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Item No. 7.2	Classification: Open	Date: 2 November 2022	Meeting Name: Planning Committee
Report title:	The council's Statement of Case for an appeal in relation to Avonmouth House, 6 Avonmouth Street, London, SE1 6NX (a 16 storey scheme, reference (21/AP/4297)		
Ward(s) or groups affected:	Chaucer		
From:	Director of Planning and Growth		

RECOMMENDATIONS

1. That Planning Committee:
 - 1) Note that the appeal for non-determination has been received in respect of planning application reference 18/AP/4039 and application for listed building consent reference 21/AP/4297, that this is a major application that would normally have been considered and determined by planning committee but will now be determined by the Secretary of State.
 - 2) Note that a planning inspector has been appointed to decide the appeal and that a planning inquiry has been listed with a time estimate of six days at present, on 14 - 16 December and 19 - 21 December 2022. Further days have been reserved on 22 and 23 December 2022 (the Inspector will review whether all of these days are required following the consideration of this report by the planning committee).
 - 3) Consider and endorse the Statement of Case at Appendix 1 which has been submitted to the planning inspectorate and includes the likely reasons for refusal of the application had they not been appealed for non-determination. These likely reasons for refusal relate to the following topics:
 - An unacceptable impact on townscape and local character and;
 - A lack of a S106 agreement to secure obligations to mitigate harm and secure planning benefits.
 - 4) That members note the significant concern expressed by the Health and Safety Executive about this development in relation to fire safety and agree non-compliance with D12 Fire Safety as an additional reason for refusal.

BACKGROUND INFORMATION

2. The purpose of this report is two-fold. Firstly to inform planning committee about the appeal for non-determination in respect of the application for planning

permission (reference 21/AP/4297) and secondly to request that planning committee consider and endorse the Statement of Case, at Appendix 1 to this report which, in accordance with the timetable for the appeals, has already been submitted to the Planning Inspectorate. The Planning Inspectorate has appointed an Inspector to consider the appeals on behalf of the Secretary of State.

3. As the application is now the subject of appeal, planning committee will no longer be able to decide the application in the usual way as the decision will be made by the Inspector. However, as it is the role of planning committee to consider major and strategic applications, this report seeks to provide further information about the application and the content of the Statement of Case, which forms the basis of the case which the council will present at the public inquiry.
4. An application for a second scheme on the same site but for a development of 14 storeys was submitted in May 2022 (reference 22/AP/2227) which is under consideration and officers are likely to recommend this application for approval soon.
5. The appellant, Tribe Avonmouth House Limited, submitted their appeal in on 15 July 2022, the Planning Inspectorate informed the council on 30 August that the inquiry procedure is to be followed and gave directions that the council's Statement of Case had to be submitted by 4 October 2022. The council is required to keep to the timetable and there are potential costs implications for failing to comply. Given the deadline for submission of the Statement of Case, there was not enough time to report to planning committee in advance of submission. The submitted Statement of Case contains the likely reasons for refusal had the council determined the applications, and therefore summarises the case that the council will present at the forthcoming inquiry. Whilst the Statement of Case has now been submitted in accordance with the procedural rules, the planning committee are asked to consider and endorse its contents. It is important to note that officers, following further analysis, consider that the reason for refusal relating to the impact on the listed court building should not be pursued. The initial Statement of Case included a putative reason for refusal regarding the impact on the listed court building however following this officers have further analysed this and concluded that there would not be a harmful impact so submitted an amended statement of case on 13 October which is the document appended to this report.

The application

6. This planning application was submitted in November 2021 and the description of development read:

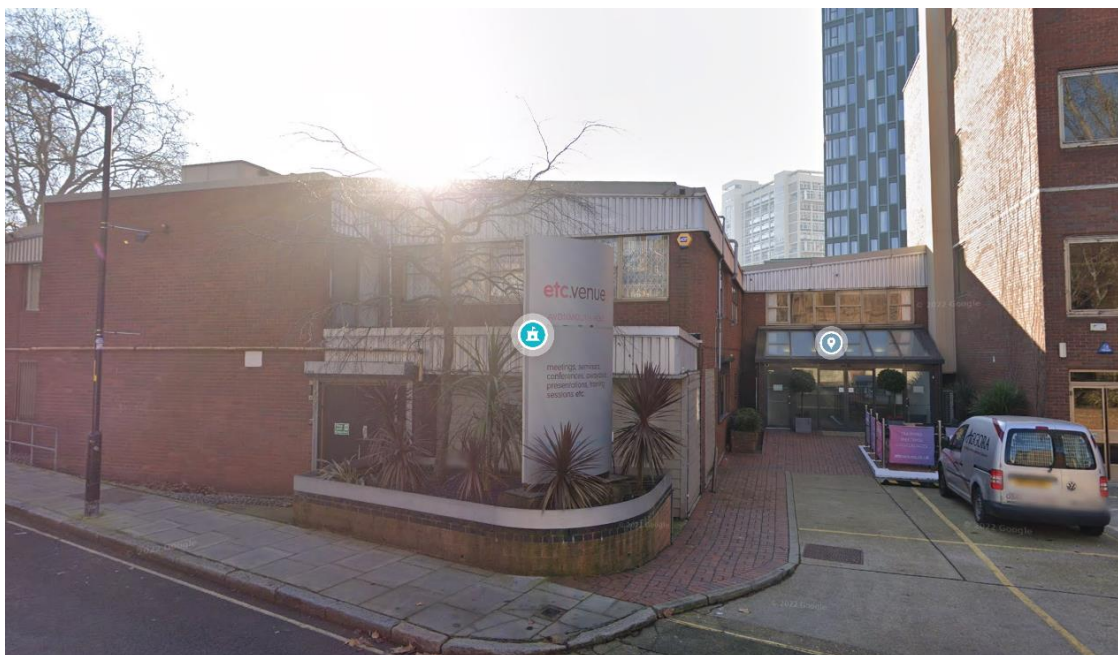
Demolition of existing building and structures and erection of a part 2, part 7, part 14, and part 16 storey plus basement development comprising 1,733sqm (GIA) of space for Class E employment use and/or community health hub and/or Class F1(a) education use and 233 purpose-built student residential rooms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

Site location and description

7. The Site as existing comprises a building used as a training venue and ancillary service yard located to the south of Newington Causeway. Avonmouth Street runs south east from Newington Causeway before returning south west to wrap around the warehouse building on the site. The site is bounded by buildings fronting Newington Causeway to the north west, modern annexes to the Inner London Sessions Court located across Avonmouth Street to the north, Newington Gardens open space to the south east and Telford and Stephensons Houses, comprising 5 storey interwar council estate blocks to the south west. Beyond the site to the south west, Avonmouth Street becomes Tiverton Street, where a 24-storey hotel known as the Ceramic Building is located.



Existing site plan



Site looking southwest from Avonmouth Street

8. The Site is within the Central Activities Zone, the Elephant and Castle Opportunity Area, and the Elephant and Castle major town centre. It is also within North Southwark and Roman Roads Archaeological Priority Zone, flood zone 3 and the air quality management area.
9. The Site is not within a Conservation Area. It is not within the background assessment area London View Management Framework (“LVMF”) views or protected local borough views. There are no protected trees within the Site nor adjacent to it. The Inner London Sessions Court building located approximately 40m to the north east of the site is a Grade II listed building.
10. The Site has a PTAL of 6b due to its proximity to the Elephant and Castle rail and Underground stations and bus routes in the area. Access to the Site is from the northern portion of Avonmouth Street, where the shared service yard is located itself hosting the entrance to the warehouse building situated on the application Site
11. To the north of the Site are the rear of buildings fronting Newington Causeway. These comprise:
 - No. 2 Avonmouth Street, a four storey Victorian building in residential use with a rear elevation facing onto the site and service yard,
 - Balppa House, 57 – 61 Newington Causeway, a five storey mixed use building with ground floor retail and residential at floors 1 – 3
 - Coburg House, 63 – 86 Newington Causeway, a four storey office building with servicing access to the rear
 - No. 69 – 71 Newington Causeway, a four storey office building
 - No. 73 – 75 Newington Causeway, a four storey period property in office use and which is identified as an undesignated heritage asset
12. To the east but not immediately adjoining the site is a two storey building hosting

the Southwark Theatre, at 77 – 85 Newington Causeway. To the immediate east of this is a 24 storey mixed use building hosting hotel and residential use known as the Ceramic Building, addressed 87 Newington Causeway. Further south along Newington Causeway, the tallest building in the vicinity of the site comprises a 41 storey building located on Newington Causeway, addressed 251 Southwark Bridge Road.

13. Across Avonmouth Street to the north of the site are the modern annexes to the Inner London Sessions Court, beyond which is the Grade II listed court building. To the east and south east of the site is Newington Gardens, a local open space, identified as an undesignated heritage asset of approximately 1.2ha.
14. To the south and south west of the site are two five storey interwar council estate blocks: Telford House and Stephenson House, set in ancillary landscaped amenity areas. Both blocks are part of the wider Rockingham Estate located to the south and south west of the Site

Summary of the proposal

15. The application proposed the demolition of the existing buildings and the construction of a part two, seven and 14-storey building. A two-storey basement is also proposed, though the lower part would only cover part of the site. The basements, ground and first floor would provide a mix of storage facilities (cycle and refuse), lobbies and a flexible non-residential space which the appellant would use as education/employment floorspace or a health hub. The floors above are proposed as student accommodation with most of the accommodation- 217 rooms- being in the form of cluster flats. 16 studios are proposed with 12 of these being accessible units.



Proposed ground floor plan

16. Across the site, a total of 8789.45sqm GIA of floorspace is proposed, comprising 1733sqm employment/education/community health hub and 7056.45sqm residential student accommodation.
17. The development would be stepped from seven to 14 and then to 16 storeys as seen on Avonmouth Road in the image below. A lower two storey element would be on the northwest part of the site closest to the rear of the buildings on Newington Causeway.



Elevation on Avonmouth Street



Render of the development from Newington Causeway looking southeast



Render of the proposed development looking north along Tiverton Street

Public realm

18. A triangular pocket park would be provided on the southern part of the site functioning as an area of public realm while a communal amenity space would be provided on the roof of the seventh floor element for residents.



