunity Areas" (part B.4), SD4 "The Central Activities Zone" part C, D3 "Optimising site capacity through the design-led approach" part D, D9 "Tall buildings" part C, HC1 "Heritage conservation and growth", HC2 "World Heritage Sites", HC3 "Strategic and local views", HC4 "London View Management Framework" and Southwark Plan policies P13 "Design of places", P14 "Design quality", P17 "Tall buildings", P19 "Listed buildings and structures",



P20 “Conservation areas”, P21 “Conservation of the historic and natural heritage”, P24 “World Heritage Sites”) and national planning policy in the NPPF.

- 8.9 With the exceptions of the works to the listed buildings within the Site and the loss of heritage assets within the Site that contribute to the character and appearance of the Borough High Street Conservation Area, the proposal would not cause direct physical harm to the heritage assets set out below, but would cause harm to their special interest or significance, including the contribution made to significance or the ability to appreciate significance by their existing setting.
- 8.10 The scale, height, form, arrangement and materiality of the proposed tower within an historic part of London would cause harm to the significance of a number of statutory listed buildings (including those of the highest order of significance) and have a harmful and overly dominant impact on the Borough High Street Conservation Area. It would also cause harm to the Trinity Church Square Conservation Area and The Bank Conservation Area.
- 8.11 The proposed tower would cause less than substantial harm to the significance of the following buildings and structures which are designated heritage assets:
- The Outstanding Universal Value of the Tower of London World Heritage Site – the proposed tower would be significantly intrusive and distracting in views from the Inner Ward (harming its special enclosed character), in views from the Inner Curtain Wall walkway, and would cause less than substantial harm to the setting of the grade I listed Queen’s House.
  - Grade I listed Cathedral Church of St Saviour and St Mary Overie (Southwark Cathedral) - the proposed tower would be significantly intrusive and distracting to appreciation of the silhouette and architectural composition of the listed building.
  - Grade I listed St Paul’s Cathedral – reducing viewer’s ability to appreciate the significance of St Paul’s Cathedral (and to recognise and appreciate the Cathedral as a Strategically Important Landmark) in the Kenwood and Parliament Hill LVMF London Panorama views, and within the borough view from Nunhead Cemetery.
  - Grade I listed The George Inn.

- Grade I listed The Monument and St Magnus the Martyr Church.
- Grade II\* listed Guy's Hospital.
- Grade II\* listed 9, 9A and 11-13 St Thomas Street.
- Grade II\* listed Church of St George the Martyr.
- Grade II listed Bunch of Grapes Public House and nos. 4-8 and 12-16 St Thomas Street – particularly as the height and curved form of the tower's northern façade would loom behind this terrace of grade II listed buildings.
- Grade II listed 15 St Thomas Street.
- Grade II listed Kings Head Public House.
- Borough High Street Conservation Area.
- Trinity Church Square Conservation Area.
- The Bank Conservation Area in the City of London.

8.12 In reaching a planning judgment on the degree of less than substantial harm in each case, the Council has had regard to the following matters of law and guidance:

- 8.12.1 The Judgment of the Court of Appeal in *City & Country Bramshill Ltd. v. SSHCLG* [2021] EWCA Civ 320 and that the NPPF does not direct the decision-maker to adopt any specific approach to identifying harm or gauging its extent, and that there is no one approach, suitable for every proposal affecting a designated heritage asset or its setting.
- 8.12.2 The Judgment of Jay J in *Bedford BC v. SSCLG* [2012] EWHC 4344, indicating that a judgment that the significance of an asset is very much reduced would equate to a finding of substantial harm.
- 8.12.3 The guidance in the NPPG (post-dating *Bedford*) that “substantial harm” to the significance of a heritage asset arises when the adverse effect seriously affects a key element of the asset’s special architectural or historic interest.
- 8.12.4 Recent decisions on appeal by the Secretary of State in the context of *Bedford*, which explain that in considering this issue the key point is not whether some aspects would be left untouched, but the importance of what would be affected, that is the setting, to the significance of the asset (see the decision of the Secretary of State for Levelling Up, Housing and Communities on the Tulip dated 11 November 2021 (APP/K5030/W/20/3244984) (DL para. 16, IR para. 14.2)).

- 8.12.5 The Council is aware that judgment is awaited in the case of *R (London Historic Parks and Gardens Trust) v. Minister of State for Housing* (CO/3041/2021) following a hearing before Lang J on 22-23 February 2022. One of the issues raised by that case is whether the approach in *Bedford* is correct and whether it has been correctly understood and applied. It is possible that the outcome of that case may affect the approach summarised above, and the Council therefore reserves the right to address its implications in due course. It is hoped that this could be achieved through a Statement of Common Ground with the Appellant.
- 8.13 The Council does not accept the Appellant's assessment of the impact of the proposed development on designated heritage assets, as summarised at paragraph 5.10 of the Appellant's Statement of Case. The Council's evidence will show that the harm to the Borough High Street Conservation Area, the Grade I listed Southwark Cathedral and the Grade II\* listed Guy's Hospital will be above the middle and towards the upper end of the spectrum for less than substantial harm, and that there would also be significant less than substantial harm to a number of other designated heritage assets.
- 8.14 The Council's evidence will also explain why it considers the Appellant's Environmental Statement does not transparently and reliably identify the likely significant adverse effects of the Planning Application Proposal on built heritage, and thus why it should not be relied on for the purposes of determining the appeal (see the Appellant's Statement of Case at paragraph 5.13).
- 8.15 The proposed redevelopment of the Site would also result in impacts to and the loss of non-designated heritage assets within the Site (the frontage to Kings Head Yard, and Keats House historic facades, railings and lightwells) which each make a positive contribution to the character of the Site, the streetscene and the historic character of the Borough High Street Conservation Area. Keats House would be reconstructed in a new location and altered form, changing its relationship with its historic streetscene. The harm to the character of the Borough High Street Conservation Area resulting from this loss of historic fabric and change to the streetscene is additional to the harm caused by the impact of the proposed new tower itself.

- 8.16 The harm caused to the significance of the designated heritage assets, and to the ability to appreciate that significance, has not been clearly and convincingly justified by the Appellant, and in the view of the Council, cannot be justified.
- 8.17 The Council recognises that the proposed development would provide some public benefits, and these will be identified in the Statement of Common Ground with the Appellant. The Council's evidence will show that these benefits are insufficient to outweigh the many incidences of harm identified to listed buildings, conservation areas, World Heritage Site and non-designated heritage assets.
- 8.18 For those reasons the Council's case will be that the proposal is contrary to national planning policy on the protection of heritage assets in Section 16 of the NPPF, and to the following development plan policies:
- 8.18.1 London Plan (2021) policies SD1 "Opportunity Areas" (part B.4), SD4 "The Central Activities Zone" part C, D3 "Optimising site capacity through the design-led approach" part D, D9 "Tall buildings" part C, HC1 "Heritage conservation and growth", HC2 "World Heritage Sites", HC3 "Strategic and local views", HC4 "London View Management Framework" of the London Plan (2021).
- 8.18.2 Southwark Plan (2022) policies P13 "Design of places", P14 "Design quality", P17 "Tall buildings", P19 "Listed buildings and structures", P20 "Conservation areas", P21 "Conservation of the historic and natural heritage", P24 "World Heritage Sites".
- 8.19 The proposal also fails to comply with the guidance within the Mayor of London's London View Management Framework SPG (2012) regarding St Paul's Cathedral, the London's World Heritage Sites SPG (2012) and the Tower of London World Heritage Site Management Plan (2016) in terms of the Tower of London, and Historic England's guidance notes.

## **(2) Poor design, harm to townscape and local character**

- 8.20 The Council would have refused planning permission because the scale and design of the proposed development is not appropriate for this site and its surrounding context, resulting in harm to the townscape and local character. As a result of this harm (and the harm caused to heritage assets), and its relationship to the local and wider context, the proposed development does not constitute good design in context and would be contrary to development plan policies and to national planning policy on achieving well-designed places in the NPPF.
- 8.21 The proposed tower would have harmful visual impacts due to its location, height, form, massing and materiality.
- 8.22 Whilst the site is located in one of the areas in which the Southwark Plan expects tall buildings to be located (see the Appellant's Statement of Case paragraph 5.6), it is not amongst the individual sites allocated where tall buildings may be appropriate. The suitability of the site for a building of this height therefore falls to be determined through the development control process applying the requirements of Southwark Plan policy P17 and London Plan policy D9.
- 8.23 The Council's evidence will show that the proposed development does not satisfy those requirements.
- 8.23.1 It is not located at a point of landmark significance, being set back from the main street frontages and onto an historic yard.
- 8.23.2 It is not of a height that is proportionate to the existing urban character, the significance of the location nor size of the Site.
- 8.23.3 The proposed tower would not contribute positively to the London skyline and would not consolidate a cluster within the skyline. The proposed tower would be visually and architecturally separated from the existing and emerging cluster of tall buildings around London Bridge station in a number of important views.
- 8.23.4 The proposed tower would harm LVMF and designated borough views. Due to its location in the background of LVMF views, the scale and form of the tower would reduce viewer's ability to recognise and appreciate St Paul's

Cathedral as a Strategically Important Landmark in the Kenwood and Parliament Hill LVMF London Panorama views. The tower would be a significant incursion into the borough view from Nunhead Cemetery to St Paul's Cathedral, as its location, scale and height significantly exceed that of the Cathedral in that view. It would dominate and crowd the Cathedral, and would contribute to the canyoning of the borough view. Therefore the tower would not preserve or enhance the borough views of this significant landmark, nor enhance the composition of the panorama across the borough and central London as a whole.

- 8.23.5 Its excessive height, scale, massing and incongruous form fail to respond positively to the character and townscape of its immediate and historic context. It would both dominate, and fail to make a positive contribution, to the local townscape and existing area character in terms of legibility, proportions and materials, nor would it reinforce the spatial hierarchy of the local and wider context.
- 8.23.6 The Council's evidence will show that the poor relationship between the proposed tower and the surrounding townscape context includes its relationship with The Shard, a tall building of particular importance both in the local townscape and more widely. The Southwark Plan (2022) recognises the role of The Shard in forming the pinnacle within the cluster of tall buildings around London Bridge Station and Guy's Hospital. In a number of important views the proposed development would reduce the primacy and visibility of The Shard in the local townscape, and its singularity on the wider London skyline. Unlike other existing buildings in the emerging cluster, the resulting formal and visual relationship between the proposed tower and The Shard would be discordant and unsympathetic.
- 8.23.7 The proposal includes new public space at its base however, parts of the proposed landscaping at ground level within the colonnade would be enclosed by the tower above and therefore have a reduced sense of openness, while the tower would overshadow the public realm adjacent to St Thomas Street which reduces the attractiveness of the public space and the pedestrian experience. The proposal relies on a significant redesign of the St Thomas Street highway to increase the pavement widths and to accommodate some of its visitor cycle parking.

- 8.23.8 The proposal includes a new publicly accessible garden at roof level, to address the requirement of part 2.7. of Southwark Plan policy P17 “Tall buildings”. This is acknowledged to be a benefit and an improvement on the enclosed garden proposed in the 2018 scheme, but will not contribute to public realm and pedestrian experience at street level.
- 8.24 The proposed tower is not considered to be of an exemplary architectural quality. The unrelenting, solidity and monolithic nature of the form serve to amplify the scale and the alien character of this architectural intervention within its historic context. The architectural language will serve to amplify its mass and overbearing presence.
- 8.25 The proposed tall building does not respond positively to the local character, townscape, nor its historic context. It would have an overbearing presence on its setting and as a result would fail to conserve and enhance the significance of designated heritage assets on the site, within both its immediate and wider urban context.
- 8.26 The Council’s evidence will explain that as a result of the factors summarised above the proposed development is contrary to national planning policy in section 12 of the NPPF and to the following development plan policies:
- 8.26.1 London Plan (2021) policies SD4 “The Central Activities Zone” part C, D3 “Optimising site capacity through the design-led approach” part D, D8 “Public realm” and D9 “Tall buildings”, HC3 “Strategic and local views”, HC4 “London View Management Framework”.
- 8.26.2 Southwark Plan (2022) policies P13 “Design of places”, P14 “Design quality”, P17 “Tall buildings”, P21 “Borough views”.
- 8.27 The proposal would also be contrary to the AV.11 London Bridge Area Vision, the guidance within the Mayor of London’s London View Management Framework SPG (2012) and Historic England guidance.

