

31st October 2022

Planning Department
Southwark Council
PO BOX 64529
London
SE1P 5LX

Dear Planning Department,

REPRESENTATIONS TO APPLICATION REFS: 22/AP/2227 & 21/AP/4297 - AVONMOUTH HOUSE, 6 AVONMOUTH STREET, LONDON, SE1 6NX

We, [REDACTED], are writing regarding proposals submitted under **Planning Application** refs. 21/AP/4297 & 22/AP/2227 by Tribe Avonmouth House Limited for their site at Avonmouth House, 6 Avonmouth Street. We are the adjacent landowner of the two neighbouring sites at 73-75 Newington Causeway and at 77-75 Newington Causeway and we welcome the opportunity to make representations on the applications.

Following detailed advice on the applications, their interaction with the facts as they stand and planning policy we strongly object to the proposals. For ease of quick reference, we set out below firstly in bullet form a **Summary of the Objection** and then deal with each point in **The Detail Behind the Objection**.

Summary of the Objection

- Consideration of the application refs. 21/AP/4297 & 22/AP/2227 by Tribe Avonmouth House Limited for their site at Avonmouth House, 6 Avonmouth Street have been made on the assumption that 77-85 Newington Causeway would be developed in conjunction with the three neighbouring frontage land sites, namely 63-67 Newington Causeway, owned by Brightbay Ltd (BBREP Ltd) and 69-71 Newington Causeway, owned by Primrose Fields Ltd as well as our 73-75 Newington Causeway site.

This is not actually the case hence the relationship between the **Planning Application** site and the BBREP Ltd site has changed with each site and particularly the Brightbay Ltd site now effectively becoming subservient (as the slightly smaller site) and gaining protection under planning policy and design standards. This is a material and a fundamental change which needs to be reflected in an adjusted approach to considering the **Planning Application**.

- In the light of the above consideration of the **Planning Application** needs to take into account Residential Design Standards that seek a separation of 21 metres between developments and Policy 18 of the Southwark Plan that prevents development of a site resulting in an adjoining site having its development options materially compromised or indeed sterilised as is the situation as proposed.

- The Master Plan accompanying the **Planning Application** shows the Avonmouth House development being built to within 4 metres of the boundary with the BBREP Ltd site (with windows facing directly onto it) while the drawn setback of the Master Plan development of the BBREP Ltd site is 14 metres from the boundary a dramatically unequal sharing of the total separation of 18 metres. While this may have been an option had the BBREP Ltd site been considered as the materially larger site (in conjunction with the other frontage land sites) hence yielding in terms of separation distance, this is not the factual reality of the situation.
- The adopted LB Southwark Residential Design Standards are clear in guiding a separation of 21 metres and Policy 18 of the Southwark Plan when considering sites of equal size would direct an equal sharing of this separation – hence each proposal to be set back 10.5 metres from the boundary. While it is fully understood that pressure on development means that total separation distance may be reduced the sharing must be equal to avoid infringement of Policy 18.
- The Master Plan accompanying the application while not forming a binding part of the consideration has so many failings both in terms of its likelihood of receiving permission and its economic deliverability that it does on its own blight the frontage sites future development.
- The advice received is that the Planning Application that is to be considered by Committee on the 29/11/2022 is likely to result in grounds for a Judicial Review based upon the above points if it is recommended by Officers at the Committee and is subsequently granted.

The Detail Behind the Objection

Context

Blyford Investments own the sites 73-75 Newington Causeway and 77-85 Newington Causeway. Along with Avonmouth House, both our sites are included within the New Southwark Plan (2022) wider Site Allocation NSP46 at 63-85 Newington Causeway which consists of the following sites under separate land ownerships:

- Avonmouth House, owned by Tribe Avonmouth House Limited.
- 63-67 Newington Causeway, owned by BBREP Ltd.
- 69-71 Newington Causeway, owned by Primrose Fields Ltd (incorporated in Jersey).
- 73-75 Newington Causeway, owned by Blyford Investment Co Ltd.
- 77-85 Newington Causeway, owned by Blyford Investment Co Ltd.
- 49-51 Tiverton Street, owned by M. A. Ford (the main shareholder of Blyford Investment Co Ltd).