Landscaping plan



Render looking along Avonmouth Street showing the pocket park on the left

Servicing and parking

19. Deliveries and servicing by larger vehicles, including refuse vehicles, would take place on Avonmouth Street as is presently the case. Smaller vehicles such those used by couriers would service the building from within the site in the forecourt.
20. A total number of 210 cycle parking spaces are proposed with 176 long stay spaces, 24 long stay spaces within the site for resident students and users of the commercial space at ground floor. 10 visitor parking spaces are proposed within the public realm. The scheme would be car-free except for one blue badge car parking space in the fourcourt.

Planning history of the site

21. The relevant planning history of the site is in the table below.

Application reference	Description of Development	Date received	Decision
89/AP/0133	Change of use from office B1 to educational D1 at 6 Avonmouth Street SE1	10 January 1989	Granted
04/AP/1181	Retention of external refurbishment works to include new planters, resurface existing driveway, installation of new railings to semi-enclosed area and installation of a double set of doors to entrance	2 July 2004	Granted
04/AP/1607	Relocation of existing free standing advertisement sign, to be positioned within a proposed planter	1 September 2004	Granted

22. In addition to the subject appealed application, there is a live planning application at the site (ref: 22/AP/2227) with a statutory expiry date of 30 August 2022. The application is for:

“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..”

Planning policy and material considerations

23. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise.
24. The statutory development plans for the Borough comprise the London Plan (2021) and the Southwark Plan (2022). The National Planning Policy Framework (2021), SPDs, SPGs, draft LPGs and other planning documents constitute material considerations but are not part of the statutory development plan. A list of the relevant policies, guidance documents and other material considerations which are relevant to this application is provided within the Statement of Case at section 7.
25. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act (1990) requires decision-makers determining planning applications for development within conservation areas to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. Section 66 of the Act also requires the authority to pay special regard to the desirability of preserving listed buildings and their setting or any features of special architectural or historic interest which they possess.
26. There are also specific statutory duties in respect of the Public Sector Equalities Duty which are referenced in the overall assessment at the end of the report.
27. The site is located within the:
 - Elephant and Castle Major Town Centre;
 - Strategic Cultural Area – Elephant and Castle Strategic Cultural Quarter;
 - Elephant and Castle Opportunity Area;
 - Central Activities Zone;
 - Archaeological Priority Area (North Southwark and Roman Roads);
 - Air Quality Management Area; and
 - Environment Agency Flood Zone 3 area
28. The site is forms part of SPD 46- 63-85 Newington Causeway.

KEY ISSUES FOR CONSIDERATION

29. As a major redevelopment that includes a tall building, the submitted planning application has been assessed against many policies within the development plan, the NPPF, guidance and other material considerations. The proposal complies with some aspects of the development plan, but is contrary to others, namely the policies relating to the impact on townscape and fire safety in addition to that for planning obligations. The extent and significance of the conflict with policy forms part of the council's case for why planning permission should be refused.
30. This section of the report has two areas; firstly, the planning issues that form the council's likely reasons for refusal in its Statement of Case; secondly, a summary

of the topics that are not identified as likely reasons for refusal within the Statement of Case.

1) Summary of likely reasons for refusal in the Statement of Case

31. The council's case in response to the appeal focuses on two main issues that would have been likely reasons for refusal of the planning application:
- The proposed development would be contrary to policies P13 (Design of Places) and P17 (Tall Buildings) of the Southwark Plan 2022 because it fails to respond positively to the existing character and context and would as a result cause harm to the local townscape. Officers do not consider that the public benefits of the scheme in providing commercial space and residential student housing outweigh the harm.
 - The lack of a completed section 106 agreement or unilateral undertaking fails to secure planning obligations to mitigate adverse impacts and secure public benefits.

An issue that came to light following the submission of the statement of case was a significant concern raised by the HSE in relation to fire safety so officers are asking members to endorse a third reason for refusal:

- The proposed development would not achieve the highest standards of fire safety as required by policy D12 of the London Plan 2021 following the significant concern identified by the Health and Safety Executive.
32. The original statement of case submitted to the Planning Inspectorate for the council on 4 October included a reason for refusal on the harm to the listed court building. As mentioned above, officers have further analysed this point and withdrew this punitive reason for refusal, submitting an amended statement of case excluding this on 13 October.
33. The reason for refusal on townscape is set out in the Statement of Case, which is an appendix to this report, and is reproduced in the paragraphs below with additional with images and diagrams to illustrate the issues. Additional information is also provided on the matter of fire safety and the lack of a s106 agreement.

Impact on townscape and local character

34. Policy P13 ('Design of places') of the Southwark Plan (2022) requires the height, scale, massing and arrangement of development proposals to respond positively to the existing townscape, character and context.
35. Policy P17 ('tall buildings') additionally requires development proposals for tall buildings to respond positively to local character and townscape. The policy goes on to define tall buildings as those being either above 30m (or 25m where they are located within the Thames Special Policy Area) and also 'where they are

significantly higher than surrounding building or their emerging context.' The policy has a number of other criteria which proposals for tall buildings are required to conform to, and the council requires these to have been adequately addressed

36. Policy P19 ('Listed buildings and structures') states that development which relates to listed buildings and their setting will only be permitted if it conserves or enhances a listed building's special significance in terms of, among other things:
 - Architectural style and features of a listed building
 - The contribution a development proposal makes to a listed building's setting; and
 - Views which contribute positively to the significance of the building or its setting.
37. The planning application for the proposal was supported by a heritage and townscape visual impact assessment (HTVIA). This set out how the proposal would appear in key local views were it to be implemented. Several of the townscape views demonstrate the building to be tall enough, relative to the context of the site, to cause harm on the townscape and by extension local character of the immediate area. It is the council's view that this is in part incurred as a result of the scale and overall 16 storey height of the proposed building, which is compounded by the proposed architectural approach to the crown of the building, with the top two storeys (floors 14 & 15) in a darker colour redbrick, contrasting strongly with the light-buff-brick-led façade of the remainder of the tower below, and which provides an impression of a top heavy, building within the streetscape. Consideration has been given to whether a change in material to match the rest of the building would reduce the impact to an acceptable level and it would not; the building would still appear incongruous within the townscape to an unacceptable degree
38. For the purposes of this Statement of Case and the council's assessment of the impact of the proposal on the local townscape, the relevant views set out in the submitted HTVIA have been grouped into 3 types:
 - Local townscape views from streets adjoining the Site and local estate roads which adjoin them
 - Views from within and across the Newington Gardens open space
 - Views from within the wider townscape, including those featuring the Grade II listed Inner London Sessions Court building
39. The views of each group tested and set out in the HTVIA and are listed below:

40. Local townscape views:



View 1 (Tiverton Street)



View 2 (Stephenson House to the East of the Railway Viaduct)



View 3 (Stephenson House to the South Corner of the Quadrangle)

41. Views across Newington Gardens



View 4 ('Stephenson House, to the West of Newington Gardens')



View 5 ('Newington Gardens, South Corner')



View 6 ('Newington Gardens, South East Side')

42. Views of the wider townscape



View 8 ('Harper Road, at Swan Street')



View 9 ('Harper Road, Opposite Inner London Crown Court Car Park')



View 11 ('Newington Causeway near the Junction with Avonmouth Street')

43. The primary elements of the local townscape which the proposed building is required to positively respond to include:
- the five-storey, red brick interwar council estate housing blocks of Telford and Stephenson Houses

- The Grade II listed Inner London Sessions Court
 - the four-storey contemporary, blue-rendered four-storey mixed use block of Balppa House located on the corner of Newington Causeway and Avonmouth Street
 - the landscape and greenery afforded by Newington Gardens
44. In addition to buildings located in wider views, including the 24-storey 'Ceramic Building', addressed 87 Newington Causeway, located to the south-west of the Site, opposite Telford House and which has a four-storey podium level fronting the streetscape, in addition to the 41 storey 251 Southwark Bridge Road, located on the opposite side of Newington Causeway and railway viaducts that bisect that section of the road
45. Views 1 – 3, 8 – 9 and 11 demonstrate that the proposed building is of a height that is out of character with the existing townscape in the immediate and wider vicinity of the Site. This is as a primarily as a consequence of the proposed height of the building at 16 storeys. It is acknowledged that the surrounding townscape character is mixed in terms of building scale and architectural design, and that this site is potentially suitable for a taller building as set out in the NSP site allocation NSP46. A building which was taller, but not as tall as the proposed, could potentially meet NSP policy requirements.
46. The proposed 16-storey building does not successfully respond to the existing townscape of taller buildings located towards the Elephant and Castle town centre, in including in the context of the views of the Inner London Sessions Court (Views 8 and 9), in which these existing taller buildings also appear. Due to the location of the site and its distance from the Elephant and Castle town centre, the 16 storey building's scale is read within the townscape of being the same height as that of the 24 storey Ceramic building located to the south west of the Site
47. Within these townscape views, the proposal would be contrary to the council's otherwise consistent approach of steering development of taller buildings (both approved and anticipated to come forward) towards locations where the imposing impact of the taller height on the townscape is justified, such as at the convergence of key routes or focuses of activity. The results of this strategy are demonstrated clearly in Views 8 and 9, where 251 Southwark Bridge Road is remains as the tallest building while being located closest to the Elephant and Castle town centre (and so furthest away from the Site), and which the Ceramic Building is appropriately subservient too. This progression of scale of buildings within the townscape would not be achieved with the 16-storey proposal within these views.
48. The proposal is considered to be excessively tall in relation to the five-storey housing blocks of the Rockingham Estate as demonstrated in Views 1 – 3 of the HTVIA. In Views 2 and 3 in particular, the proposal is considered to harm this part of the townscape due to
49. The tested views from and across Newington Gardens within the submitted HTVIA show the Gardens' trees with full foliage, obscuring the proposed building on the Site. The Council is of the view that the full impact of the proposal has not

therefore been readily available for assessment within the submission. It is likely that in the winter the lower floors of the building would remain partially obscured by branches of the trees which are relatively dense, while the upper storeys of the building's 16 storey height would be more visible.