### **(3) Lack of a section 106 agreement**

8.28 In the absence of a completed section 106 agreement or unilateral undertaking, the Planning Application Proposal fails to secure appropriate planning obligations to mitigate its adverse impacts and to secure the public benefits of the proposal to ensure compliance with planning policies for these topics. Planning obligations are necessary in relation to:

- provision of the on-site affordable workspace at discount rent, with the associated fit out, marketing and management in order to comply with policy P31 “Affordable workspace” of the Southwark Plan and E3 “Affordable workspace” of the London Plan;
- provision of the public realm within the site and public access to it;
- free public access to the roof level garden, without need to book or have a ticket, with access using the two dedicated lifts, and free public access to the toilet facilities at the roof level garden;
- transport mitigation (highway works and financial contributions for improvements to Kings Head Yard and St Thomas Street, bus service improvement contribution, Legible London contribution, cycle docking station improvement contribution, provision of the Underground station entrance, servicing and deliveries management with the associated deposit and monitoring fee, and a travel plan including cycle hire access) to comply with Southwark Plan policies P49, P50, P51 and P53, and London Plan transport chapter policies;
- construction phase employment and training to comply with London Plan policy E11 “Skills and opportunities for all” and Southwark Plan policy P28 “Access to employment and training”;
- operational phase employment and training to comply with London Plan policy E11 and Southwark Plan policy P28;
- local procurement during construction and operational phase to comply with Southwark Plan policy P28;
- carbon offset payment to comply with policy SI2 “Minimising greenhouse gas emissions” of the London Plan and P70 “Energy” of the Southwark Plan;
- archaeological monitoring contribution to comply with policy P23 “Archaeology” of the Southwark Plan;



- wind assessment post-construction to ensure sufficient mitigation to comply with policy P17 “Tall buildings” of the Southwark Plan and D9 “tall buildings” of the London Plan; and
- listed building monitoring contribution during the works and an on-going management plan to comply with policy P19 “Listed buildings and structures” of the Southwark Plan.

8.29 In the absence of an appropriate signed agreement, the proposal is contrary to the development plan policies that relate to these topics, and to policy IP3 “Community infrastructure levy (CIL) and section 106 planning obligations” of the Southwark Plan (2022), policies T9 ‘Funding transport infrastructure through planning’ and DF1 “Delivery of the Plan and planning obligations” of the London Plan (2021) and the guidance within the “Section 106 Planning Obligations and Community Infrastructure Levy” SPD (2015 and its 2020 addendum).

8.30 It is anticipated that this issue will be resolved through discussions with the applicant on the heads of terms and draft planning agreement which are to progress ahead of the Inquiry. Other mitigation would need to be secured by conditions imposed on any permission. The Council’s list of suggested conditions is attached as Appendix 2 to this statement.

#### **(4) Other matters**

##### Daylight and sunlight

8.31 The massing of the tower would cause a significant reduction in daylight to surrounding residential and student housing properties, a noticeable reduction in sunlight to nearby residential units, and overshadowing of the public realm. These adverse impacts on daylight and sunlight are not considered by the Council to be so severe as to give rise to a separate reason for refusal of the scheme, however the adverse impacts are material considerations that weigh against the scheme and need to be included in the planning balance.

8.32 These adverse impacts are reflected in conflict with the following development plan policies P14 “Design quality” part 3, P17 “Tall buildings” part 3.3. and P56

“Protection of amenity” of the Southwark Plan. The harms and resulting conflicts with development plan policy have been considered in the Council’s assessment of the planning balance of the Planning Application Proposal, and further count against permission being granted.

8.33 The Council’s evidence will refer to the assessments submitted by the Appellant which identify the nature and extent of these harms, and explain why they should attract material weight in the planning balance.

8.34 The Council will seek to narrow these issues, so far as possible, with the Appellant as part of the Statement of Common Ground. If this is not possible, the issues will be dealt with as appropriate in the Council’s evidence.

### **Conclusions**

8.35 It will be the Council’s case that the public benefits of the proposal do not outweigh the harm that would be caused to a number of designated heritage assets, including assets of the highest importance, and that the heritage balance is clearly in favour of refusal.

8.36 The Council’s case will be that that the proposal conflicts with a range of key development plan policies relating to heritage, tall buildings, townscape and design, public realm, strategic views and amenity. These policies are amongst the most important in the development plan. The nature and extent of that conflict is substantial. As such, it will be the Council’s case that the proposed development is in conflict with the development plan when considered as a whole.

8.37 The Council’s case will be that the other material considerations in this case do not indicate that it would be appropriate to grant planning permission notwithstanding the conflict with the development plan. On the contrary, when considered as a whole they clearly weigh in favour of refusal.

8.38 Accordingly, the Council’s case will be that the appeal should be dismissed and planning permission refused.

## **9. Likely Reason for Refusal of the Listed Building Consent Proposal**

- 9.1 The Council is supportive of the proposed works to the Georgian terrace in the Listed Building Consent Proposal which would replace the 1980s works with a more appropriate layout, appearance and detailing.
- 9.2 In the absence of an appropriate planning permission for replacement extensions and external elements that would ensure the grade II listed buildings are made weather-tight (following demolition of the modern extensions) and are rebuilt with a scheme in an appropriate design, materials and detailing, the proposal fails to safeguard their special historic and architectural interest. Therefore the Council considers that the proposal fails to comply with section 16 of the NPPF (2021) particularly paragraph 204, and to be contrary to London Plan policy HC1 “Heritage conservation and growth” and Southwark Plan policy P19 “Listed buildings and structures”.
- 9.3 Should the Inspector be minded to grant consent for the Listed Building Consent Proposal alongside the Planning Application Proposal, then the Council would ask for the conditions proposed in Appendix 3 to be included. Should the Inspector be minded to grant consent only for the Listed Building Consent Proposal alongside the Planning Application Proposal then the Council would ask for the conditions proposed in Appendix 3 to be included. Should the Inspector be minded to grant consent only for the Listed Building Consent Proposal then the conditions in Appendix 3 would need to have the Georgian terrace materials condition recommended in Appendix 2 added. These conditions would ensure the demolition works only progress once a contract is in place for the rebuild works, method statements for the works, and to secure suitable materials and detailing are used.

## **10. Conditions**

- 10.1 Should the Inspector be minded to grant planning permission, a list of suggested conditions is included in Appendix 2. Should the Inspector be minded to grant listed building consent, a list of suggested conditions is included in Appendix 3. These conditions would be in addition to the heads of terms to be contained within

a section 106 agreement, a draft of which will be provided to the Inspector in line with the timeframe.

## Appendix 1

### Documentary Evidence:

1. The National Planning Policy Framework (2021)
2. The Planning Practice Guidance
3. The London Plan (2021)
4. The Southwark Plan (2022)
5. Evidence base of the New Southwark Plan including:
  - London Borough of Southwark New Southwark Plan Site Allocations Methodology Report Update 2021 (May 2021) (EiP82b)
  - Southwark Employment Land Study Part 1 Final Report (SP412)
  - London Borough of Southwark Response Examination of the New Southwark Plan Inspectors' Matters, Issues and Questions, Matter 5.
6. Relevant Southwark Supplementary Planning Documents:
  - Design and Access Statements (2007);
  - Heritage (2021);
  - Sustainable Design and Construction (2009);
  - Section 106 Planning Obligations and CIL (2015, November 2020 Update);
  - 2015 Technical Update to the Residential Design Standards (2011) Supplementary Planning Document
  - Draft Bankside, Borough and London Bridge Supplementary Planning Document (2009).
7. The GLA's Supplementary Planning Guidance (SPGs) and London Plan Guidance (LPGs) including:
  - Accessible London: Achieving an Inclusive Environment (October 2014)
  - Been Seen Energy Monitoring LPG (September 2021)
  - Character and Context (June 2014)
  - Energy Assessment Guidance (April 2020)
  - London View Management Framework (March 2012)
  - London World Heritage Sites (March 2012)
  - Air quality neutral LPG – consultation draft (November 2021)
  - Circular Economy Statements Guidance – consultation draft (October 2020)
  - Fire Safety LPG – consultation draft (February 2022)

- Optimising site capacity: A design-led approach LPG – consultation draft (February 2022)
  - Sustainable transport, walking and cycling LPG – consultation draft (September 2021)
  - Urban Greening Factor LPG – consultation draft (September 2021)
  - Whole-life Carbon Assessments Guidance – consultation draft guidance (October 2020).
8. Other relevant guidance documents including:
- The Borough High Street Conservation Area Appraisal (2006).
  - Listing particulars for listed buildings on the site and context.
  - Tower of London World Heritage Site Management Plan, Historic Royal Palaces (2016).
  - Historic England advice:
    - Good Practice Advice 2 – Managing Significance in Decision-Taking in the Historic Environment (July 2015)
    - Good Practice Advice 3 – The Setting of Heritage Assets (Second edition, December 2017)
    - Advice Note 2 – Making Changes to Heritage Assets (February 2016)
    - Advice Note 4 – Tall Buildings (March 2022).
9. Application documents (as provided to the Inspectorate by the Appellant)
10. Consultation responses received on the applications (previously provided to the Inspectorate with the Council's questionnaires) including those from consultees (Historic England, the Conservation Area Advisory Group, the Georgian Group, Historic Royal Palaces) and from stakeholders in the local area (e.g. RPS, Team London Bridge).
11. Pre-application advice documents, including the letter from the Council (17/4/21).
12. Legal cases including:
- Barnwell Manor Wind Energy Limited v. SSCLG [2014] EWCA Civ 137.
  - Palmer v. Hertfordshire Council [2016] EWCA Civ 106.
  - City & Country Bramshill Ltd. v. SSHCLG [2021] EWCA Civ 320
  - Bedford BC v. SSCLG [2012] EWHC 4344
  - R (London Historic Parks and Gardens Trust) v. Minister of State for Housing (CO/3041/2021) following a hearing before Lang J on 22-23 February 2022
13. Appeal decisions including:

- Secretary of State for Levelling Up, Housing and Communities' decision letter and Inspector's report on "the Tulip" – land adjacent to 20 Bury Street London EC3A 5AX dated 11 November 2021 (APP/K5030/W/20/3244984)
- Secretary of State for Levelling Up, Housing and Communities' decision letter and Inspector's report on Land at 8 Albert Embankment dated 23 June 2021 (APP/N5660/V/20/3254203 and 3257106) application made by U and I (8AE) Ltd and London Fire Commissioner (sic).

The Council intends to refer to the above documents as part of its Proofs of Evidence prepared by the Council's witnesses and/or appointed agents. The Council reserves the right to refer to other documents as necessary at the Inquiry.

## Appendix 2

### **List of Conditions Should Planning Permission be Granted**

In the event the Inspector is minded to recommend the scheme for approval, the Council asks that the following conditions be included on the permission. The conditions have been arranged into parts related by the timing of their triggers and whether the conditions apply to the whole application site or a specific building.