The Site Allocation seeks redevelopment and growth for a range of different land uses including new homes and employment floorspace and identifies that taller buildings could be appropriate as part of comprehensive mixed-use redevelopment.

Due to the separate landownerships the site is highly unlikely to be brought forward as one development. Any proposal for an individual site within the allocation must therefore be looked at in terms of its impact on the other plots and their own ability to be developed in isolation and in accordance with the allocation and other planning policy requirements as dictated by the Development Plan and relevant material considerations.

Background

Tribe Avonmouth House Limited (the Applicant) has submitted two applications for the redevelopment of Avonmouth House – one under ref. 21/AP/4297 & another under ref. 22/AP/2227. The descriptions of the development read as follows:

21/AP/4297 – Demolition of existing building and structures and erection of a part 2, part 7, part 14, and part 16 storey plus basement development comprising 1,733sqm (GIA) of space for Class E employment use and/or community health hub and/or Class F1(a) education use and 233 purpose-built student residential rooms with associated amenity space and public realm works, car and cycle parking, and ancillary infrastructure.

22/AP/2227 – Demolition of existing building and structures and erection of a part 2, part 7, part 14 storey plus basement mixed-use development comprising 1733sqm (GIA) of space for class E employment use and/or class F1(a) education use and 219 purpose-built student residential rooms with associated amenity space, including at 7th floor roof level, and public realm works, car and cycle parking, and ancillary infrastructure.

Based on recent discussions with the Applicant we understand that the first application is the subject of an appeal against non-determination which will take place on 14th December 2022 (ref. APPEAL/22/0055). London Borough of Southwark (LBS) Planning Officers have published a Statement of Case as part of a Public Reports Pack to be presented at LBS Planning Committee on 2nd November which outlines the two likely reasons for refusal had the Applicant not appealed for non-determination, as follows:

1. An unacceptable impact on townscape and local character and;
2. A lack of a S106 agreement to secure obligations to mitigate harm and secure planning benefits.

We also understand based on our discussions with the Applicant that the second application is set to be reported to a planning committee with an Officer recommendation for approval and the Applicant is currently targeting the LBS Planning Committee on 29th November 2022.

Previous Consultation

In February 2022 our planning advisors DP9 Ltd wrote to LBS Planning Officers informing them that we were reviewing the first Avonmouth House application and that we planned to issue comments before the application was determined. At the time, we were developing our own proposals in partnership with BBREP Ltd for a mixed use residential-led redevelopment that would in effect develop the remaining plots of land left over in the Site Allocation once Avonmouth House is developed.

We sought to engage with LBS Officers about these proposals and their relationship with the Avonmouth House scheme via a formal pre-application submission made in June 2022, however it was not until 27th September 2022 that Officers agreed to a meeting. At this meeting we raised concerns regarding the Avonmouth House proposals including the proximity of their tower element to the site boundary, its layout including windows fronting directly onto our site and the impact this could have on our ability to develop our own land effectively.

Our own proposals were based on the assumption that the three remaining sites could be delivered together, however the commercial reality is that the remaining sites will very likely have to be developed individually/in isolation from one another. This alters the context within which the Avonmouth House proposals must be viewed and assessed by LBS Officers and we do not consider this assessment has been adequately undertaken for the reasons outlined herein. These concerns have been raised verbally both with LBS Officers at a meeting held 18th October 2022 and with the Applicant at a meeting held 25th October 2022. This letter is now being provided to set out our formal position on both applications.

Relevant Planning Policy

The Avonmouth House proposals must be determined in accordance with the Development Plan which comprises the London Plan (2021) and the New Southwark Plan (2022). New Southwark Plan Policy 18 states that development will be permitted that does not unreasonably compromise development potential or legitimate activities on neighbouring sites.

The Southwark Residential Design Standards SPD (2011 with an update in 2015) states that in order to prevent unnecessary problems of overlooking, loss of privacy and disturbance, development should achieve a minimum distance of 21 metres at the rear of a building. Where these minimum distances cannot be met, applicants must provide justification through the Design and Access Statement.

Assessment of the Avonmouth House Proposals

The proposed drawings submitted with each application demonstrate that in each case the proposed building will occupy almost the entirety of the site and will be in extreme proximity to the site boundary. In parts, the separation distance will be just 4m from the boundary with the BBREP Ltd site and this relationship will be carried upwards in sheer tower elements of 16 storeys and 14 storeys respectively. These tower elements contain student bedroom windows facing directly onto their site.