Conclusion on the proposal's conformity with Policy P13 ('Design of places'), P17 ('Tall buildings') and P19 ('Listed buildings and structures')

50. The above analyses set out how the proposal does not respond positively to the existing townscape, character and context of the Site and is on this basis contrary to policies P13, P17 and P19 of the Southwark Plan (2022). This is with particular regards to the substantially lower scale buildings of the proposal's immediate context, the views from and across Newington Gardens and those from the wider vicinity, including within the context of the Grade II listed Inner London Sessions Court building and the context of the Council's consistent approach to the emerging character of the Elephant and Castle town centre in terms of tall buildings.
51. 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:
 - London Plan (2021) policies D3 "Optimising site capacity through the design-led approach", D9 "Tall buildings", HC1 "Heritage conservation and growth" and HC3 "Strategic and local views",
 - Southwark Plan (2022) policies P13 "Design of places", P14 "Design quality", P17 "Tall buildings" and P19 "Listed buildings and structures"

Lack of legal agreement

52. 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 a nominations agreement as set out and required by policy P5 of the Southwark Plan
 - 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;
 - transport mitigation (highway works and financial contributions for improvements to Avonmouth Street and Tiverton 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
53. 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).
54. 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. The appellant has indicated that they have had discussions with higher education institutes who would not be in a position to commit until planning consent had been given, To this end, the council is satisfied that this requirement could be met through an obligation in any legal agreement. Other mitigation would need to be secured by conditions imposed on any permission.

Impact on fire safety

55. The HSE was consulted and reviewed the application and supporting documents and in particular, the fire statement submitted. The statement says that the floors above the ground floor would be served by a single stair core that would be designed as a firefighting stair. This stair would continue to the two basement

levels connecting with ancillary areas. The HSE highlight in their comments (appendix 2) that the fire safety guidance and standard require that in single stair buildings, the stair should not continue to basements and this principal applies to firefighting lifts, the reason being there would be a risk of fire and smoke from the basement comprising the means of escape and fire service access.

56. Another significant area of concern is that a dry riser is proposed but for a building of over 50m a wet fire mains should be installed to allow adequate pressures to provide water supplies at each level immediately.
57. Concerns with the ground floor layout are the final exit for the escape route from the common stairs is next to the bin store that is contrary to the fire standard; the access for firefighters to the firefighting shaft would be via the concierge, which connects with ancillary accommodation.
58. Regarding the upper floors, the HSE say that the upper floors need of not provide an adequate firefighting lobby from the stair to the residential areas.
59. Finally, they say that there was not enough information provided to confirm if there are disabled refuges on the upper floors with consideration needed to the interaction between the refuges and the dry riser outlets.
60. The appellant is aware of these issues presented by the HSE and is working on amending drawings to address them. There is a possibility that these matters could be resolved by the time of the Inquiry though until that point, it is recommended that members endorse a putative reason for refusal relating to fire safety as below:

The development would not achieve the highest levels of fire safety contrary to policy D12 of the London Plan.

2) Summary of topics not raised as concerns within the Statement of Case

61. Other planning issues have been considered in respect of the applications but are not identified as likely reasons for refusal. These are summarised below.

Principle of the proposed land uses

62. The proposed uses are appropriate for the site's location. It is within the allocated site NSP 46:

NSP46: 63-85 Newington Causeway



- | | |
|----------------------------------|----------------------------------------------------|
| Site Boundary | Improved connectivity for pedestrians and cyclists |
| Conservation Area | Open Spaces |
| Grade I Listed Building | Buildings of architectural and historic merit |
| Grade II Listed Building | Buildings of townscape merit |
| Grade II* Listed Building | Locally Significant Industrial Sites |
| Opportunity for Active Frontages | Strategic Protected Industrial Land |
| Cycleways | New Public Open Space |

63. This appeal is for a proposal on the northern part of the site. The site allocation says detail is below.

Site Area	<ul style="list-style-type: none">• 3,784m²						
Existing uses (GEA)	<ul style="list-style-type: none">• Southwark Playhouse (Sui Generis) – 816m²• Office (E)(g)(ii) – 4,168m²• Light industrial uses (B1c) – 827m²• Job Centre (E(c)(ii)) – 546m²						
Indicative residential capacity	<ul style="list-style-type: none">• 93 homes						
Site requirements	<p>Redevelopment of the site must:</p> <ul style="list-style-type: none">• Provide at least the amount of employment floorspace (E(g), B class) currently on the site or provide at least 50% of the development as employment floorspace, whichever is greater; and• Retain the existing theatre use or provide an alternative cultural use (D2); and• Provide active frontages including ground floor retail, community or leisure uses (as defined in the glossary) on Newington Causeway. <p>Redevelopment of the site should:</p> <ul style="list-style-type: none">• Provide new homes (C3). <p>Redevelopment of the site may:</p> <ul style="list-style-type: none">• Provide a new community health hub (E(e)). <p>Planning application 12/AP/2694 is relevant to this site.</p>						
Design and accessibility guidance	<p>Redevelopment should deliver a more complementary and harmonious mix of uses alongside the retained Southwark Playhouse theatre that emphasises its cultural significance, attracts more visitors to the area and creates active frontages on Newington Causeway. Redevelopment should enhance accessibility to public transport, walking and cycle routes.</p> <p>Southwark needs to accommodate significant growth for offices and other workspaces which are growing in demand contributing to the central London economy and status as a world city. Sites that are within the Central Activities Zone are most in demand for delivery of offices and will be required to contribute to this growth by providing an increase in the amount of employment floorspace.</p>						
The site location							
	<table><tr><td>Approach to tall buildings</td><td>Comprehensive mixed-use redevelopment of the site could include taller buildings subject to consideration of impacts on existing character, heritage and townscape.</td></tr><tr><td>Impacts Listed Buildings or undesignated heritage assets</td><td>The site is within the setting of Grade II listed building Inner London Sessions Court and the undesignated heritage asset Newington Gardens and undesignated heritage assets on Newington Causeway.</td></tr><tr><td>Impacts a Conservation Area</td><td>The site is within the setting of the Trinity Church Square Conservation Area.</td></tr></table>	Approach to tall buildings	Comprehensive mixed-use redevelopment of the site could include taller buildings subject to consideration of impacts on existing character, heritage and townscape.	Impacts Listed Buildings or undesignated heritage assets	The site is within the setting of Grade II listed building Inner London Sessions Court and the undesignated heritage asset Newington Gardens and undesignated heritage assets on Newington Causeway.	Impacts a Conservation Area	The site is within the setting of the Trinity Church Square Conservation Area.
Approach to tall buildings	Comprehensive mixed-use redevelopment of the site could include taller buildings subject to consideration of impacts on existing character, heritage and townscape.						
Impacts Listed Buildings or undesignated heritage assets	The site is within the setting of Grade II listed building Inner London Sessions Court and the undesignated heritage asset Newington Gardens and undesignated heritage assets on Newington Causeway.						
Impacts a Conservation Area	The site is within the setting of the Trinity Church Square Conservation Area.						

64. The development would provide residential floorspace but not self contained dwellings, the indicative number of 93 can be accommodated on the rest of the site. The present use of the site is educational, being a training venue, the proposed non-residential use is proposed to be a flexible use of this, employment (office) or a health hub. If an employment use is pursued, the appellant has agreed to provide at least 10% as affordable workspace. The principle of the land use is therefore acceptable and in compliance with the policy designation.

Affordable housing

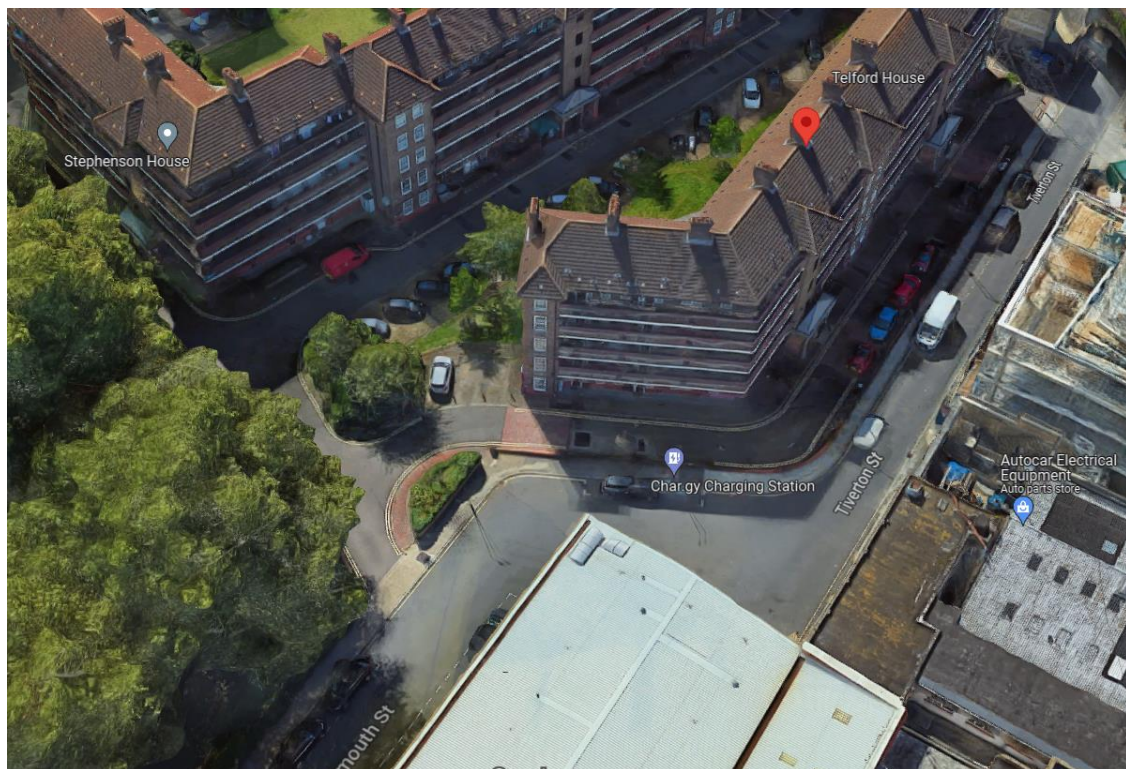
65. P5 of the Southwark Plan details the policy requirements for student homes and says:

Development of purpose-built student housing must:

- 1) Provide 5% of student rooms as easily adaptable for occupation by wheelchair users; and
 - 2) When providing direct lets at market rent, provide the maximum amount, with a minimum of 35% as conventional affordable housing by habitable room subject to viability, as per policy P4, as a first priority. In addition to this, 27% of student rooms must be let at a rent that is affordable to students as defined by the Mayor of London; or
 - 3) When providing all of the student rooms for nominated further and higher education institutions, provide the maximum amount of affordable student rooms with a minimum of 35% subject to viability. The affordable student rent should be set as defined by the Mayor of London.
66. The scheme would provide the requisite number of rooms as wheelchair accommodation with 12 units making up 5.5% of the overall number. The appellant has confirmed that they would secure a nominated education institution for the accommodation, which means the requirement is for a minimum of 35% of the accommodation to be affordable student rooms. Securing a nominated education provider is a requirement under criterion 3 of P5 for it to be applied; it would be secured in the legal agreement should be Inspector allow the appeal.