#### **Part 1: Time limit for implementing the permission and the approved plans**

#### **Part 2: Pre-commencement conditions site-wide**

#### **Part 3: Above grade conditions – site-wide**

#### **Part 4: Prior to occupation conditions – site-wide**

#### **Part 5: Compliance conditions – site-wide**

#### **Part 6: Other trigger conditions – site wide**

#### **Part 7: Tower building specific conditions**

#### **Part 8: Keats House specific conditions**

#### **Part 9: Georgian terrace specific conditions**

Where in the list of conditions below reference is made to “the Georgian terrace”, “Keats House”, “the tower building”, “the public realm element”, “the basement element”, this shall be understood as a reference to these elements as shown on plan [x] and plan [y]. Plan [x] and plan [y] may be amended from time to time, subject to obtaining the prior approval of the Local Planning Authority. *NB, the Council has requested the Appellant provide the “plan [x] and plan [y]” drawings that identify the elements of the proposal and these will be sent onto the Inspectorate.*

#### **Part 1: Time limit for implementing the permission and the approved plans**

1. The development hereby permitted shall be begun before the end of three years from the date of this permission.

Reason:

As required by Section 91 of the Town and Country Planning Act 1990 as amended.

2. The development shall be carried out in accordance with the following approved plans:



20065_G_(00)_P119	Georgian Townhouses Proposed Lower Ground Floor Plan	P02
20065_G_(00)_P120	Georgian Townhouses Proposed Ground Floor Plan	P01
20065_G_(00)_P121	Georgian Townhouses Proposed First Floor Plan	P01
20065_G_(00)_P122	Georgian Townhouses Proposed Second Floor Plan	P01
20065_G_(00)_P123	Georgian Townhouses Proposed Third Floor Plan	P01
20065_G_(00)_P125	Georgian Townhouses Proposed Roof Floor Plan	P01
20065_G_(00)_P201	Georgian Townhouses Proposed North Elevation	P01
20065_G_(00)_P202	Georgian Townhouses Proposed East Elevation	P01
20065_G_(00)_P203	Georgian Townhouses Proposed South Elevation	P01
20065_G_(00)_P301	Georgian Townhouses Proposed Section A-A	P01
20065_G_(00)_P302	Georgian Townhouses Proposed Section B-B	P01
20065_G_(00)_P304	Georgian Townhouses Proposed Section DD - no.16	P02
20065_G_(00)_P305	Georgian Townhouses Proposed Section EE - no.14	P02
20065_G_(00)_P306	Georgian Townhouses Proposed Section FF - no.10	P02
20065_G_(00)_P307	Georgian Townhouses Proposed Section GG - no.4	P02
20065_G_(00)_P308	Georgian Townhouses Proposed Section HH - no.4	P02
20065_G_(00)_P309	Georgian Townhouses Proposed Section JJ - no.12	P02
20065_G_(00)_P401	Georgian Townhouses Proposed Vault	P01
20065_G_(12)_P119	Georgian Townhouses Lower Ground Floor Demolition Plan	P01
20065_G_(12)_P120	Georgian Townhouses Ground Floor Demolition Plan	P01
20065_G_(12)_P121	Georgian Townhouses First Floor Demolition Plan	P01
20065_G_(12)_P122	Georgian Townhouses Second Floor Demolition Plan	P01
20065_G_(12)_P123	Georgian Townhouses Third Floor Demolition Plan	P01
20065_G_(12)_P125	Georgian Townhouses Roof Floor Demolition Plan	P01
20065_G_(12)_P201	Georgian Townhouses North Elevation Demolition	P01
20065_G_(12)_P202	Georgian Townhouses East Elevation Demolition	P01
20065_G_(12)_P203	Georgian Townhouses South Elevation Demolition	P01
20065_G_(12)_P401	Georgian Townhouses Vaults Demolition	P01
20065_X_(00)_P118	Tower Plans - Level B2	P02
20065_X_(00)_P119	Tower Plans - Level B1	P02
20065_X_(00)_P120	Tower Plans - Level G	P02
20065_X_(00)_P120M	Tower Plans - Level GM	P02
20065_X_(00)_P121	Tower Plans - Level 01	P02
20065_X_(00)_P122	Tower Plans - Level 02	P02
20065_X_(00)_P123	Tower Plans - Level 03	P02
20065_X_(00)_P124	Tower Plans - Levels 04-09	P02
20065_X_(00)_P130	Tower Plans - Levels 10-13	P02
20065_X_(00)_P134	Tower Plans - Level 14	P02
20065_X_(00)_P135	Tower Plans - Level 15	P02
20065_X_(00)_P136	Tower Plans - Level 16	P02
20065_X_(00)_P137	Tower Plans - Levels 17-22	P02
20065_X_(00)_P143	Tower Plans - Level 23	P02
20065_X_(00)_P144	Tower Plans - Level 24	P03
20065_X_(00)_P145	Tower Plans - Level 25	P03

20065_X_(00)_P146	Tower Plans - Level 26 (Roof)	P03
20065_X_(00)_P201	North Elevation Proposed	P02
20065_X_(00)_P202	South Elevation Proposed	P02
20065_X_(00)_P203	East Elevation Proposed	P02
20065_X_(00)_P204	West Elevation Proposed	P02
20065_X_(00)_P205	LUL Tube Station Proposed Plan and Elevation	P02
20065_X_(00)_P301	Section AA Proposed	P02
20065_X_(00)_P302	Section BB Proposed	P02
20065_X_(12)_P119	Demolition Scope of Existing Level LG Plan	P01
20065_X_(12)_P120	Demolition Scope of Existing Level 00 Plan	P01
20065_X_(12)_P121	Demolition Scope of Existing Level 01 Plan	P01
20065_X_(12)_P122	Demolition Scope of Existing Level 02 Plan	P01
20065_X_(12)_P123	Demolition Scope of Existing Level 03 Plan	P01
20065_X_(12)_P124	Demolition Scope of Existing Level 04 Plan	P01
20065_X_(12)_P125	Demolition Scope of Existing Lower Roof Plan	P01
20065_X_(12)_P126	Demolition Scope of Existing Upper Roof Plan	P01
20065_X_(12)_P201	Demolition Scope of Existing Elevation 01	P01
20065_X_(12)_P202	Demolition Scope of Existing Elevation 02	P01
20065_X_(12)_P203	Demolition Scope of Existing Elevation 03	P01
20065_X_(12)_P205	Demolition Scope of Existing Elevation 05	P01
20065_X_(12)_P206	Demolition Scope of Existing Elevation 06	P01
20065_X_(12)_P207	Demolition Scope of Existing Elevation 07	P01
20065_X_(12)_P301	Demolition Scope of Existing Section A-A	P01
20065_X_(12)_P302	Demolition Scope of Existing Section B-B	P01
20065_X_(12)_P303	Demolition Scope of Existing Section C-C	P01
20065_X_(12)_P304	Demolition Scope of Existing Section D-D	P01
20065_X_(12)_P305	Demolition Scope of Existing Section E-E	P01
166-NCC2-GA01	General Arrangement Ground Floor	01
166-NCC2-GA02	General Arrangement Level 03 Terrace, Balconies and Level 01 Green Roof	01
166-NCC2-GA03	General Arrangement Level 24 Terrace	01
166-NCC2-GA04	General Arrangement Level 26 Terrace	01
166-NCC2-GS01	General Sections Ground Floor	01
166-NCC2-GS02	General Sections Level 03 & Balconies	01
166-NCC2-GS03	General Sections Level 24 & Level 26	01

Reason:

For the avoidance of doubt and in the interests of proper planning.

### DEFINITION OF WORKS

3. Prior to any works commencing, including demolition, a Works Element Plan shall be submitted to and approved in writing by the Local Planning Authority. The Works Element Plan shall confirm by reference to a drawing or drawings the extent of the works to be undertaken within each element of the approved development: the demolition element; the Georgian terrace element; the Keats House element; the tower building element; the public realm element; the basement element; and the intended duration and completion of each element.

The development shall be undertaken only in accordance with the approved Works Element Plan. The Works Element Plan may be amended from time to time, subject to obtaining the prior written approval of the Local Planning Authority.

The works within the basement element, Georgian terrace element and Keats House element shall be completed and made ready for occupation, and the public realm element completed and made available for public use prior to the first occupation of the tower building element, unless otherwise agreed by the Local Planning Authority in an approved Works Element Plan.

Reason:

To ensure each element of the approved development is delivered prior to the occupation of the tower building with its associated basement servicing and cycle parking facilities to prevent a gap in the streetscene, by requiring the reprovision of Keats House and ensuring the replacement walls and roof are constructed to the listed buildings to protect their historic fabric. In order to comply with Section 16 Conserving and enhancing the historic environment of the National Planning Policy Framework (2021), policies D9 Tall buildings and HC1 Heritage conservation and growth of the London Plan (2021), and policies P17 Tall buildings, P19 Listed buildings and structures, P20 Conservation areas and P21 Conservation of the historic environment and natural heritage of the Southwark Plan (2022).

## **Part 2: Pre-commencement conditions site-wide**

### **DEMOLITION LOGISTICS PLAN**

4. Demolition works shall not begin until a Demolition Logistics Plan to manage all freight vehicle movements to and from the site during demolition of the existing building(s) has been submitted to and approved in writing by the Local Planning Authority (in consultation with Transport for London). The Demolition Logistics Plan shall include:
  - (a) the management of all freight vehicle movements to and from the site during demolition of the existing buildings;
  - (b) loading and unloading of plant and materials including vehicle turning areas;
  - (c) storage of plant and materials;
  - (d) programme of works (including measures for traffic management and pedestrian safety);
  - (e) provision of boundary hoarding, behind any visibility zones of construction traffic routing;
  - (f) hours of operation;
  - (g) means to prevent deposition of mud on the highway;
  - (h) location and height of any crane(s) and scaffolding;
  - (i) any other matters relevant to this particular site including liaising with developers and construction teams of neighbouring sites (through the Local Planning Authority), in order to identify and address potential cumulative highway effects during the demolition phase.
  - (j) relevant measures from the Mayor of London's Construction Logistics

Plan Guidance (2017), and specifically address the safety of vulnerable road users through compliance with the Construction Logistics and Cyclist Safety (CLOCS) Standard for Construction Logistics, Managing Work Related Road Risk.

As a minimum, all haulage contractors should be FORS (or equivalent) registered and use the highest rated Direct Vision Standard lorries as possible.

The demolition shall not be carried out otherwise than in accordance with the approved Demolition Logistics Plan. The approved plan shall be implemented as approved and periodically reviewed following audits of its implementation. Results of these audits will be made available to the Local Planning Authority upon request. The approved plan shall be retained for the duration of the demolition, site clearance and construction process for the relevant phase.

Reason:

The demolition of the scheme is likely to be challenging, given the site access constraints, busy surrounding roads, high numbers of vulnerable users, and scale of development. These details are required prior to demolition work commencing in order that the impact on the transport network is minimised from the time that demolition starts. To ensure that demolition works do not have an adverse impact on public safety and the transport network by securing the mitigation identified in the Environmental Statement, in accordance with London Plan policy T7 Deliveries, servicing and construction and policy P50 Highway impacts of the Southwark Plan (2022).

#### DEMOLITION ENVIRONMENTAL PROTECTION

5. There shall be no demolition on the site until a scheme for protecting nearby residents and commercial occupiers from noise, dust and other environmental effects has been submitted to and approved in writing by the Local Planning Authority (in consultation with Transport for London). The scheme shall be based on the Southwark's Code of Construction Practice, GLA/London Council's Best Practice Guide Dust & Plant Emissions and Mayor of London's emissions standards for NRMM (or any subsequent, replacement code of practice) and arrangements for liaison and monitoring set out therein. A staged scheme of protective works may be submitted in respect of individual stages of the demolition process but no works in any individual stage shall be commenced until the related scheme of protective works has been submitted to and approved in writing by the Local Planning Authority. The demolition shall not be carried out other than in accordance with the approved Demolition Environmental Management Plan.