The proximity of the tower elements to their land and the proposed windows facing onto their site will unreasonably compromise the development potential of the neighbouring site, contrary to New Southwark Plan Policy 18. It results in a poorly conceived scheme that will force other landowners within the NSP46 Site Allocation to drastically reduce the amount of development that can be delivered on their own sites in order to accommodate separation distances that could be considered acceptable by Southwark (but that would still be considered below ideal compared with their own guidelines).

If proposals on the BBREP Ltd site, which is smaller than the Avonmouth House site, were to replicate the 4m separation distance from our shared site boundary, this would create a proximity distance of only 8m. This would be 13m less than the ideal separation distance and 10m less than a normally accepted distance of 18m. It is highly unlikely that LBS would grant this planning permission due to impacts on privacy/overlooking/sense of enclosure as well as daylight, sunlight and overshadowing.

Taking into regard the Policy 18 requirement for development to not unreasonably compromise development potential on neighbouring sites, the Design and Access Statements submitted with the Avonmouth House applications show an illustrative Master Plan at Section 2.7 which tries to demonstrate how the remaining NSP46 Site Allocation plots could be delivered in isolation alongside the Avonmouth House proposals. This Master Plan has been assessed by our architects Patel Taylor (as set out within their enclosed report) and has been found to be fundamentally flawed for the following reasons:

- It proposes a separation distance of 18m between Avonmouth House and the illustrative development on the BBREP Ltd site. Of this 18m, 4m are within the Avonmouth House site and the remaining 14m are within the BBREP Ltd site. This unfairly distributes the separation distances given their site is smaller and this would drastically inhibit their ability to develop their own land.
- The masterplan proposes development on the three remaining sites that has to immediately abut party walls. This would result in large sheer walls with no windows which is unlikely to be found acceptable in design terms.
- The party wall relationship and set-back distances required to be able to secure a 18m set-back to Avonmouth House would result in buildings on the BBREP Ltd and on each of the Blyford owned sites that would be significantly restricted in size, delivering inefficient building footprints of 3 to 4 homes per core.
- This inefficiency would be further increased due to the New Southwark Plan policy requirement for developments to provide for larger family homes.
- In order to ensure that these buildings could work internally, they would require the provision of open windows on party walls which would be forced to have separation distances of just 8.4m. This is highly unlikely to be found acceptable in planning terms.
- Development of the site at 69-71 Newington Causeway would be significantly inhibited by the adjacent party wall developments either side and due to the deepness of its plot resulting in limited to no opportunities for natural daylight, making development of the land highly improbable.

The masterplan demonstrates that the Avonmouth House proposals do not work with the existing site ownerships for these reasons. The Design and Access Statement therefore fails to successfully justify why minimum distances set out within Residential Design Standards SPD are not met, nor has the Applicant managed to demonstrate that the proposed development would not unreasonably compromise development on neighbouring sites.

For these reasons, the proposals are contrary to the Development Plan in particular New Southwark Plan Policy 18. In failing to identify this as a reason for refusal, Officers have not carried out their duties in accordance with the National Planning Policy Framework, Development Plan and relevant guidance.

We object to the proposals for the above reasons and request that Officers reconsider their position on both applications. If they are to be determined as they currently stand, we request Officers adopt the following as a reason for refusal:

1. The development would unreasonably compromise development on neighbouring sites, contrary to New Southwark Plan Policy 18 and has no regard for Residential Design Standards.

Alternatively, we request that Officers ask the Applicant to reconsider their proposals in light of this objection and ask them to consider alterations to the proposed massing that would ensure an acceptable and mutually beneficial relationship with the other plots within the shared NSP46 Site Allocation. We are continuing to engage with Officers and the Applicants in an attempt to establish a mutually acceptable solution.

It is not our intention to prevent development of the **Planning Application** site indeed as a regeneration of the area and the potential for positive effect on our holding we welcome it. However we strongly object to the proposal as it stands and having taken legal advice we believe there may be a case to answer if the Planning Application is recommended and proceeds based upon incorrect assumptions which lead to clear planning policy breaches as set out.

We look forward to your consideration and response on this matter.

Kind regards

[REDACTED]

[REDACTED]