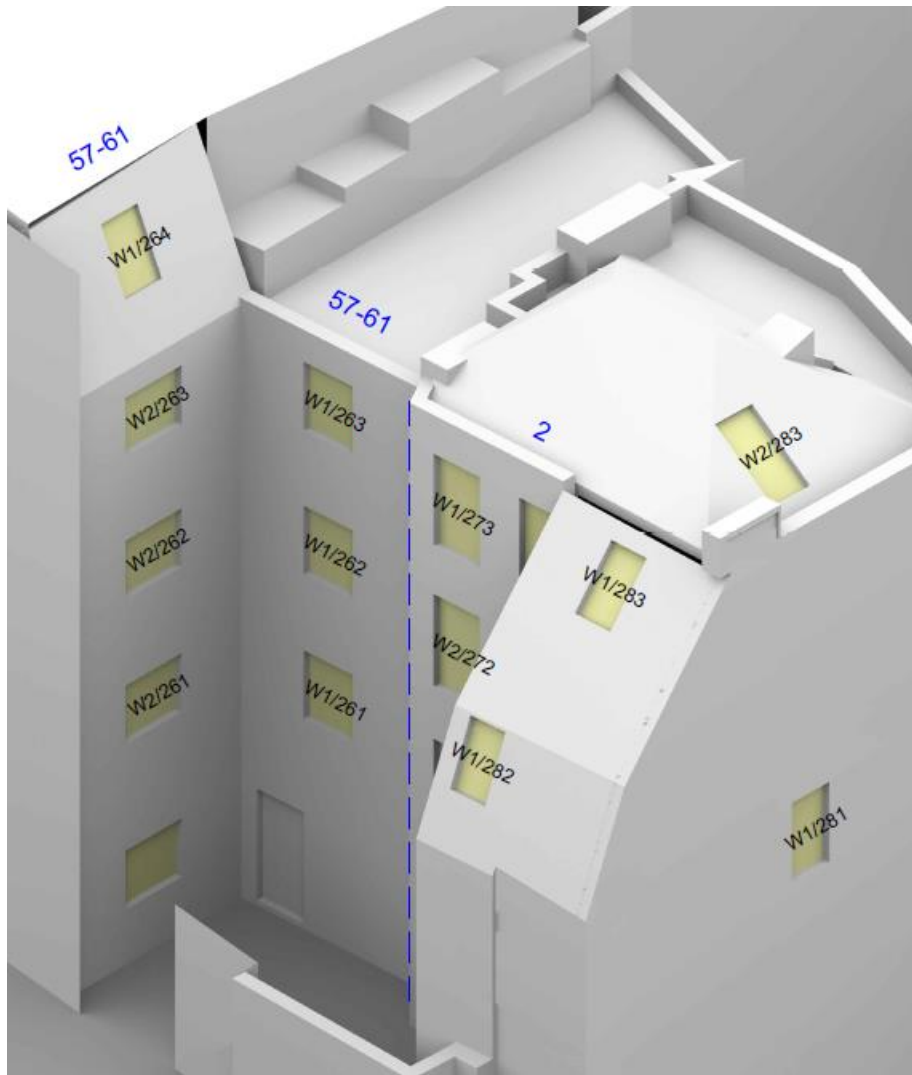
Daylight and sunlight

67. The applicant has undertaken a daylight and sunlight assessment. It looks at the impacts of overshadowing on Newington Gardens and the impact of daylight and sunlight for the following neighbouring properties:
- Telford House
 - Stephenson House
 - 57-61 Newington Causeway (Balppa House)
 - 2 Avonmouth Street
68. There would be noticeable reductions in daylight for windows of Telford House and Stephenson House facing the site. The rooms affected are bedrooms facing and bathrooms with the main living areas facing away from the site to the south. The access deck that means a small reduction in absolute daylight would have a proportionately larger impact affects daylight to these rooms.



Aerial photograph of Stephenson and Telford houses

69. While the assessment shows a reduction of more than 20% for a number of windows, the assessment without the impact of the decks show that the reduction would be less than 20% and in line with the BRE guidance for there to be no adverse impact except for two windows on Stephenson House where the retained VSC would be between 18-19%. There would be no impacts on sunlight as the site is to the north of these residential blocks. Impacts on 2 Avonmouth are mostly in line with the BRE guidance with some reductions above 20% but less than 30%. Impacts on 57-61 Newington Causeway windows facing the site are higher with a reduction of between 27% and 49% but the daylight here is already constrained with absolute e reductions of 4-8% resulting in high proportional reductions. The impacts on daylight and sunlight are considered, in these circumstances, to be acceptable.



Constrained windows at 57-61 Newington Causeway and 2 Avonmouth Street

Additional topics of assessment

70. The proposal would comply with policies in the development plan regarding the following topics if the necessary conditions and planning obligations were secured on any permission:
- Archaeology: subject to conditions and payment of a financial contribution (secured by a planning obligation) for the archaeologist's monitoring and advice during the pre-commencement and construction works.
 - Impact of the proposed development on the amenity of nearby residents from activity associated with the development would be limited as this would take place away from the quieter end of Avonmouth Street and Tiverton Street. Daylight and sunlight impacts are considered above.
 - Security and fire safety: subject to the Secured by Design condition, security details and fire statement being secured by conditions.
 - Impact of adjoining and nearby uses on occupiers and users of the proposed development.
 - Demolition and construction phase environmental impacts: would need to be mitigated by securing environmental management plans and logistics plans by conditions.

- Air quality: subject to dust mitigation measures during demolition and construction being secured as part of the demolition and construction management plan conditions.
- Transport matters (except for servicing): car parking, cycle parking (subject to conditions requiring further details of the locations and types of cycle parking for staff and visitors).
- Energy and sustainability: the sustainability of the proposal would need to be improved in terms of on-site carbon measures, payment of a carbon offset contribution and on-going “be seen” monitoring and reporting (secured by obligations), achieving BREEAM excellent to all buildings, providing whole life carbon and circular economy information (secured by conditions).
- Ecology and urban greening factor: subject to securing details of the planting, landscaping and bird boxes by conditions.
- Waste: subject to a delivery and servicing management plan by an obligation, and waste collection condition.
- TV, radio and telecoms networks: subject to securing a TV reception mitigation plan by condition.

Planning obligations and conditions

71. The assessment of the planning application has noted areas where planning obligations would be necessary in order to secure necessary mitigation to make the impacts of the proposal acceptable, to comply with planning policies, and to ensure the public benefits of the proposal would be provided. The absence of a completed section 106 agreement is set out in the Statement of Case as a likely reason for refusal of the planning application but is expected to be resolved through discussions with the appellant ahead of the inquiry.
72. Although the council's case at the appeal is that the applications should be refused, a legal agreement will be drafted with the appellant as part of the appeal procedure, so that the matters summarised above would be secured if the Inspector is minded to approve the applications. The heads of terms are summarised below, and will need to be negotiated with the appellant.

The following planning obligations are suggested in order to make the development acceptable in planning terms:

1. Restriction on occupation of the student accommodation by students of a Higher Education Institution;
2. Not to occupy the student accommodation until a Nomination Agreement has been entered into with either London South Bank University, University of London, or another Higher Education Institution in respect of the student accommodation;
3. To provide 35% of the student accommodation as affordable student accommodation as defined through the London Plan;
4. Approval of a detailed Student Accommodation Management Plan (SAMP) prior to occupation and compliance with the SAMP for the duration that the development remains occupied;
5. To provide 5% of the student accommodation as wheelchair accessible;

6. To provide 10% of the 1,733sqm GIA non-purpose-built student accommodation floorspace as affordable workspace should it be implemented as E class floorspace;
 7. Payment of the carbon offset contribution prior to occupation;
 8. Provision of one disabled car parking space and an electric vehicle charging point as part of the disabled parking space;
 9. Restriction on car parking permits for occupants of the development;
 10. Payment of a cycle hire contribution to TfL (£120,000);
 11. Provision of public realm and highways improvements through a Section 38/278 Agreement;
 12. Approval of a Construction Skills and Employment Plan prior to implementation of the development;
 13. Approval of the Energy Strategy prior to occupation;
 14. To achieve the agreed carbon targets contained within the approved energy strategy;
 15. Approval of a Delivery and Service Management Plan prior to occupation;
 16. Approval of a Demolition Environmental Management Plan prior to any works of demolition;
 17. Approval of a Construction Environmental Management Plan prior to implementation; and
 18. Payment of an administration and monitoring fee.
73. Without a completed legal agreement in place (either a section 106 agreement or a unilateral undertaking), the necessary mitigation measures, and the elements of the scheme required to achieve policy compliance, would not be secured in the event that planning permission is granted. In the absence of a completed s106 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).
74. The conditions the council would like to be included on any planning permission were appended to the Statement of Common Ground (Appendix 3 of this report), in Appendix 2 of that document. These have been agreed with the appellant.

Comments from members of the public

75. Eight objections have been received from members of the public including residents. The topics raised are below, along with officer comments.

1) Impact on Newington gardens from overshadowing and ecology

Officer comment

The daylight and sunlight assessment shows that there would be no significant impact on the park from loss of light and would comply with the BRE guidance.

2) Disturbance from residents

Officer comments

The scheme has been designed with entrances away from residential areas. Residents would access the site along Avonmouth Street from Newington Causeway with little additional traffic to the more residential areas of Tiverton Street and the wider housing estate that includes Telford and Stephenson houses.

3) Impact of servicing

Officer comments

This would be done from Avonmouth Street and be away from the residential estate and not differ significantly from the existing servicing.

4) Impact during construction

Officer comment

The appellant has agreed to a condition to control and limit impacts of noise, dust, highway impacts and other disturbance during construction.

5) Impact on daylight

Officer comment

There would be some significant impacts, the assessment is provided above.

6) Height, sense of enclosure

Officer comment

The site is identified as being suitable for tall buildings in the site allocation. The proposed building would be part a townscape that already has tall buildings and there would be areas between them to reduce the sense of enclosure, along with the distance to neighbours.