Reason:

To ensure that occupiers of neighbouring premises and the wider environment do not suffer a loss of amenity by reason of pollution and nuisance, in accordance with the mitigation identified in the Environmental Statement and to comply with policy P56 Protection of amenity of the Southwark Plan (2022).

#### CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

6. Prior to the commencement of the development including demolition, site clearance and/or construction works, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning

Authority (in consultation with Transport for London). The CEMP shall include (but not be limited to) details relating to all structures:

- (a) any demolition, ground works, (including decontamination)
- (b) scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies
- (c) construction and access to the site
- (d) hours of operation
- (e) predicted levels of, means to control/minimise the impact of, and monitoring of noise, odour dust, vibration and smoke
- (f) road cleaning including wheel washing
- (g) suitable pollution prevention measures for the safe storage of fuels, oils and chemicals and the control of sediment laden site discharge to protect water quality including into the Thames during the construction phase
- (h) details of vibro-compaction machinery and a method statement
- (i) details of disposal of waste arising from the construction programme, including final disposal points (the burning of waste on the site at any time is specifically precluded)
- (j) any other matters relevant to this particular site including liaising with developers and construction teams of neighbouring sites (through the Local Planning Authority), in order to identify and address potential cumulative environmental effects during the demolition and construction phase.

The CEMP should be in accordance with the GLA's Supplementary Planning Guidance 'Control of Dust and Emissions during Demolition and Construction', Southwark's Code of Construction Practice, GLA/London Council's Best Practice Guide Dust & Plant Emissions and Mayor of London's emissions standards for NRMM (or any subsequent, replacement code of practice). The development shall be constructed in accordance with the approved management plan. The CEMP shall be implemented as approved and periodically reviewed following environmental audits of its implementation. Results of these audits will be made available to the Local Planning Authority upon request. The CEMP shall be retained and complied with for the duration of the demolition, site clearance and construction process for the relevant element.

Reason:

In the interests of public safety and to ensure a minimal effect on the amenities of neighbouring premises and the transport network in accordance with the mitigation identified in the Environmental Statement and to comply with policy P56 Protection of amenity of the Southwark Plan (2022). These details are required prior to demolition in order that the impact on amenities is minimised from the time that the construction starts.

#### CONSTRUCTION ENVIRONMENTAL PROTECTION

7. There shall be no construction on the site until a scheme for protecting nearby residents and commercial occupiers from noise, dust and other environmental effects during construction has been submitted to and approved in writing by the Local Planning Authority (in consultation with Transport for London). The scheme shall be based on Southwark's Code of Construction Practice, GLA/London Council's Best Practice Guide Dust & Plant Emissions and Mayor of London's emissions standards for NRMM (or any subsequent, replacement code of practice) and arrangements for liaison and monitoring set out therein. A staged scheme of protective works may be submitted in respect of individual stages of the construction process but no works in any individual stage shall be

commenced until the related scheme of protective works has been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved scheme.

Reason:

In the interests of public safety and to ensure a minimal effect on the amenities of neighbouring premises and the transport network, in accordance with London Plan policy T7 Deliveries, servicing and construction and policy P56 Protection of amenity of the Southwark Plan (2022). These details are required prior to construction in order that the impact on amenities is minimised from the time that the construction starts.

#### CONSTRUCTION LOGISTICS PLAN

8. No construction works shall commence until a Construction Logistics Plan(s) (CLP) has been submitted to and approved in writing by the Local Planning Authority (in consultation with Transport for London). The CLP shall include details of:

- (a) the management of all freight vehicle movements to and from the site during construction of the development;
- (b) loading and unloading of plant and materials including vehicle turning areas;
- (c) storage of plant and materials;
- (d) sourcing of materials;
- (e) programme of works (including measures for traffic management and pedestrian safety);
- (f) provision of boundary hoarding, behind any visibility zones of construction traffic routing;
- (g) hours of operation;
- (h) means to prevent deposition of mud on the highway;
- (i) location and height of crane(s) and scaffolding, including crane aircraft safety lighting;
- (j) any other matters relevant to this particular site including liaising with developers and construction teams of neighbouring sites (through the Local Planning Authority), in order to identify and address potential cumulative highway effects during the demolition and construction phase.

The CLP shall be prepared in accordance with the Mayor's CLP Guidance dated July 2017, add further detail to the submitted outline construction management plan and shall specifically address the safety of vulnerable road users through compliance with the CLOCS Standard.

As a minimum, all haulage contractors should be FORS (or equivalent) registered and use the highest rated Direct Vision Standard lorries as possible.

The development shall be constructed in accordance with the relevant approved CLP. The CLP shall be implemented as approved and periodically reviewed following audits of its implementation. Results of these audits will be made available to the Local Planning Authority upon request. The CLP shall be retained for the duration of the construction process for the relevant phase.

Reason:

The construction of the scheme is likely to be challenging, given the site access constraints, busy surrounding roads, high numbers of vulnerable users, and

scale of development. To ensure these phases do not raise highway safety or aircraft safety matters by securing the mitigation identified in the Environmental Statement, to accord with policy P50 Highway impacts of the Southwark Plan (2022) and policy T7 Deliveries, servicing and construction of the London Plan (2021).

#### DEMOLITION OF BUILDINGS

9. Prior to commencement of demolition works to the Georgian terrace, Keats House or the existing office building, a valid construction contract (under which one of the parties is obliged to carry out and complete the works of redevelopment of the site for which planning permission has been granted (or the relevant element of the redevelopment) shall be entered into and evidence of the construction contract shall be submitted to for approval in writing by the Local Planning Authority.

##### Reason:

To prevent a partial implementation that would leave a gap in the streetscene, to require the reprovision of Keats House and ensuring the replacement walls and roof are constructed to the listed buildings to protect their historic fabric and to maintain the character and appearance of the Borough High Street Conservation Area. In accordance with Section 16 Conserving and enhancing the historic environment of the National Planning Policy Framework (2021), policy HC1 Heritage conservation and growth of the London Plan (2021) and P20 Conservation areas of the Southwark Plan (2022).

#### PROTECTION OF THE GEORGIAN TERRACE, KEATS HOUSE AND CONYBEARE HOUSE FACADES DURING THE WORKS

10. Prior the commencement of development (including any demolition) Method Statement(s) for the protection of the elements of the Georgian terrace that are to be retained, for the protection of the Keats House façades to be retained and relocated, and for the protection of the Conybeare House façade during and after the Keats House removal shall be submitted to and approved in writing by the Local Planning Authority. The Method Statement(s) shall detail how these heritage assets are to be protected and supported during the demolition works, basement excavation works, and construction works, and include the design of any internal and external scaffolding, any temporary roof (including details of all fixings into historic fabric and protection at building interfaces). The works shall not be undertaken otherwise than in accordance with the approved details.

##### Reason:

In order to ensure the special historic qualities of the listed buildings and Keats House façades are protected, in accordance with Section 16 Conserving and enhancing the historic environment of the National Planning Policy Framework (2021), policy HC1 Heritage conservation and growth of the London Plan (2021), and policies P19 Listed buildings and structures, P20 Conservation areas and P21 Conservation of the historic environment and natural heritage of the Southwark Plan (2022).

#### ARCHAEOLOGICAL MITIGATION

11. Prior to the commencement of development (exception for demolition works above ground level) a written scheme of investigation (WSI) for those parts of the site which have archaeological interest shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the relevant

phase. For land that is included within the WSI, no demolition/development/excavation shall take place other than in accordance with the approved WSI which shall include:

- (i) The programme and methodology of site investigation and recording
- (ii) The programme for post-excavation assessment

The archaeological works shall be undertaken in accordance with the approved details. The WSI shall be prepared and implemented by a suitably qualified professionally accredited archaeological practice.

Reason:

In order that the details of the programme of works for the archaeological mitigation (as identified in the Environmental Statement) are suitable with regard to the impacts of the proposed development and the nature and extent of archaeological remains on site in accordance with policy P23 Archaeology of the Southwark Plan (2022), policy HC1 Heritage conservation and growth of the London Plan (2021) and the National Planning Policy Framework (2021).

#### ARCHAEOLOGICAL PUBLIC ENGAGEMENT PROGRAMME

12. a) Prior to commencement of the development (excluding demolition and site investigation works) hereby permitted a Public Engagement Programme shall be submitted to and approved by the Local Planning Authority. The Public Engagement Programme shall set out:

- 1) How the archaeology fieldwork areas will be hoarded to provide opportunities for passers-by to safely view the excavations;
- 2) Drawings (artwork, design, text and materials, including their location and a full specification of the construction) for the public interpretation and presentation display celebrating the historic setting of the site, to be located on suitably visible public parts of the temporary site hoarding;
- 3) Details of at least one event, such as a heritage trail, that will be held during the fieldwork phase (as a minimum this should state the date/time, duration, individuals involved and advance promotional measures for the event, and provide an outline of the content of the event).

b) Prior to the commencement of the archaeology fieldwork, the hoarding shall be installed in full accordance with the approved details referred to in parts a.1 and a.2 of the condition, and the hoarding shall remain as such and in place throughout the archaeology fieldwork phase. During the archaeology fieldwork, the event (referred to in part a.3) shall be carried out.

Reason:

To promote the knowledge and understanding of the archaeological interest of the application site and provide information on the special archaeological and historical interest of this part of Southwark, in accordance with the National Planning Policy Framework (2021), policy HC1 Heritage conservation and growth of the London Plan (2021) and P23 Archaeology of the Southwark Plan (2022).

#### BASEMENT IMPACT ASSESSMENT

13. Prior to the commencement of development, a Basement Impact Assessment shall be submitted to and approved in writing by the Local Planning Authority. The Basement Impact Assessment shall be based upon the topics considered in the submitted Basement Impact Assessment by AKT II dated July 2021, be informed by the site specific geotechnical and fabric investigations undertaken. It



shall include groundwater mitigation measures to protect the underlying aquifer and to minimise the risk of ground water flooding, and details of the underpinning of foundations of the buildings within and adjoining the site as required.

The development shall be undertaken in accordance with the approved Basement Impact Assessment.

Reason:

To minimise the potential for the site to contribute to changes in groundwater conditions, the risk to the underlying aquifer and groundwater flooding in accordance with the Environmental Statement mitigation, Southwark's Basements and Flooding Guide, Appendix I of Southwark's Strategic Flood Risk Assessment (2016), and policy P68 Reducing flood risk of the Southwark Plan (2022), and to support the historic buildings during the basement excavation work.

#### LONDON UNDERGROUND ASSET PROTECTION

14. Prior to the commencement of development, including demolition, detailed design and method statements shall be submitted to and approved in writing by the Local Planning Authority (in consultation with London Underground) which:
- provide demolition and construction details of all structures, details of all of the foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent) for each stage of the development;
  - accommodate the location of the existing London Underground structures and tunnels;
  - accommodate ground movement arising from the construction thereof;
  - and mitigate the effects of noise and vibration arising from the adjoining operations within the structures and tunnels.

The development shall thereafter be carried out in all respects in accordance with the approved design and method statements, and all structures and works comprised within the development hereby permitted which are required by the approved design statements in order to procure the matters mentioned in this condition shall be completed in their entirety, before any part of the building hereby permitted is occupied.

Reason:

To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with policy T3 Transport capacity, connectivity and safeguarding of the London Plan (2021) and 'Land for Industry and Transport' Supplementary Planning Guidance (2012).

#### SITE WASTE MANAGEMENT PLAN

15. No works shall commence until a Site Waste Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Site Waste Management Plan shall include details of how waste for each phase will be reused, recycled and/or disposed of and managed during demolition and construction. The development shall be carried out in accordance with the approved Site Waste Management Plan.