Community impact and equalities assessment

76. The Public Sector Equality Duty (PSED) contained in Section 149 (1) of the Equality Act 2010 imposes a duty on public authorities to have, in the exercise of their functions, due regard to three “needs” which are central to the aims of the Act:
 1. The need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act
 2. The need to advance equality of opportunity between persons sharing a relevant protected characteristic and persons who do not share it. This involves having due regard to the need to:
 - Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic
 - Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons

- who do not share it
 - Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low
- 3. The need to foster good relations between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to tackle prejudice and promote understanding.
- 77. The protected characteristics are: race, age, gender reassignment, pregnancy and maternity, disability, sexual orientation, religion or belief, sex, marriage and civil partnership. The council must not act in a way which is incompatible with rights contained within the European Convention of Human Rights.
- 78. The council has given due regard to the above needs and rights where relevant or engaged throughout the course of considering this application.

Human rights implications

- 79. This planning application engages certain human rights under the Human Rights Act 2008 (the HRA). The HRA prohibits unlawful interference by public bodies with conventions rights. The term 'engage' simply means that human rights may be affected or relevant.
- 80. This application has the legitimate aim of redeveloping this site for a mixed use scheme and alterations to listed buildings on the site. The rights potentially engaged by this application, including the right to a fair trial and the right to respect for private and family life are not considered to be unlawfully interfered with by this proposal.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Southwark Local Development Framework and Development Plan Documents	Chief Executive's Department 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 020 7525 1214 Council website: www.southwark.gov.uk

APPENDICES

No.	Title
Appendix 1	Statement of Case
Appendix 2	Comments from the HSE on fire safety
Appendix 3	Statement of common ground

AUDIT TRAIL

Lead Officer	Stephen Platts, Director of Planning and Growth		
Report Author	Dipesh Patel, Group Manager		
Version	Final		
Dated	4 April 2022		
Key Decision	No		
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER			
Officer Title		Comments Sought	Comments included
Strategic Director of Finance and Governance		No	No
Director of Law and Governance		No	No
Date final report sent to Constitutional Team			24 October 2022

Statement of Case

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

STATEMENT OF CASE
LONDON BOROUGH OF SOUTHWARK

Date: 03 October 2022
Appeal Reference: APP/A5840/W/22/3303205
LPA Reference: 21/AP/4297
Appellant: Tribe Avonmouth House Limited
Site Address: Avonmouth House, 6 Avonmouth Street, London, SE1 6NX

Contents:

1. Introduction
2. Description of the Site and Area
3. Planning Application
4. Appeal
5. Planning History of the Site
6. Planning History of Nearby Sites
7. Planning Policies
8. Likely Reasons for Refusal of the Planning Proposal
9. Conditions

Appendices:

1. Documentary Evidence
2. List of Conditions Should Planning Permission be Granted

Copies:

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/22/0055 and 21/AP/4297), 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 Thomas Weaver (thomas.weaver@southwark.gov.uk 020 7525 3841) 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 appeal reference APP/A5840/W/22/3303205. The appeals have been made by Tribe 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 Avonmouth House, 6 Avonmouth Street, London, SE1 6NX (“the Site”). The Site as existing comprises a warehouse building and ancillary service yard located to the south of Newington Causeway. Avonmouth Street runs south east from Newington Causeway before returning south west to wrap around the warehouse building on the site. The site is bounded by buildings fronting Newington Causeway to the north west, modern annexes to the Inner London Sessions Court located across Avonmouth Street to the north, Newington Gardens open space to the south east and Telford and Stephenson’s Houses, comprising 5 storey interwar council estate blocks to the south west. Beyond the site to the south west, Avonmouth Street becomes Tiverton Street, where a 24 storey hotel known as the Ceramic Building is located.
- 2.2 The Site has an area of 0.12 hectares and comprises a two storey warehouse hosting training and conference facilities. The site additionally includes the ancillary service yard which in addition to access to the warehouse building on the Site, provides servicing access for Coburg House (nos 63 – 67 Newington Causeway). Coburg House has a private right of way across this service yard.
- 2.3 The Site is within the Central Activities Zone, the Elephant and Castle Opportunity Area, and the Elephant and Castle major town centre. It is also within North Southwark and Roman Roads Archaeological Priority Zone, flood zone 3 and the air quality management area.

- 2.4 The Site is not within a Conservation Area. It is not within the background assessment area London View Management Framework (“LVMF”) views or protected local borough views. There are no protected trees within the Site nor adjacent to it. The Inner London Sessions Court building located approximately 40m to the north east of the site is a Grade II listed building.
- 2.5 The Site has a PTAL of 6b due to its proximity to the Elephant and Castle rail and Underground stations and bus routes in the area. Access to the Site is from the northern portion of Avonmouth Street, where the shared service yard is located itself hosting the entrance to the warehouse building situated on the application Site.
- 2.6 To the north of the Site are the rear of buildings fronting Newington Causeway. These comprise:
- No. 2 Avonmouth Street, a four storey Victorian building in residential use with a rear elevation facing onto the site and service yard,
 - Balppa House, 57 – 61 Newington Causeway, a five storey mixed use building with ground floor retail and residential at floors 1 – 3
 - Coburg House, 63 – 86 Newington Cause Way, a four storey office building with servicing access to the rear which forms part of the Site
 - No. 69 – 71 Newington Causeway, a four storey office building
 - No. 73 – 75 Newington Causeway, a four storey period property in office use and which is identified as an undesignated heritage asset
- 2.7 To the east but not immediately adjoining the site is a two storey building hosting the Southwark Theatre, at 77 – 85 Newington Causeway. To the immediate east of this is a 24 storey mixed use building hosting hotel and residential use known as the Ceramic Building, addressed 87 Newington Causeway. Further south along Newington Causeway, the tallest building in the vicinity of the site comprises a 41 storey building located on Newington Causeway, addressed 251 Southwark Bridge Road.

- 2.8 Across Avonmouth Street to the north of the site are the modern annexes to the Inner London Sessions Court, beyond which is the Grade II listed building referred to above. To the east and south east of the site is Newington Gardens, a local open space, identified as an undesignated heritage asset of approximately 1.2ha.
- 2.9 To the south and south west of the site are two five storey interwar council estate blocks known as Telford House and Stephenson House, set in ancillary landscaped amenity areas. Both blocks are part of the wider Rockingham Estate located to the south and south west of the Site.
- 2.10 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

- 3.1 In June 2021 a formal request for pre-application advice was submitted (reference 21/EQ/0159) in relation to a scheme to redevelop the Site to provide a mixed use building comprising E class or F1(a) class floorspace at basement, ground and first floor levels with student accommodation across floors 2 – 16 above. The scheme was largely similar in land use and design terms, with the only key change between the pre-application scheme and the planning application being to the proposed total number of student bedspaces (from 223 to 233, respectively). A pre-application meeting was held with the Appellant on 17 August 2021 with the council raising concerns around land use, including re-provision of employment floorspace, and appropriateness of the location for a tall building.
- 3.2 In November 2021, the Appellant submitted an application for planning permission (for the "Planning Application Proposal"). The submitted proposals are similar to the pre-application version of the scheme to which the Council's

pre-application advice related. The application was given a planning application reference number by the Council with the following description:

Planning Application Proposal 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

- 3.3 The Council consulted with the Greater London Authority ("GLA"), statutory bodies, internal specialists and local neighbours. A number of responses were received which the Council will refer to as part of its evidence before the Inquiry.
- 3.4 The Council's likely reasons for refusal (set out below) take due account of the representations received in response to consultation.

4. Appeal

- 4.1 In June 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/22/3303205.
- 4.2 On 30 August 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 4 October. At the time of writing this Statement of Case, the intention is to present a report to the planning committee on 2 November for authority to challenge the appeal and the likely grounds for refusal if the application had been determined.

5. Planning History of the Site

- 5.1 The earlier planning history of the site relates to a planning application for the refurbishment of the warehouse building on the site which is 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 identified as NSP46 in the Southwark Plan (2022) and is within the Elephant and Castle Area Vision.
- 7.3 The following is a list of the policies considered relevant to the Appeal. The policies which the Council considers relevant to the issues for which the likely reasons for refusal outline below relate to are highlighted in bold.
- 7.4 The relevant policies of the London Plan (2021) are:

- Policy GG4 – Delivering the homes Londoners need
- Policy SD5 - Offices, other strategic functions and residential development in the CAZ
- Policy D1 - London's form, character and capacity for growth
- Policy D3 - Optimising site capacity through the design-led approach
- Policy D4 - Delivering good design
- Policy D9 - Tall buildings
- Policy HC1 - Heritage conservation and growth
- Policy HC3 - Strategic and Local Views

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

- P13 Design of places
- P17 Tall buildings
- P19 Listed buildings and structures

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

- Heritage (2021);

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

- Character and Context (June 2014)
- Optimising site capacity: A design-led approach LPG – consultation draft (February 2022)

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

- Section 2: Achieving sustainable development
- Section 11: Making effective use of land
- Section 12: Achieving well designed places
- Section 16: Conserving and enhancing the historic environment.

- 7.9 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.
- 7.10 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 Subject to planning committee members' determination, officers would have recommended to the planning committee to refuse planning permission for the reasons summarised below.

(1) Impact on townscape and local character

- 8.2 Policy P13 ('Design of places') of the Southwark Plan (2022) requires the height, scale, massing and arrangement of development proposals to respond positively to the existing townscape, character and context.
- 8.3 Policy P17 ('tall buildings') additionally requires development proposals for tall buildings to respond positively to local character and townscape. The policy goes on to define tall buildings as those being either above 30m (or 25m where they are located within the Thames Special Policy Area) and also 'where they are significantly higher than surrounding building or their emerging context.' The policy has a number of other criteria which proposals for tall buildings are required to conform to, and the council requires these to have been adequately addressed.
- 8.4 Policy P19 ('Listed buildings and structures') states that development which relates to listed buildings and their setting will only be permitted if it conserves

or enhances a listed building's special significance in terms of, among other things:

- 8.4.1 architectural style and features of a listed building
 - 8.4.2 the contribution a development proposal makes to a listed building's setting; and
 - 8.4.3 views which contribute positively to the significance of the building or its setting
- 8.5 The planning application for the proposal was supported by a heritage and townscape visual impact assessment (HTVIA). This set out how the proposal would appear in key local views were it to be implemented. Several of the townscape views demonstrate the building to be tall enough, relative to the context of the site, to cause harm on the townscape and by extension local character of the immediate area. It is the council's view that this is in part incurred as a result of the scale and overall 16 storey height of the proposed building, which is compounded by the proposed architectural approach to the crown of the building, with the top two storeys (floors 14 & 15) in a darker colour redbrick, contrasting strongly with the light-buff-brick-led façade of the remainder of the tower below, and which provides an impression of a top heavy, building within the streetscape. Consideration has been given to whether a change in material to match the rest of the building would reduce the impact to an acceptable level and it would not; the building would still appear incongruous within the townscape to an unacceptable degree.
- 8.6 For the purposes of this Statement of Case and the council's assessment of the impact of the proposal on the local townscape, the relevant views set out in the submitted HTVIA have been grouped into 3 types:
- 8.6.1 Local townscape views from streets adjoining the Site and local estate roads which adjoin them
 - 8.6.2 Views from within and across the Newington Gardens open space
 - 8.6.3 Views from within the wider townscape, including those featuring the Grade II listed Inner London Sessions Court building

8.7 The views of each group tested and set out in the HTVIA are:

Local townscape views

- 8.7.1 View 1 ('Tiverton Street')
- 8.7.2 View 2 ('Stephenson House to the East of the Railway Viaduct')
- 8.7.3 View 3 ('Stephenson House to the South Corner of the Quadrangle')

Views across Newington Gardens

- 8.7.4 'View 4' ('Stephenson House, to the West of Newington Gardens')
- 8.7.5 'View 5' ('Newington Gardens, South Corner')
- 8.7.6 'View 6' ('Newington Gardens, South East Side')

Views of the wider townscape

- 8.7.7 View 8 ('Harper Road, at Swan Street')
- 8.7.8 View 9 ('Harper Road, Opposite Inner London Crown Court Car Park')
- 8.7.9 'View 11' ('Newington Causeway near the Junction with Avonmouth Street')

8.8 The primary elements of the local townscape which the proposed building is required to positively respond to include:

- 8.8.1 the 5 storey, red brick interwar council estate housing blocks of Telford and Stephenson Houses
- 8.8.2 The Grade II listed Inner London Sessions Court
- 8.8.3 the 4 storey contemporary, blue-rendered 4 storey mixed use block of Balppa House located on the corner of Newington Causeway and Avonmouth Street
- 8.8.4 the landscape and greenery afforded by Newington Gardens
- 8.8.5 in addition to buildings located in wider views, including the 24 storey 'Ceramic Building', addressed 87 Newington Causeway, located to the south-west of the Site, opposite Telford House and which has a 4 storey podium level fronting the streetscape, in addition to the 41 storey 251 Southwark Bridge Road, located on the opposite side of Newington Causeway and railway viaducts that bisect that section of the road

- 8.9 The Council considers that Views 1 – 3, 8 – 9 and 11 demonstrate that the proposed building is of a height that is out of character with the existing townscape in the immediate and wider vicinity of the Site. This is as a consequence primarily of the proposed height of the building at 16 storeys. It is acknowledged that the surrounding townscape character is mixed in terms of building scale and architectural design, and that this site is potentially suitable for a taller building as set out in the NSP site allocation NSP46. A building which was taller, but not as tall as the proposed, could potentially meet NSP policy requirements.
- 8.10 The proposed 16 storey building does not successfully respond to the existing townscape of taller buildings located towards the Elephant and Castle town centre, in including in the context of the views of the Inner London Sessions Court (Views 8 and 9), in which these existing taller buildings also appear. Due to the location of the site and its distance from the Elephant and Castle town centre, the 16 storey building's scale is read within the townscape of being the same height as that of the 24 storey Ceramic building located to the south west of the Site.
- 8.11 Within these townscape views, the proposal would be contrary to the Council's otherwise consistent approach of steering development of taller buildings (both approved and anticipated to come forward) towards locations where the imposing impact of the taller height on the townscape is justified, such as at the convergence of key routes or focuses of activity. The results of this strategy are demonstrated clearly in Views 8 and 9, where 251 Southwark Bridge Road is remains as the tallest building while being located closest to the Elephant and Castle town centre (and so furthest away from the Site), and which the Ceramic Building is appropriately subservient too. This progression of scale of buildings within the townscape would not be achieved with the 16 storey proposal within these views.
- 8.12 The proposal is considered to be excessively tall in relation to the 5 storey housing blocks of the Rockingham Estate as demonstrated in Views 1 – 3 of the HTVIA. In Views 2 and 3 in particular, the proposal is considered to harm

this part of the townscape due to the degree of intrusion above these neighbouring building's roof ridge line of Telford (View 2) and Stephenson (View 3) Houses. The excessive degree of intrusion of the proposal is caused by reason of its scale and 16 storey height, in contrast to the equivalent views within the HTVIA as existing where there is no building visible.

8.13 The tested views from and across Newington Gardens within the submitted HTVIA show the Gardens' trees with full foliage, obscuring the proposed building on the Site. The Council is of the view that the full impact of the proposal has not therefore been readily available for assessment within the submission. It is likely that in the winter the lower floors of the building would remain partially obscured by branches of the trees which are relatively dense, while the upper storeys of the building's 16 storey height would be more visible.

8.14 The council considers the 16 storey proposal would harm 'townscape' views from Newington Gardens and the immediate surrounds. This is in virtue of its height and architectural treatment, where the proposal would have an overbearing presence in the townscape during the autumn, winter and spring months when foliage of the mature trees of the gardens will not obscure the building and the upper storeys in particular would be visible in these views. On this basis, the council does not consider the proposal has positively responded to the existing character and context of the site. The Council considers that with some reduction in height this could be successfully addressed.

Conclusion on the proposal's conformity with Policy P13 ('Design of places'), P17 ('Tall buildings') and P19 ('Listed buildings and structures')

8.15 The above analyses set out how the proposal does not respond positively to the existing townscape, character and context of the Site and is on this basis contrary to policies P13, P17 and P19 of the Southwark Plan (2022). This is with particular regards to the substantially lower scale buildings of the

proposal's immediate context, the views from and across Newington Gardens and those from the wider vicinity, including within the context of the Grade II listed Inner London Sessions Court building and the context of the Council's consistent approach to the emerging character of the Elephant and Castle town centre in terms of tall buildings.

8.16 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:

8.16.1 London Plan (2021) policies D3 "Optimising site capacity through the design-led approach", D9 "Tall buildings", HC1 "Heritage conservation and growth" and HC3 "Strategic and local views",

8.16.2 Southwark Plan (2022) policies P13 "Design of places", P14 "Design quality", P17 "Tall buildings" and P19 "Listed buildings and structures"

(2) Lack of a section 106 agreement

8.17 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 a nominations agreement as set out and required by policy P5 of the Southwark Plan
- 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;
- transport mitigation (highway works and financial contributions for improvements to Avonmouth Street and Tiverton 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

8.18 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).

8.19 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. The appellant has indicated that they have had

discussions with higher education institutes who would not be in a position to commit until planning consent had been given, To this end, the council is satisfied that this requirement could be met through an obligation in any legal agreement. 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.

Conclusion

- 8.20 It will be the Council's case that the proposal is contrary to policy P13 ('Design of places'), P17 ('Tall buildings') and P19 ('Listed buildings and structures') of the Southwark Plan 2022. The proposal fails to respond positively to the existing character and context and would as a result harm the local townscape. The public benefits of the proposal would not outweighing the harm that would be caused to a designated heritage asset.
- 8.21 The Council's case will be that that the proposal conflicts with a range of key development plan policies relating to tall buildings, townscape, design, public realm and heritage. 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.
- 8.22 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.
- 8.23 Accordingly, the Council's case will be that the appeal should be dismissed and planning permission refused.

Conditions

- 9.1 Should the Inspector be minded to grant planning permission, a list of suggested conditions is included in Appendix 1. 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.

Draft conditions

Appendix 1

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

1. The development to which this permission relates must have commenced not later than the expiration of three years beginning from the date of this decision notice.

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

2. The development hereby permitted shall be carried out in accordance with the approved plans listed in this notice, unless otherwise required by any other condition in this notice.

Reason: To ensure that the Development is undertaken in accordance with the approved drawings and documents to achieve compliance with Development Plan Policies (London Plan 2021 and Southwark Plan 2022), and National Planning Policy Framework 2021.

3. No development shall take place, including any works of demolition, until a written CEMP has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall oblige the applicant, developer and contractors to commit to current best practice with regard to construction site management and to use all best endeavours to minimise off- site impacts, and will include the following information:
 - A detailed specification of demolition and construction works at each phase of development including consideration of all environmental impacts and the identified remedial measures;
 - Site perimeter continuous automated noise, dust and vibration monitoring;
 - Engineering measures to eliminate or mitigate identified environmental impacts e.g., hoarding height and density, acoustic screening, sound insulation, dust control measures, emission reduction measures, location of specific activities on site, etc.;
 - Arrangements for a direct and responsive site management contact for nearby occupiers during demolition and/or construction (signage on hoardings, newsletters, residents' liaison meetings, etc.)
 - A commitment to adopt and implement of the ICE Demolition Protocol and Considerate Contractor Scheme; Site traffic - Routing of inbound and

outbound site traffic, one-way site traffic arrangements on site, location of lay off areas, etc.;

- Site waste Management - Accurate waste stream identification, separation, storage, registered waste carriers for transportation and disposal at appropriate destinations.
- A commitment that all NRMM equipment (37 kW and 560 kW) shall be registered on the NRMM register and meets the standard as stipulated by the Mayor of London.

All demolition and construction work shall be undertaken in strict accordance with the approved CEMP and other relevant codes of practice, unless otherwise agreed in writing by the Local Planning Authority.

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 Southwark Plan Policies P50 (Highways impacts) and P56 (Protecting amenity), London Plan Policy T4 (Assessing and mitigating transport impacts), and the National Planning Policy Framework.

4. a.) No development shall take place until a remediation scheme has been submitted to and approved in writing by the Local Planning Authority. Following the completion of the works and measures identified in the approved remediation strategy, a verification report providing evidence that all works required by the remediation strategy have been completed, together with any future monitoring or maintenance requirements shall be submitted to and approved in writing by the Local Planning Authority.
- b.) In the event that potential contamination is found at any time when carrying out the approved development that was not previously identified, it shall be reported in writing immediately to the Local Planning Authority, and a scheme of investigation and risk assessment, a remediation strategy and verification report (if required) shall be submitted to the Local Planning Authority for approval in writing.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with Southwark Plan Policy P64 (Contaminated land and hazardous substances) and the National Planning Policy Framework.