Reason:

In the interest of promoting waste reduction and protecting the amenity of the site as mitigation identified in the Environmental Statement in accordance with policies SI7 Reducing waste and supporting the circular economy of the London Plan (2022) and P62 Reducing waste of the Southwark Plan (2022).

#### PILING

16. No piling or any other foundation designs using penetrative methods shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, demonstrating there is no resultant unacceptable risk to groundwater, and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority (in consultation with Thames Water and the Environment Agency). Any piling must be undertaken in accordance with the terms of the approved piling method statement.

#### Reason:

The developer should be aware of the potential risks associated with the use of piling where contamination is an issue. Piling or other penetrative methods of foundation design on contaminated sites can potentially result in unacceptable risks to underlying groundwaters. The proposed works will also be in close proximity to underground water utility infrastructure. Piling has the potential to impact on local underground water utility infrastructure. Mitigation has been identified in the Environmental Statement. To ensure that the development does not harm groundwater resources in line with the National Planning Policy Framework (2021) paragraph 183, and policy P64 Contaminated land and hazardous substances of the Southwark Plan (2022).

#### HIGHWAY PROTECTION

17. No development shall take place (except for demolition to ground level) until a design and method statement detailing how the public highways adjoining the site are to be protected during the excavation and construction of the foundations and basement structures of the development have been submitted to and approved by the Local Planning Authority. The detailed design and method statements (AIP) for any proposed foundations and basements structures (temporary and/or permanent) retaining the highway shall demonstrate accordance with CG 300 'Technical Approval of Highway Structures'. The excavation, foundation and construction works shall be undertaken in accordance with the approved statement.

#### Reason:

To protect the structural integrity of the pavements and roadways during the excavation and construction of the development, and to accord with policy P50 Highway impacts of the Southwark Plan (2022).

#### SITE CONTAMINATION

18. Prior to the commencement of development, (or such other date or stage in development as may be agreed in writing with the Local Planning Authority) the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority (in consultation with the Environment Agency):

- 1) A site investigation scheme, based on the Preliminary Environmental Risk Assessment' (PERA) by Waterman (reference WIE11375-103-R-3.1.4-RJM dated April 2021), to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 2) The results of the site investigation and detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- 3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason:

For the protection of Controlled Waters. To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with the National Planning Policy Framework (2021) paragraph 183 and policy P63 Contaminated land and hazardous substances of the Southwark Plan (2022). The site is located over a Secondary Aquifer and it is understood that the site may be affected by historic contamination.

#### DRAINAGE STRATEGY

19. Prior to the commencement of development (excluding demolition), details of the proposed surface water drainage system incorporating Sustainable Drainage Systems (SuDS) shall be submitted to and approved in writing by the Local Planning Authority, including detailed design, size and location of attenuation units and details of flow control measures. The strategy should achieve rates limited to the greenfield rate (unless otherwise agreed by the Local Planning Authority) and a reduction in surface water runoff rates during the 1% Annual Exceedance Probability (AEP) event plus climate change allowance. The applicant must demonstrate that the site is safe in the event of blockage/failure of the system, including consideration of exceedance flows, and set out the maintenance responsibilities of the site owner.

The site drainage must be constructed in accordance with the approved details.

Reason:

To minimise the potential for the site to contribute to surface water flooding, as identified in the Environmental Statement, and to accord with policy SI 13 Sustainable drainage of the London Plan (2021) and policy P68 Reducing flood risk of the Southwark Plan (2022).

#### SECURED BY DESIGN

20. a) The development hereby permitted shall incorporate security measures to minimise the risk of crime and to meet the specific security needs of the development, in accordance with the principles and objectives of Secured by Design. Details of these measures shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development and shall be implemented in accordance with the approved details prior to occupation of

the relevant phase.

b) Prior to first occupation of the relevant phase a satisfactory Secured by Design inspection must take place and the resulting Secured by Design certificate submitted to and approved in writing by the Local Planning Authority.

Reason:

In pursuance of the Local Planning Authority's duty under section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in exercising its planning functions and to improve community safety and crime prevention, in accordance with the National Planning Policy Framework (2021), policy P16 Designing out crime of the Southwark Plan (2022) and D11 Safety, security and resilience to emergency of the London Plan (2021).

#### HOSTILE VEHICLE MITIGATION

21. Prior to the commencement of development (with the exception of demolition works), details of the proposed hostile vehicle mitigation on St Thomas Street between the Georgian terrace and Keats House and along the site boundary with Kings Head Yard are to be submitted to and approved in writing by the Local Planning Authority. The specification of the accredited vehicle security barriers shall be informed by a vehicle dynamics assessment by a suitably qualified specialist listed on the Register of Security Engineers and Specialists and shall be submitted to and approved in writing by the Local Planning Authority (in consultation with the Metropolitan Police). The development shall then be implemented in accordance with the approved details and maintained thereafter.

Reason:

In pursuance of the Local Planning Authority's duty under section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in exercising its planning functions and to improve community safety and crime prevention, in accordance with the National Planning Policy Framework (2021), policy D11 Safety, security and resilience to emergency of the London Plan (2021) and policy P16 Designing out crime of the Southwark Plan (2022).

#### BLAST MITIGATION IMPACT ASSESSMENT

22. Prior to the commencement of development (with the exception of demolition works), a Blast Mitigation Impact Assessment shall be submitted to and approved in writing by the Local Planning Authority (in consultation with the Metropolitan Police). The development shall incorporate such measures as are necessary within the site to mitigate the blast impact, details of which shall be submitted to and approved in writing by the Local Planning Authority (in consultation with the Metropolitan Police) before any construction works thereby affected are begun. The development shall be implemented in accordance with the approved details and shall be retained in place for the life of the building unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In pursuance of the Local Planning Authority's duty under section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in exercising its planning functions and to improve community safety and crime prevention, in accordance with the National Planning Policy Framework (2021), policy D11 Safety, security and resilience to emergency of the London Plan (2021) and policy P16 Designing out crime of the Southwark Plan (2022).

#### FULL FIBRE CONNECTIVITY

23. Prior to the commencement of development (with the exception of demolition works), detailed plans shall be submitted to and approved in writing by the Local Planning Authority demonstrating the provision of sufficient ducting space for full fibre connectivity infrastructure within the development. The development shall be carried out in accordance with these plans.

#### Reason:

To provide high quality digital connectivity infrastructure to contribute to London's global competitiveness in accordance with policy SI6 Digital connectivity infrastructure of the London Plan (2021).

#### WHOLE LIFE CARBON

24. (a) Prior to the commencement of development (including demolition) a Whole Life-Cycle Carbon Assessment demonstrating compliance with Part F of Policy SI 2 "Minimising greenhouse gas emissions" of the London Plan (2021), shall be submitted and approved in writing by the Local Planning Authority. This assessment shall develop a strategy for the implementation of whole life cycle carbon principles in both the approved buildings' and the site's construction, operational and demolition phases. The development shall be carried out in accordance with the approved details.

(b) Within 12 months of first occupation of the development, an updated Whole Life-Cycle Carbon Assessment demonstrating compliance with Part F of policy SI 2 "Minimising greenhouse gas emissions" of the London Plan (2021), shall be submitted and approved in writing by the Local Planning Authority. This assessment should calculate updated whole life-cycle carbon emissions through a nationally recognised Whole Life-Cycle Carbon Assessment based on actual emissions. The updated assessment should evidence what actions have been taken in implementing the development to reduce whole life-cycle carbon emissions, including assessment and evidencing of the recommendations set out in the approved pre-commencement Whole Life-Cycle Carbon Assessment.

#### Reason:

To maximise the reduction in greenhouse gas emissions and to minimise peak and annual energy demand in compliance with policy SI2 Minimising greenhouse gas emissions of the London Plan (2021).

#### CIRCULAR ECONOMY

25. (a) Prior to the commencement of development (including demolition) a Circular Economy Statement demonstrating compliance with Part B of Policy SI 7 'Reducing waste and supporting the circular economy' of the London Plan (2021) and including measures for monitoring and reporting against the targets within the Circular Economy Statement shall be submitted to and approved in writing by the Local Planning Authority. The Statement shall develop a strategy for implementing the London Plan's circular economy principles in the approved building structures and the site's operational phase, in addition to developing an end-of-life strategy for the development according to circular economy principles, including disassembly and deconstruction. The development shall be carried out in accordance with the approved details.

(b) No later than three months following substantial completion of the

development hereby consented, a Post Completion Circular Economy Report setting out the predicted and actual performance against all numerical targets in the relevant Planning Stage Circular Economy Statement shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To promote resource conservation, waste reduction, material re-use, recycling and reduction in material being sent to land fill in compliance with policies GG6 Increasing efficiency and resilience and SI 7 Reducing waste and supporting the circular economy of the London Plan (2021).

#### HARD AND SOFT LANDSCAPING

26. Prior to the commencement of development (excluding demolition), detailed drawings of a hard and soft landscaping scheme showing the treatment of all parts of the site not covered by buildings (including cross sections, surfacing materials of any parking, access, or pathways layouts, materials and edge details) and including the roof terraces, planted balconies and green walls (planting, soil volume, irrigation and fixings) shall be submitted to and approved in writing by the Local Planning Authority. The measures set out in the submitted urban greening factor calculation (in the Landscaping Strategy Addendum) to achieve a score of at least 0.44 shall be detailed and implemented in full. The landscaping shall not be carried out otherwise than in accordance with any such approval given and shall be retained for the duration of the use.

The planting, seeding and/or turfing shall be carried out in the first planting season following completion of building works and prior to first occupation of the development.

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

Reason:

So that the Local Planning Authority may be satisfied with the details of the landscaping scheme and to ensure an attractive, functional public garden space that is of public benefit, in accordance with the National Planning Policy Framework (2021), policies SI 4 Managing heat risk, SI 13 Sustainable drainage, G1 Green infrastructure, G5 Urban greening, D8 Public realm and D9 Tall buildings of the London Plan (2021), policies P13 Design of places, P14 Design quality and P17 Tall buildings of the Southwark Plan (2022). Landscaping is necessary to mitigate the anticipated wind conditions detailed in the Environmental Statement, and needs to be in place prior to first occupation of the development, in accordance with policy D9 Tall buildings of the London Plan (2021) and policy P17 Tall buildings of the Southwark Plan (2022).

#### TREE PLANTING

27. Prior to the commencement of development (excluding demolition), details of all proposed tree planting shall be submitted to and approved in writing by the Local

Planning Authority. This will include tree pit cross sections, soil volumes, planting and maintenance specifications, use of guards or other protective measures and confirmation of location, species, sizes, nursery stock type, supplier and defect period, and programme for the timing of the planting. All tree planting shall be carried out in accordance with the approved details and timing and shall be completed prior to the first occupation of the development. Planting shall comply with BS5837: Trees in relation to demolition, design and construction (2012) and BS: 4428 Code of practice for general landscaping operations.

If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place in the first suitable planting season, unless the Local Planning Authority gives its written consent to any variation.

Reason:

To ensure the proposed development will preserve and enhance the visual amenities of the locality and is designed for the maximum benefit of local biodiversity, in addition to the attenuation of surface water runoff, and in accordance with the National Planning Policy Framework (2021), policy G7 Trees and woodland of the London Plan (2021), policies P13 Design of places and P61 Trees of the Southwark Plan (2022). Tree planting is necessary to mitigate the anticipated wind conditions detailed in the Environmental Statement, and needs to be in place prior to first occupation of the development, in accordance with policy D9 Tall buildings of the London Plan (2021) and policy P17 Tall buildings of the Southwark Plan (2022).

#### CYCLE PARKING FOR STAFF

28. Prior to the commencement of development, details (1:50 scale drawings) of the facilities to be provided for the secure and covered storage of cycles, and staff facilities shall be submitted to and approved in writing by the Local Planning Authority. The details shall show the type of cycle stands, the provision for larger accessible cycles, along with the shower facilities, the cycle lift access, and cycle ramp.

The cycle parking facilities shall be provided in accordance with the approved details prior to first occupation of the development, be retained and the space used for no other purpose and the development shall not be carried out otherwise in accordance with any such approval given.

Unless otherwise approved in writing by the Local Planning Authority, changing facilities and showers, including no fewer than 79 showers and 515 lockers, shall be provided in accordance with the drawings hereby approved and retained throughout the life of the building for the use of occupiers of the building.

Reason:

To make travel by bicycle more convenient in order to encourage greater use of bicycles by commuters in accordance with the National Planning Policy Framework (2021), policies D5 Inclusive design and T5 Cycling of the London Plan (2021) and policy P53 Cycling of the Southwark Plan (2022).

### **Part 3: Above grade conditions – site-wide**

#### **BIRD BOXES**

29. Before any above grade work begins, details of bird nesting boxes/bricks shall be submitted to and approved in writing by the Local Planning Authority. No fewer than 18 nesting boxes/bricks shall be provided and the details shall include the exact location, specification and design of the habitats. The boxes/bricks shall be installed with the development prior to the first occupation of the building to which they form part or the first use of the space in which they are contained.

The nesting boxes/bricks shall be installed strictly in accordance with the details so approved, shall be maintained as such thereafter.

A post completion assessment confirming the nest/roost features have been installed to the agreed specification shall be submitted to the Local Planning Authority within three months of first occupation of the building of which they form part.

#### **Reason:**

To ensure the development contributes towards creation of habitats and valuable areas for biodiversity in accordance with Section 15 Conserving and enhancing the natural environment of the National Planning Policy Framework (2021), policy G6 Biodiversity and access to nature of the London Plan (2021) and P60 Biodiversity of the Southwark Plan (2022).

#### **PUBLIC REALM MANAGEMENT PLAN**

30. Before any above grade work begins, a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules (for all landscaped areas, trees, green walls, terrace planting, roof terraces and ecological features), shall be submitted to and approved in writing by the Local Planning Authority. The management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the Local Planning Authority.

#### **Reason:**

This condition is necessary to ensure the management of the public realm and to secure opportunities for the enhancement of the nature conservation value of the site, in accordance with the NPPF (2021), policies D8 Public realm, G1 Green infrastructure, G5 Urban greening and G6 Biodiversity and access to nature of the London Plan (2021). It is a mandatory criteria of BREEAM (LE5) to monitor long term impact on biodiversity, a requirement is to produce a landscape and habitat management plan.

#### **CYCLE PARKING FOR VISITORS**

31. Prior to the commencement of any works above grade of the approved building, and notwithstanding the cycle parking indicated on the approved ground floor drawings, details (1:50 scale drawings) of the cycle parking facilities to be provided for visitors shall be submitted to and approved in writing by the Local Planning Authority. The details shall show the type cycle stands, their locations, provision for larger accessible cycles, and arrangement for accessing any visitor parking proposed within the basement of the tower building.



The cycle parking facilities for visitors shall be provided in accordance with the approved details prior to first occupation of the development, be retained and the space used for no other purpose and the development shall not be carried out otherwise in accordance with any such approval given.

Reason:

In order to ensure that satisfactory safe and secure cycle parking facilities are provided and retained in order to encourage the use of cycling as an alternative means of transport to the development and to reduce reliance on the use of the private car in accordance with the National Planning Policy Framework (2021), policy T5 Cycling of the London Plan (2021) and policy P53 Cycling of the Southwark Plan (2022).

#### **Part 4: Prior to occupation conditions – site-wide**

##### **VERIFICATION REPORT**

32. Prior to occupation of the development, a verification report demonstrating completion of the works set out in the approved remediation strategy (approved pursuant to condition 18) and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority (in consultation with the Environment Agency). The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a 'long-term monitoring and maintenance plan') for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, if appropriate, and for the reporting of this to the Local Planning Authority. Any long-term monitoring and maintenance plan shall be implemented as approved.

Reason:

Should remediation be deemed necessary, the applicant should demonstrate that any remedial measures have been undertaken as agreed and the environmental risks have been satisfactorily managed so that the site is deemed suitable for use. To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with the National Planning Policy Framework (2021) paragraph 183, and policy P64 Contaminated land and hazardous substances of the Southwark Plan (2022).

##### **THAMES WATER – WATER NETWORK INFRASTRUCTURE**

33. No development shall be occupied until documentary evidence has been submitted to and approved in writing by the Local Planning Authority that Thames Water has provided confirmation that either:
1. all water network upgrades required to accommodate the additional flows to serve the development have been completed;
- Or:
2. a development and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied.

Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed infrastructure phasing

plan.

Reason:

The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development. The condition is necessary to ensure compliance with policy SI5 Water infrastructure of the London Plan (2021) and IP1 Infrastructure of the Southwark Plan (2022).

#### PROVISION OF REFUSE STORAGE AND STRATEGY

34. a) The refuse stores shall be provided in accordance with the approved plans and be made available for use prior to the occupation of the development and retained as such thereafter.

b) Prior to the occupation of the development a detailed refuse management strategy including details of a refuse holding area shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details thereby approved.

Reason:

To ensure that the refuse will be appropriately stored within the site thereby protecting the amenity of the site and the area in general from litter, odour and potential vermin/pest nuisance in accordance with Sections 8 Promoting healthy and safe communities and 12 Achieving well-designed places of the National Planning Policy Framework (2021), and policies P56 Protection of amenity and P2 Reducing waste of the Southwark Plan (2022).

#### FLOOD RISK MANAGEMENT

35. Prior to the occupation of the development, a flood risk management plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall confirm that the site will be registered for the flood warning system, and how the site's facilities management would deploy the temporary flood protection measures in the event of an expected flood. The site shall be operated in accordance with the approved flood risk management plan.

Reason:

To reduce the flood risk for future occupiers, in accordance with policy SI2 Flood risk management of the London Plan (2021) and P68 Reducing flood risk of the Southwark Plan (2022).

### **Part 5: Compliance conditions – site-wide**

#### APPROVED DEVELOPMENT

36. The quantum of built floorspace for the development shall be as specified below.

The uses within the tower building hereby permitted are limited to the following maximum floor areas and at the identified floor levels

- Office (Class E(g)(i)) – basement to level 23 – 49,139sqm GEA
- Retail (Class E(a)) or office (Class E(g)(i)) – ground and mezzanine – 358sqm GEA

- Restaurant and café (Class E(b)) – level 24 – 450sqm GEA
- Ancillary plant and servicing space at basement and ground levels, and roof levels 24 to 26.

The uses within the Keats House building hereby approved are limited to the following maximum floor areas and at the identified floor levels:

- Office (Class E(g)(i)) – lower ground to level 02 – 487sqm GEA

The uses within the Georgian terrace hereby approved are limited to the following maximum floor areas and at the identified floor levels:

- Office (Class E(g)(i)) – lower ground to level 02 – 1,847sqm GEA

No more than 2 car parking space and 2 loading bays shall be provided in the development. The 2 car parking spaces suitable for use by people with disabilities shall be provided in accordance with the drawings hereby approved and shall be retained throughout the life of the building and be readily available for use by disabled occupiers and visitors without charge to the individual end users of the parking.

The development must be undertaken in accordance with this description of development and quantum of built floorspace.

Reason:

To ensure that the development is carried out in accordance with the approved drawings, documents and the Environmental Statement.

#### RESTRICTION ON USE CLASS

37. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 and any associated provisions of the Town and Country Planning General Permitted Development Order (including any future amendment of enactment of those Orders), and notwithstanding the uses within Class E, the development shall be used only for the following purposes:
- the office floorspace hereby approved shall be used for Use Class E(g)(i) office purposes only;
  - the flexible office/retail floorspace at ground and mezzanine levels of the tower building shall be used for Use Class E(g)(i) office or E(a) retail purposes only;
  - the restaurant floorspace in the tower building at levels 24 and 25 shall be used for Use Class E(b) restaurant and café purposes only;
  - the public rooftop garden (and its associated ground floor entrance and lift access) shall be used as a public garden only;
  - the ancillary floorspace within the basement and at roof levels shall be used for ancillary purposes to the above listed uses only;

unless otherwise agreed by way of a formal application for planning permission.

Reason:

In order to ensure that the site provides the proposed office, retail, leisure and combined office and community space for this site within the Central Activities Zone, Opportunity Area and town centre in line with the submitted application, its Environmental Statement and its assessment. Other uses within the same Use Classes may have different impacts than those assessed within the Environmental Statement and application.

#### UNEXPECTED CONTAMINATION

38. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the Local Planning Authority.

#### Reason:

There is always the potential for unexpected contamination to be identified during development groundworks. To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with the National Planning Policy Framework (2021) paragraph 183, and policy P64 Contaminated land and hazardous substances of the Southwark Plan (2022).

#### SURFACE WATER DRAINAGE/INFILTRATION

39. No drainage systems for the infiltration of surface water drainage into the ground are permitted other than with the express written consent of the Local Planning Authority in advance of the system's installation, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

#### Reason:

Infiltrating water has the potential to cause remobilisation of contaminants present in shallow soil/made ground which could ultimately cause pollution of groundwater. This is in line with the National Planning Policy Framework (2021) paragraph 183, and policy P64 Contaminated land and hazardous substances of the Southwark Plan (2022).

#### FLOOD RISK

40. The development hereby permitted shall be carried out in accordance with the recommendations of the approved New City Court Flood Risk Assessment 09/07/2021, unless a revised flood risk assessment is submitted to and approved in writing by the Local Planning Authority prior to the relevant works being carried out.

#### Reason:

To ensure the development is designed safely in reference to flood risk, in accordance with policy SI2 Flood risk management of the London Plan (2021) and P68 Reducing flood risk of the Southwark Plan (2022).

#### OPENING HOURS

41. The retail, café, restaurant, and roof garden uses of the development hereby permitted shall not be open to customers or visitors between the hours of 23:00 on one day and 07:00 on the following day.

#### Reason:

To ensure that occupiers of neighbouring premises do not suffer a loss of

amenity by reason of noise nuisance in accordance with the National Planning Policy Framework 2021 and policy P56 Protection of amenity of the Southwark Plan (2022).

#### HOURS OF USE OF TERRACES

42. Other than for maintenance purposes, repair purposes or means of escape, the terraces and balconies of the tower building hereby approved shall not be used outside of the following hours: 08:00 - 22:00 on Mondays to Fridays.

##### Reason:

To ensure that occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance in accordance with the National Planning Policy Framework 2021 and policy P56 Protection of amenity of the Southwark Plan (2022).

#### WINDOWS

43. Unless agreed pursuant to a condition on this permission, the approved window openings to the tower building, Keats House building and Georgian terrace building hereby approved shall be clear glass and shall not be painted, covered or otherwise obscured or obstructed without prior written consent of the Local Planning Authority.

##### Reason:

In order that the Local Planning Authority may be satisfied as to the design of these buildings, in the interest of their appearance and the frontages remain active and retaining a relationship with the public realm and streets in accordance with policies D4 Good quality design of the London Plan (2021) and P14 Design quality of the Southwark Plan (2022).

#### RESTRICTION ON THE INSTALLATION OF ROOF PLANT

44. No roof plant, equipment or other structures, other than as shown on the plans hereby approved or approved pursuant to a condition of this permission, shall be placed on the roof(s) or be permitted to project above the roofline of any part of the buildings as shown on elevational drawings or shall be permitted to extend outside of the roof plant enclosures of any buildings hereby permitted.