5. No works (excluding demolition and site clearance) shall commence until full details of the proposed surface water drainage system incorporating the Sustainable Drainage Systems (SuDS) have been submitted to and approved in writing by the Local Planning Authority, including detailed design,

dimensions, depth and location of attenuation units and flow control devices. The specific SuDS type, arrangement and material should be given in line with the proposed strategy dependant on any necessary site investigations. The strategy should achieve a reduction in surface water runoff rates as detailed in the approved 'Flood Risk Assessment and Drainage Strategy' prepared by Ardent. The applicant must confirm that the site is safe in the event of blockage/failure of the system, including consideration of exceedance flows. The site drainage must be constructed to the approved details.

Reason: To minimise the potential for the site to contribute to surface water flooding in accordance with Southwark's Strategic Flood Risk Assessment (2017), Policy SI 13 of the London Plan, and Policy P68 of the Southwark Plan.

6. Before any work hereby authorised begins (excluding demolition to ground slab level), the applicant shall secure the implementation of a programme of archaeological evaluation works in accordance with a written scheme of investigation (WSI) which shall be submitted to and approved in writing by the Local Planning Authority. The WSI shall include the programme and methodology of site investigation and recording.

In the event archaeology of national importance is found on the site, a scheme shall be submitted to the council for approval to ensure this will be preserved in-situ. The scheme shall be implemented during the construction period and within the completed development as approved.

Reason: Reason: In order that the details of the programme of works for the archaeological mitigation 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).

7. 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).

8. Within one year of the completion of the archaeological work on site, an assessment report detailing the proposals for the off-site analyses and post-excavation works, including publication of the site and preparation for deposition of the archive, shall be submitted to and approved in writing by the Local Planning Authority, and the works detailed in the assessment report shall not be carried out otherwise than in accordance with any such approval given. The assessment report shall provide evidence of the applicant's commitment to finance and resource these works to their completion.

Reason: In order that the archaeological interest of the site is 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 Policy P23 (Archaeology) of the Southwark Plan, Policy HC1 (Heritage conservation and growth) of the London Plan, and the National Planning Policy Framework.

9. Details of access for fire appliances as required by Approved Document B of the Building Regulations and details of adequate water supplies for fire fighting purposes should be provided prior to the implementation of the scheme and should be secured in perpetuity on completion of the scheme.

Reason: To minimise the risk to life and minimise building damage in the event of a fire, in accordance with the National Planning Policy Framework and Policy D12 (Fire safety) of the London Plan.

10. Prior to works commencing, including any demolition and no later than RIBA Stage 4, a Planning Stage Circular Economy Statement (CES) shall be submitted to and approved in writing by the Local Planning Authority. The CES shall include

- a Bill of Materials including kg/m2 and recycled content (target for a minimum 20%) for the development;
- a Recycling and Waste Reporting table, evidencing that the proposal would reuse/recycle/recover 95% of construction and demolition waste, and put 95% of excavation waste to beneficial use;
- a Pre-demolition/Refurbishment Audit;
- a Letter of Commitment, pledging to submit a Post-Completion Report within 3 months of completion of the development;
- a Building End-of-Life Strategy;
- a Final Destination Facilities List; and
- evidence of any destination landfill sites' capacity to receive waste.

The development shall be implemented in accordance with the CES. Unless otherwise agreed by the Council, to comply with the Circular Economy Statement for the full life cycle of the Development.

Reason: To ensure that the proposal responds appropriately to climate change policies by reducing carbon emissions and minimising waste streams in accordance with London Plan Policies SI7 (Reducing waste and supporting the circular economy) and SI2 (Minimising greenhouse gas emissions), and Southwark Plan Policies P69 (Sustainability standards) and P70 (Energy).

11. No later than three months following substantial completion of the final student accommodation unit within 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 ensure that Planning Stage Circular Economy Statement has been implemented in the construction and delivery of the development, and that all on-going operational measures and mechanisms have been satisfactorily implemented, in order to achieve Circular Economy goals and in accordance with: the National Planning Policy Framework and Policies GG6 (Increasing Efficiency and Resilience) and SI7 (Reducing Waste and Supporting the Circular Economy) of the London Plan.

12. Prior to commencement of any works (with the exception of demolition to ground level and archaeology), 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 the approved plans and maintained as such in perpetuity.

Reason: To provide high quality digital connectivity infrastructure to contribute to London's global competitiveness in accordance with Policy SI6 of the London Plan.

13. Prior to the commencement of any above grade works (excluding demolition), details of bird and bat boxes shall be submitted to and approved in writing by the Local Planning Authority. The bird and bat boxes shall be installed with the development prior to the first occupation of the building of which they form a part or the first use of the space in which they are contained. The bird and bat boxes shall be installed strictly in accordance with the details so approved and shall be maintained as such thereafter.

Reason: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity in accordance with Southwark Plan Policy P60 (Biodiversity).

14. Prior to commencement of any works above grade (excluding demolition), detailed drawings at a scale of 1:5 or 1:10 through:
- i) all facade variations; and
 - ii) commercial fronts and residential entrances; and
 - iii) all parapets and roof edges; and
 - iv) all balcony details; and
 - v) heads, cills and jambs of all openings

to be used in the carrying out of this permission shall be submitted to and approved by the Local Planning Authority in writing. 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 quality of architectural design and details in accordance with Chapter 12 - Achieving well designed places of the NPPF, Policies D4 (Delivering good design) and D9 (Tall buildings) of the London Plan, and Policies P13 (Design of places), P14 (Design quality), and P17 (Tall buildings) of the Southwark Plan.

15. Prior to the commencement of any above grade works (excluding demolition), samples of all external facing materials and full-scale (1:1) mock-ups of the facades to be used in the carrying out of this permission shall be presented on site to the Local Planning Authority and approved in writing. The development shall not be carried out otherwise than in accordance with any such approval given. The facades to be mocked up should be agreed with the Local Planning Authority.

Reason: In order that the Local Planning Authority may be satisfied as to the quality of architectural design and details in accordance with Chapter 12 - Achieving well designed places of the NPPF, Policies D4 (Delivering good design) and D9 (Tall buildings) of the London Plan, and Policies P13 (Design of places), P14 (Design quality), and P17 (Tall buildings) of the Southwark Plan.

16. Prior to the commencement of any above grade works (excluding demolition), details of security measures shall be submitted and approved in writing by the Local Planning Authority and any such security measures shall be implemented prior to occupation in accordance with the approved details which shall achieve the 'Secured by Design' accreditation award from the Metropolitan Police.

Reason: In the interests of securing well designed, safe and secure buildings and neighbourhoods in accordance with Southwark Plan Policy P16 (Designing out crime).

17. Prior to the commencement of any above grade works (excluding demolition), details and 1:50 scale drawings of the secure cycle parking facilities to Southwark Plan 2022 standards shall be submitted for approval. This shall include 302 spaces, including 30 Sheffield racks providing for 60 spaces, including 3 disabled and 3 cargo bicycle spaces

Details relating to the servicing layout and its relationship with the public highway shall be submitted to be approved in writing by the Local Planning Authority. The cycle parking facilities shall be provided prior to the occupation of the development and thereafter shall be retained and the space used for no other purpose and the development shall not be carried out otherwise than in accordance with any such approval given.

Reason: In order to ensure that satisfactory safe and secure cycle parking and changing facilities are provided and can be easily accessed by users 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 London Plan Policy T5 (Cycling) and Southwark Plan Policy P53 (Cycling).

18. Prior to the commencement of any above grade works (excluding demolition), details of the biodiversity (green/brown) roof(s) shall be submitted to and approved in writing by the Local Planning Authority. The biodiversity (green) roof(s) shall be:
- biodiversity based with extensive substrate base (depth 80-150mm);
 - laid out in accordance with agreed plans; and
 - planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works (focused on wildflower planting, and no more than a maximum of 25% sedum coverage).

The biodiversity (green) roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair or escape in case of emergency. The biodiversity roof(s) shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter. Discharge of this condition will be granted on receiving the details of the green roof(s) and Southwark Council

agreeing the submitted plans. A post completion assessment will be required to confirm the roof has been constructed to the agreed specification.

Reason: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity in accordance with Policies SI 4 (Managing heat risk), SI 13 (Sustainable drainage), G1 (Green Infrastructure), and G5 (Urban Greening) of the London Plan and Policies P59 (Green infrastructure) and P60 (Biodiversity) of the Southwark Plan.

19. Prior to the commencement of any above grade works (excluding demolition), the applicant shall submit written confirmation from the appointed building control body that the specifications for each student bedspace identified in the detailed construction plans meet the standard of the Approved Document M of the Building Regulations (2015). The development shall be carried out in accordance with the details thereby approved by the appointed building control body.

- M4 (Category 3) 'wheelchair user dwellings':- at least 5%
- M4 (Category 2) 'accessible and adaptable':- remaining units

Reason: In order to ensure the development complies with Policy P5 (Student homes) of the Southwark Plan and Policy D7 (Accessible Housing) of the London Plan.

20. Prior to the commencement of any above grade works (excluding demolition), full particulars of the sprinkler system to be used within the building shall be submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with any approval given.

Reason: To ensure that there is an adequate level of fire safety within this mixed use development in accordance with Policy D12 (Fire Safety) of the London Plan.

21. Prior to the commencement of any landscaping works, 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 access, terraces, or pathways layouts, materials and edge details), shall be submitted to and approved in writing by the Local Planning Authority. 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 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 in the next planting season 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 Council may be satisfied with the details of the landscaping scheme, in accordance with Chapters 8, 12, 15 and 16 of the National Planning Policy Framework, Policies SI 4 (Managing heat risk), SI 13 (Sustainable drainage), G1 (Green Infrastructure), G5 (Urban Greening), G6 (Biodiversity and access to nature) and G7 (Trees and Woodlands) of the London Plan, and Policies P13 (Design of places), P14 (Design quality), P60 (Biodiversity) and P61 (Trees) of the Southwark Plan.