##### Reason:

In order to ensure that no additional plant is placed on the roof of the building in the interest of the appearance and design of the building, the visual amenity of the area and LVMF view in accordance with the National Planning Policy Framework (2021), policy HC4 London View Management Framework of the London Plan (2021), and policy P14 Design Quality of the Southwark Plan (2022).

#### RESTRICTION ON THE INSTALLATION OF TELECOMMUNICATIONS EQUIPMENT

45. Notwithstanding the provisions of Schedule 2 Part 16 The Town and Country Planning (General Permitted Development) Order 2015 (as amended or re-enacted) no external telecommunications equipment or structures shall be placed on the roof or any other part of a building hereby approved.

##### Reason:

In order to ensure that no telecommunications plant or equipment which might be

detrimental to the design and appearance of the building, visual amenity of the area or LVMF view is installed on the roof of the building in accordance with: the National Planning Policy Framework (2021), HC4 London View Management Framework of the London Plan (2021), and policy P14 Design quality of the Southwark Plan (2022).

#### FIRE SAFETY

46. The development hereby permitted shall be carried out in accordance with the Fire Statement by CBDSP dated April 2021, unless a revised fire statement is submitted to and approved in writing by the Local Planning Authority prior to the relevant works being carried out.

#### Reason:

In order to ensure that the fire safety of the proposed development has been duly considered, as required by policy D12 Fire safety of the London Plan (2021).

### **Part 6: Other trigger conditions – site wide**

#### ARCHAEOLOGY REPORTING SITE WORK

47. Within six months of the completion of archaeological site works, an assessment report detailing the proposals for post-excavation works, publication of the site findings and preparation of an archive for the archaeological findings shall be submitted to and approved in writing by the Local Planning Authority. The works detailed in this assessment report shall be carried out in accordance with any such approval given, and publication of the site findings shall be undertaken prior to the first occupation of the development.

#### Reason:

In order that the archaeological interests of the site are secured with regard to the details of the post-excavation works, publication and archiving to ensure the preservation of archaeological remains by record in accordance with P23 Archaeology of the Southwark Plan (2022), HC1 Heritage conservation and growth of the London Plan (2021) and the National Planning Policy Framework (2021).

#### PLANT NOISE

48. The Rated sound level from any plant, together with any associated ducting shall not exceed the Background sound level (LA90 15min) at the nearest noise sensitive premises. Furthermore, the Specific plant sound level shall be 10dB(A) or more below the background sound level in this location. For the purposes of this condition the Background, Rating and Specific Sound levels shall be calculated fully in accordance with the methodology of BS 4142:2014.

Prior to the plant being commissioned a validation test shall be carried out following completion of the development. The results along with details of any acoustic mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The plant and equipment shall be installed, constructed and operated in accordance with the approval given and shall be permanently maintained thereafter.

#### Reason:

To ensure that occupiers of neighbouring premises do not suffer a loss of

amenity by reason of noise nuisance or the local environment from noise creep due to plant and machinery in accordance with policy P56 Protection of amenity of the Southwark Plan (2022).

#### SECURITY EQUIPMENT

49. Details of the lighting (including: design; power and position of luminaries; light intensity contours) of external areas and security surveillance equipment shall be submitted to and approved by the Local Planning Authority prior to the installation of any such equipment. Prior to the external lighting being commissioned for use, a validation report to confirm the lighting levels are in accordance with the approved details shall be submitted to the Local Planning Authority for approval in writing. The development shall not be carried out or operated otherwise than in accordance with any such approval given. Any external lighting system installed at the development shall comply with the Institute of Lighting Professionals (ILE) Guidance Note 1 for the reduction of obtrusive light (2020).

Reason:

In the interest of the security of the development, the visual amenity of the area, the amenity and privacy of adjoining occupiers, and their protection from light nuisance, in accordance with the National Planning Policy Framework (2021), policy D11 Safety, security and resilience to emergency of the London Plan (2021) and P56 Protection of amenity of the Southwark Plan (2022).

### **Part 7: Tower building specific conditions**

#### FIRE EVACUATION LIFT

50. Prior to commencement of the tower building (except demolition), details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that a minimum of at least one lift per core (or more subject to capacity assessments) will be a suitably sized fire evacuation lift suitable to be used to evacuate people who require level access from the tower building. The development shall be carried out in accordance with these details and maintained as such in perpetuity.

Reason:

In the interests of fire safety and inclusive design, in accordance with policy D5 Inclusive design of the London Plan (2021).

#### SCREENING WINDOWS

51. Prior to the commencement of any works above grade of the tower building, details of how the windows in the south-western corner of the tower (facing to the south, south-west and west) at mezzanine, first, second and third floors of the tower building are to be designed with obscured glazing, screens or some other means to prevent views out towards the neighbouring residential properties, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these details and maintained as such in perpetuity.

Reason:

In the interest of neighbour amenity, in accordance with policy P56 Protection of amenity of the Southwark Plan (20220).

## MATERIALS

52. Prior to the commencement of any works above grade for the tower building, samples of all facing materials for the tower building shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved details.

### Reason:

In order that the Local Planning Authority may be satisfied as to the design, details and to minimise solar glare from the façades in accordance with policies D4 Delivering good design and D9 Tall buildings of the London Plan (2021), and policies P14 Design quality and P17 Tall buildings of the Southwark Plan (2022).

## DETAILED DRAWINGS - TOWER

53. Prior to the commencement of any works above grade of the tower building, the following details shall be submitted to and approved in writing by the Local Planning Authority:

a) 1:200 contextual drawings of the tower's elevations showing the locations of the relevant features listed in part b) and;

b) 1:10 or 1:5 scale elevation, plans and cross-sections of:

- 1) windows,
- 2) doors,
- 3) terrace screens and balustrades,
- 4) louvres,
- 5) roof plant screening,
- 6) roof garden level restaurant façade,
- 7) roof garden level pavilion,
- 8) circular pavilion to level 24, and
- 9) colonnade columns, fenestration and doors.

The development shall not be carried out otherwise than in accordance with the approved details and retained thereafter.

### Reason:

In order that the Local Planning Authority may be satisfied as to the design and details in accordance with policies D4 Good quality design and D9 Tall buildings of the London Plan (2021), and P14 Design quality and P17 Tall buildings of the Southwark Plan (2022).

## MOCK UP

54. Sample section façade visual “mock ups” as representative bays of the tower building's façade(s) constructed to 1:1 scale shall be presented on site and approved in writing by the Local Planning Authority before any construction work above grade of the approved tower building. The visual “mock ups” shall be constructed in the proposed materials and finishes and shall include a representative bay of the tower building approximately 7m wide by 5m high showing the floors and typical window. The development shall not be carried out otherwise than in accordance with any such approval given.

### Reason:

In order that the Local Planning Authority may be satisfied as to the design detailing of this tall building in accordance with policy D4 Delivering good design of the London Plan (2021), and policies P14 Design quality and P17 Tall



buildings of the Southwark Plan (2022).

#### TV, RADIO AND TELECOMMS IMPACTS

55. Before any above grade work for the tower building begins, details of how the impact of the tower within the development on television, radio and other telecommunications services will be assessed, the method and results of surveys carried out, and the measures to be taken to rectify any problems identified due to the development shall be submitted to and approved in writing by the Local Planning Authority. The premises shall not be occupied until any such mitigation measures as may have been approved have been implemented.

#### Reason:

In order to ensure that any adverse impacts of the development on reception of properties in the area is identified and resolved satisfactorily in accordance with the National Planning Policy Framework (2021), D9 Tall buildings of the London Plan (2021), and P17 Tall buildings of the Southwark Plan (2022).

#### WIND MITIGATION

56. Before any above grade work for the tower building begins, details of the wind mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. Such wind mitigation measures shall include: tree planting within the ground floor public realm; tree planting and raised landscaping; porous screening attached to the tower. The development shall be constructed in accordance with the approved wind mitigation measures prior to first occupation of the tower building, and the mitigation measures retained as such.

#### Reason:

So that the Local Planning Authority may be satisfied with the mitigation for wind conditions detailed in the Environmental Statement which needs to be in place prior to first occupation, to accord with policies D8 Public realm and D9 Tall buildings of the London Plan (2021), P13 Design of places and P17 Tall buildings of the Southwark Plan (2022).

#### COMMERCIAL KITCHEN EXTRACT VENTILATION – TOWER

57. Prior to the commencement of any works above grade of the approved tower building, full particulars and details of a scheme for the extraction and venting of odours, fats and particulate matter from the cooking activities of the commercial kitchen(s) shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with any approval given.

#### Reason:

In order to ensure that that the necessary ventilation, ducting and ancillary equipment are installed during the construction in the interests of amenity will not cause amenity impacts such as odour, fume or noise nuisance and will not detract from the appearance of the building in accordance with the National Planning Policy Framework (2021) and P56 Protection of Amenity of the Southwark Plan (2022).

#### BREEAM REPORT AND POST CONSTRUCTION REVIEW - TOWER

58. (a) Before any fit out works to the tower building begin, an independently verified BREEAM report (detailing performance in each category, overall score, BREEAM rating and a BREEAM certificate of building performance) to achieve an

'excellent' rating, shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any such approval given;

(b) Before the first occupation of the tower building hereby permitted, a certified Post Construction Review (or other verification process agreed with the Local Planning Authority) shall be submitted to and approved in writing by the Local Planning Authority, confirming that the agreed standards at (a) have been met.

Reason:

To ensure the tall building proposal achieves the exemplary sustainability standards included in the proposed scheme and complies with Section 14 Meeting the challenge of climate change, flooding and coastal change of the National Planning Policy Framework (2021), policies SI 2 Minimising greenhouse gas emissions and SI5 Water infrastructure of the London Plan (2021), and policy P69 Sustainability standards of the Southwark Plan (2022).

#### **CAR PARKING MANAGEMENT**

59. Prior to the first occupation of the tower building, a Parking Management Plan detailing access arrangements for the two accessible car parking spaces, the provision of electric vehicle charging facilities to both spaces, how the accessible parking spaces are to be allocated (if at all) for occupiers and visitors of the development, and the routes for people from the parking spaces into the tower building shall be submitted to and approved in writing by the Local Planning Authority. The development shall be operated in accordance with the approved Plan. No other car parking shall be provided on site unless agreed in advance by the Local Planning Authority in writing.

Reason:

To ensure adequate provision for wheelchair accessible parking spaces and convenient access, in accordance with policies D5 Inclusive design, T6 Car parking and T6.2 Office parking of the London Plan (2021).

### **Part 8: Keats House specific conditions**

#### **KEATS HOUSE FAÇADES AND CONYBEARE HOUSE**

60. (a) No demolition of Keats House shall commence until a Façade Relocation Plan has been submitted to and approved in writing by the Local Planning Authority. The Façade Relocation Plan shall detail the methodology and specification for how the historic façades are to be moved over, repaired and restored, or how they are to be dismantled, reconstructed, repaired and restored. If the façades are to be dismantled high level recording of the existing facades is to be included, as well as the specification for how the structure will be dismantled, stored, and reassembled in its restored and repaired state shall be included in the Façade Relocation Plan. The works to Keats House shall be carried out only accordance with the approved Façade Relocation Plan.
- (b) No demolition of Keats House shall commence until details of how those parts of Conybeare House that would be exposed by the Keats House removal are to be made weather-tight and protected during the demolition and construction works. The works to Keats House and Conybeare House shall be undertaken in accordance with the approved details.

Reason:

To retain the historic fabric of the Keats House heritage asset, to ensure its reprovion and restoration as a key feature of the streetscene which adds to the character of the Borough High Street Conservation Area, and to protect the historic fabric of Conybeare House to accord with policy HC1 Heritage conservation and growth of the London Plan (2021) and policies P20 Conservation Areas and P21 Conservation of the historic environment and natural heritage of the Southwark Plan (2022).

#### FIRE EVACUATION LIFT

61. Prior to commencement of Keats House development (except demolition), details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that a minimum of at least one lift per core (or more subject to capacity assessments) will be a suitably sized fire evacuation lift suitable to be used to evacuate people who require level access from the building. The development shall be carried out in accordance with these details and maintained as such in perpetuity.

Reason:

In the interests of fire safety and inclusive design, in accordance with policy D5 Inclusive design of the London Plan (2021).

#### MATERIAL SAMPLES – KEATS HOUSE

62. Prior to the commencement of any works for Keats House above grade (excluding demolition), the following details shall be submitted to and approved in writing by the Local Planning Authority:
- a) samples of all facing materials including the roof, parapets, brick, window frames and doors, and servicing yard entrance.
  - b) 1sqm sample panel of brickwork, mortar and pointing for the western and southern elevations.
  - d) Samples of the brick, stone and other materials for the external repairs to the relocated historic façades.

The development of Keats House shall not be carried out otherwise than in accordance with the approved details.

Reason:

In order that the Local Planning Authority may be satisfied as to the design and details, and how they relate to the historic façades, in accordance with policy D4 Delivering good design of the London Plan (2021), and policies P14 Design quality, P20 Conservation Areas and P21 Conservation of the historic environment and natural heritage of the Southwark Plan (2022).

#### DETAILED DRAWINGS – Keats House

63. Prior to the commencement of any works for Keats House (except for demolition), the following details shall be submitted to and approved in writing by the Local Planning Authority:
- a) 1:10 and 1:20 scale details of all fenestration;
  - b) 1:10 and 1:20 scale details of all doors;
  - c) 1:10 and 1:20 scale details of the parapet to the new elevations
  - d) 1:20 and 1:50 scale details of the servicing yard entrance and associated

gate/barrier.

The development shall not be carried out otherwise than in accordance with the approved details.

Reason:

In order that the Local Planning Authority may be satisfied as to the design and details in accordance with policy D4 Good quality design of the London Plan (2021), and policies P14 Design quality, P20 Conservation Areas and P21 Conservation of the historic environment and natural heritage of the Southwark Plan (2022).

64. BREEAM REPORT AND POST CONSTRUCTION REVIEW - Keats House
- (a) Before any fit out works to the Keats House building hereby authorised begins, an independently verified BREEAM report (detailing performance in each category, overall score, BREEAM rating and a BREEAM certificate of building performance) to achieve an 'excellent' rating, shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any such approval given;
- (b) Before the first occupation of the Keats House building hereby permitted, a certified Post Construction Review (or other verification process agreed with the Local Planning Authority) shall be submitted to and approved in writing by the Local Planning Authority, confirming that the agreed standards at (a) have been met.

Reason:

To ensure the tall building proposal achieves the exemplary sustainability standards included in the proposed scheme and complies with Section 14 Meeting the challenge of climate change, flooding and coastal change of the National Planning Policy Framework (2021), policies SI 2 Minimising greenhouse gas emissions and SI5 Water infrastructure of the London Plan (2021), and policy P69 Sustainability standards of the Southwark Plan (2022).

### **Part 9: Georgian terrace specific conditions**

#### **MATERIAL SAMPLES – GEORGIAN TERRACE**

65. Prior to the commencement of any works to the Georgian terrace (excluding demolition), the following details shall be submitted to and approved in writing by the Local Planning Authority:
- a) 1sqm sample panel of brickwork, mortar and pointing for the approved extensions.
- b) Samples of the brick, slate and other materials for the external repairs.
- c) Samples of the material of the gates and passageway surfaces between nos. 8 and 10 St Thomas Street.

The development shall not be carried out otherwise than in accordance with the approved details.

Reason:

In order to ensure that the design and details are in the interest of the special architectural or historic qualities of the listed building in accordance with Section 16 Conserving and enhancing the historic environment of the National Planning Policy Framework (2021), policy HC1 Heritage conservation and growth of the London Plan (2021), and P19 Listed Buildings and structures of the Southwark Plan (2022).

66. BREEAM REPORT AND POST CONSTRUCTION REVIEW – Georgian terrace.
- (a) Before any fit out works to the Georgian terrace hereby authorised begins, an independently verified BREEAM report (detailing performance in each category, overall score, BREEAM rating and a BREEAM certificate of building performance) to achieve an 'excellent' rating, shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any such approval given;
- (b) Before the first occupation of the Georgian terrace building hereby permitted, a certified Post Construction Review (or other verification process agreed with the Local Planning Authority) shall be submitted to and approved in writing by the Local Planning Authority, confirming that the agreed standards at (a) have been met.

Reason:

To ensure the tall building proposal achieves the exemplary sustainability standards included in the proposed scheme and complies with Section 14 Meeting the challenge of climate change, flooding and coastal change of the National Planning Policy Framework (2021), policies SI 2 Minimising greenhouse gas emissions and SI5 Water infrastructure of the London Plan (2021), and policy P69 Sustainability standards of the Southwark Plan (2022).

## Appendix 3

### List of Conditions Should Listed Building Consent be Granted

In the event the Inspector is minded to recommend the scheme for approval, the Council asks that the following conditions be included on the listed building consent and with these drawings listed:

20065_G_(00)_P119	Georgian Townhouses Proposed Lower Ground Floor Plan	P02
20065_G_(00)_P120	Georgian Townhouses Proposed Ground Floor Plan	P01
20065_G_(00)_P121	Georgian Townhouses Proposed First Floor Plan	P01
20065_G_(00)_P122	Georgian Townhouses Proposed Second Floor Plan	P01
20065_G_(00)_P123	Georgian Townhouses Proposed Third Floor Plan	P01
20065_G_(00)_P125	Georgian Townhouses Proposed Roof Floor Plan	P01
20065_G_(00)_P201	Georgian Townhouses Proposed North Elevation	P01
20065_G_(00)_P202	Georgian Townhouses Proposed East Elevation	P01
20065_G_(00)_P203	Georgian Townhouses Proposed South Elevation	P01
20065_G_(00)_P301	Georgian Townhouses Proposed Section A-A	P01
20065_G_(00)_P302	Georgian Townhouses Proposed Section B-B	P01
20065_G_(00)_P304	Georgian Townhouses Proposed Section DD - no.16	P02
20065_G_(00)_P305	Georgian Townhouses Proposed Section EE - no.14	P02
20065_G_(00)_P306	Georgian Townhouses Proposed Section FF - no.10	P02
20065_G_(00)_P307	Georgian Townhouses Proposed Section GG - no.4	P02
20065_G_(00)_P308	Georgian Townhouses Proposed Section HH - no.4	P02
20065_G_(00)_P309	Georgian Townhouses Proposed Section JJ - no.12	P02
20065_G_(00)_P401	Georgian Townhouses Proposed Vault	P01
20065_G_(12)_P119	Georgian Townhouses Lower Ground Floor Demolition Plan	P01
20065_G_(12)_P120	Georgian Townhouses Ground Floor Demolition Plan	P01
20065_G_(12)_P121	Georgian Townhouses First Floor Demolition Plan	P01
20065_G_(12)_P122	Georgian Townhouses Second Floor Demolition Plan	P01
20065_G_(12)_P123	Georgian Townhouses Third Floor Demolition Plan	P01
20065_G_(12)_P125	Georgian Townhouses Roof Floor Demolition Plan	P01
20065_G_(12)_P201	Georgian Townhouses North Elevation Demolition	P01
20065_G_(12)_P202	Georgian Townhouses East Elevation Demolition	P01
20065_G_(12)_P203	Georgian Townhouses South Elevation Demolition	P01
20065_G_(12)_P401	Georgian Townhouses Vaults Demolition	P01
20065_X_(12)_P119	Demolition Scope of Existing Level LG Plan	P01
20065_X_(12)_P120	Demolition Scope of Existing Level 00 Plan	P01
20065_X_(12)_P121	Demolition Scope of Existing Level 01 Plan	P01
20065_X_(12)_P122	Demolition Scope of Existing Level 02 Plan	P01
20065_X_(12)_P123	Demolition Scope of Existing Level 03 Plan	P01
20065_X_(12)_P124	Demolition Scope of Existing Level 04 Plan	P01
20065_X_(12)_P125	Demolition Scope of Existing Lower Roof Plan	P01

20065_X_(12)_P126	Demolition Scope of Existing Upper Roof Plan	P01
20065_X_(12)_P201	Demolition Scope of Existing Elevation 01	P01
20065_X_(12)_P202	Demolition Scope of Existing Elevation 02	P01
20065_X_(12)_P203	Demolition Scope of Existing Elevation 03	P01
20065_X_(12)_P205	Demolition Scope of Existing Elevation 05	P01
20065_X_(12)_P206	Demolition Scope of Existing Elevation 06	P01
20065_X_(12)_P207	Demolition Scope of Existing Elevation 07	P01
20065_X_(12)_P301	Demolition Scope of Existing Section A-A	P01
20065_X_(12)_P302	Demolition Scope of Existing Section B-B	P01
20065_X_(12)_P303	Demolition Scope of Existing Section C-C	P01
20065_X_(12)_P304	Demolition Scope of Existing Section D-D	P01
20065_X_(12)_P305	Demolition Scope of Existing Section E-E	P01

#### TIME LIMIT

1. The development hereby permitted shall be begun before the end of three years from the date of this permission.

#### Reason:

As required under Section 18 of the Planning (Listed Buildings & Conservation Areas) Act 1990 as amended.

#### METHOD STATEMENTS AND SCHEDULE OF WORKS

2. Prior to commencement of works on site, a Method Statement(s) and Schedule of Works shall be submitted to and approved in writing by the Local Planning Authority;
  - i) Demolition of the modern rear extensions; removal of the second floor, roof and chimneys of no. 16 St Thomas Street and making window openings to the side façade; removal of the roof and chimneys of no. 14; removal of the roof slates to nos. 4-12; removing the ground floor door between nos. 8 and 10; removal of the vault front wall;
  - ii) The underpinning of the terrace for the adjoining basement excavation;
  - iii) Support, protection and repair of the retained façades, floors and roof;
  - iv) Cleaning of the brickwork;
  - v) Repairs to the sash windows, railings and first floor balconettes.

The development shall not be carried out otherwise than in accordance with any such approval given.

#### Reason:

In order to ensure that the proposed works are in the interest of the special architectural or historic qualities of the listed building in accordance with Section 16 Conserving and enhancing the historic environment of the National Planning Policy Framework (2021), policy HC 1 Heritage conservation and growth of the London Plan (2021) and P19 Listed buildings and structures of the Southwark Plan (2022).

#### DETAILED DRAWINGS

3. Prior to the commencement of works, drawings (scale 1:10, 1:20) shall be submitted to the Local Planning Authority and approved in writing to show the

elevations, sections, materials and finishes for:

- i) All new fenestration (including lintel, arch, cills) and doors.
- ii) The new and replacement dormer windows.
- iii) Rainwater goods.
- iv) Chimney pots.
- v) The replacement secondary glazing.
- vi) The gates to the ground floor passageway between nos. 8 and 10 St Thomas Street.
- vii) All new staircases (internal and external).

The development shall not be carried out otherwise than in accordance with the approved details.

Reason:

In order to ensure that the design and details are in the interest of the special architectural or historic qualities of the listed building in accordance with Section 16 Conserving and enhancing the historic environment of the National Planning Policy Framework (2021), policy HC1 Heritage conservation and growth of the London Plan (2021) and policy P19 Listed buildings and structures of the Southwark Plan (2022).