22. Prior to the commencement of any above grade works (excluding demolition), details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that a minimum of at least two lifts (or more subject to capacity assessments) will be suitably sized fire evacuation lifts 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 order to ensure that the proposed development complies with the requirements of the London Fire Brigade and Policy D12 (Fire Safety) of the London Plan.

23. Before the first occupation of the building hereby permitted, a revised sustainability strategy shall be submitted to and approved in writing by the Local Planning Authority detailing water efficiency measures to be implemented in the development.

Reason: In order to ensure that the proposed development complies with the requirements of Policy SI 5 of the London Plan.

24. Within three months of completion of the development or commencement of RIBA Stage 6 (whichever occurs earlier) and in any event prior to the building being occupied (or handed over to a new owner (if applicable)), to submit the Post-Construction Whole Life-Cycle Carbon (WLC) Assessment to the GLA. The WLC assessment shall be submitted to ZeroCarbonPlanning@london.gov.uk. The developer shall use the post construction tab of the GLA's WLC assessment template and the relevant forms must be completed accurately and in their entirety in line with the criteria set out in the GLA's WLC assessment guidance. The Post-Construction Assessment should provide an update of the information submitted at planning submission stage (RIBA Stage 2/3), including the WLC carbon emission figures for all life-cycle modules based on the actual materials, products and systems used. The assessment must be submitted

along with supporting evidence as required by the GLA's WLC assessment guidance and, unless otherwise agreed by the Council, within three months of the completion of the development or commencement of RIBA Stage 6 (whichever occurs earlier).

Reason: To ensure whole life-cycle carbon is calculated and reduced and to demonstrate compliance with Policy SI 2 (Minimising Greenhouse Gas Emissions) of the London Plan.

25. Before the first occupation of the building hereby permitted, details of the arrangements for the storing of domestic and commercial refuse shall be submitted to and approved in writing by the Local Planning Authority and the facilities approved shall be provided and made available for use by the occupiers. The facilities shall thereafter be retained and shall not be used or the space used for any other purpose.

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 the National Planning Policy Framework 2021 and Policies P56 (Protection of amenity) and P62 (Reducing waste) of the Southwark Plan 2022.

26. Before the first occupation of the building hereby permitted, a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas shall be submitted to and approved in writing by the Local Planning Authority. The landscape 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 protection of wildlife and supporting habitat and to secure opportunities for the enhancement of the nature conservation value of the site, in accordance with the NPPF, Policies G1 (Green infrastructure), G5 (Urban greening) and G6 (Biodiversity and access to nature) of the London Plan. It is a mandatory criterion of BREEAM (LE5) to monitor long term impact on biodiversity, a requirement is to produce a landscape and habitat management plan.

27. The student accommodation hereby permitted shall be designed to ensure that the following internal noise levels are not exceeded due to environmental noise:

Bedrooms - 35dB LAeq T†, 30 dB LAeq T*, 45dB LAFmax T * Living and Dining rooms- 35dB LAeq T †

* - Night-time - 8 hours between 23:00-07:00

† - Daytime - 16 hours between 07:00-23:00

Reason: To ensure that the occupiers and users of the development do not suffer a loss of amenity by reason of excess noise from environmental and transportation sources in accordance with Southwark Plan Policy P56 (Protection of amenity) and the National Planning Policy Framework.

28. 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 BS4142:2014+A1:2019.

Reason: To ensure that the occupiers and users of the development do not suffer a loss of amenity by reason of excess noise from environmental and transportation sources in accordance with Southwark Plan policy P56 ('Protection of amenity') and the National Planning Policy Framework 2021.

29. Party walls, floors and ceilings between the commercial premises and student accommodation shall be designed to achieve a minimum weighted standardized level difference of 60 dB DnTw+Ctr. Pre-occupation testing of the separating partition shall be undertaken for airborne sound insulation in accordance with the methodology of ISO 16283-1:2014. Reason: To ensure that the occupiers and users of the development do not suffer a loss of amenity by reason of excess noise from environmental and transportation sources in accordance with Southwark Plan policy P56 ('Protection of amenity') and the National Planning Policy Framework 2021.

30. Prior to the commencement of any use within use class E involving the cooking of food, full particulars and details of a scheme for the extraction and ventilation of the commercial kitchen shall be submitted to and approved by the Local Planning Authority. The scheme shall include:

- Details of extraction rate and efflux velocity of extracted air
- Full details of grease, particle and odour abatement plant
- The location and orientation of the extraction ductwork and discharge terminal
- A management servicing plan for maintenance of the extraction system to ensure that fumes and odours from the kitchen do not affect public health or residential amenity. Once approved the scheme shall be implemented in full and permanently maintained thereafter.

Reason: In order to ensure that that any installed ventilation, ducting and ancillary equipment 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 and Southwark Plan Policy P56 (Protection of amenity).

31. No piling 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 sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure. To ensure that the development does not harm groundwater resources in line with the National Planning Policy Framework paragraph 183 and Policy P64 (Contaminated land and hazardous substances) of the Southwark Plan.

32. Any deliveries, unloading and loading to the commercial units shall only be between the following hours:
08.00 to 20.00hrs on Monday to Saturdays; and
10.00 to 16.00hrs on Sundays and Bank Holidays.

Reason: To ensure that the occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance, and to reduce vehicle movements on the local road network during peak times, in accordance with: the National Planning Policy Framework; Policy T7 (Deliveries, Servicing and Construction) of the London Plan 2021; and Policy P50 (Highways Impacts) of the Southwark Plan 2022.

33. The Class E/F1(a) floorspace shall not be used except during the hours of 07.00 - 23.00 on any day.

Reason: To ensure that the occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance, and to reduce vehicle movements on the local road network during peak times, in accordance with the National Planning Policy Framework 2021; Policy T7 (Deliveries, Servicing and Construction) of the London Plan; and Policy P50 (Highways Impacts) of the Southwark Plan.

34. 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, 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: 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 paragraph 183 and Policy P64 (Contaminated land and hazardous substances) of the Southwark Plan.

35. The development hereby permitted shall be constructed to include the energy efficiency measures stated in the Energy Strategy prepared by JAW and submitted in support of the application. All measures and technologies shall remain for as long as the development is occupied, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure the development complies with the National Planning Policy Framework, Strategic Policy SP4 of the Southwark Plan, and Policy S1 2 (Minimising greenhouse gas emissions) of the London Plan.

36. The existing trees on or adjoining the site which are to be retained shall be protected and both the site and trees managed in accordance with the recommendations contained in the Arboricultural Method Statement. All tree protection measures shall be installed, carried out and retained throughout the period of the works, unless otherwise agreed in writing by the Local Planning Authority. In any case, all works must adhere to BS5837: (2012) Trees in relation to demolition, design and construction and BS3998: (2010) Tree work - recommendations. If within the expiration of 5 years from the date of the occupation of the building for its permitted use any retained tree is removed, uprooted is destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

Reason: To avoid damage to the existing trees which represent an important visual amenity in the area, in accordance with The National Planning Policy Framework Parts 8, 11, 12, 15 and 16, Policies G1 (Green Infrastructure), G5 (Urban Greening) and G7 (Trees and Woodlands) of the London Plan, and Policy P61 (Trees) of the Southwark Plan.

Substantive response

Substantive response from the Health and Safety Executive (HSE) to the local planning authority (LPA) as a statutory consultee.

To LPA	LB Southwark
LPA planning ref no	21/AP/4297
Our ref	pgo-0793
Site address	Avonmouth House 6, Avonmouth Street, London, Southwark SE1 6NX
Proposal description	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.
Date on fire statement (Date the fire statement was completed)	27/10/2021
Date application received (Date HSE received notification from LPA)	18/01/2022
Date response sent (Date HSE sent substantive response to LPA)	07/02/2022

Headline response from HSE

Headline Response from HSE **'Advice to LPA' - Significant Concern**

1. Substantive response

Thank you for consulting HSE about this application.

« Nature of Response Advice provided to the planning authority Nature of Response »

Means of escape and fire service access

- 1.1 The fire statement (section 2) states that the above ground floors will be served by a single stair core, which will be designed as a firefighting stair. The plan drawings illustrate the

proposed stair continuing down to the basement level 2 and connecting with the ancillary areas. The fire safety guidance and standard require that, in single stair buildings, the stair should not continue down to the basement and the same applies to the firefighting lifts. This is due to the risk of smoke and heat from the basement compromising the means of escape and fire service access. Additionally, where a common stair forms part of the only escape route from a flat, it should not serve any ancillary accommodation. The proposed solution, illustrated on the ground floor plan, to separate the stairs at the ground level is acceptable only in small buildings, under 11 m height. Resolving this issue may affect land use planning considerations such as design and layout of the building.

- 1.2 The fire statement (section 6) states that the proposed building is over 50 m and that a dry fire main will serve the firefighting shaft (fire statement, section 10). Where there are floors higher than 50 m above firefighting access level, wet fire mains should be installed because of the pressures required to provide adequate water supplies at the landing valves at upper floors and to ensure that water is immediately available at all floor levels. The provision of a wet fire main will require water tanks and pumps which is likely to affect land use planning considerations such as design and layout of the building.
- 1.3 The ground floor plan illustrates the final exit for the escape route from the common stairs next to the bin store. The fire standard states that the access to refuse storage chambers should not be sited adjacent to escape routes or final exits. Further engineering analysis may be necessary to determine if a fire emanating from the bin store, could impede escape from the residential accommodation. Any consequent design changes may affect land use planning considerations such as design and appearance of the building.
- 1.4 The ground floor plan illustrates the access for firefighters to the firefighting shaft via the concierge which connects with ancillary accommodation. The entry to a firefighting shaft should be available either directly from the open air or by way of a protected corridor, which should not be used as a circulation space and should be separated from adjoining accommodation by lobbies. Resolving this issue may affect land use planning considerations such as design and layout of the building.
- 1.5 The upper floor plan drawings illustrate each floor having a flat with the exit door directly to the firefighting lobby. The access to the accommodation from the firefighting lift or stair should be through a firefighting lobby, as a single fire door cannot provide adequate protection to the firefighting stair and lift, from a fire in the accommodation. Resolving this issue may affect land use planning considerations such as design and layout of the building.

2. Supplementary information

The following points do not contribute to HSE's overall headline response and are intended only for guidance/clarification purposes. These comments identify items that may have implications for planning and could usefully be considered now.

- 2.1 It could not be confirmed from the information provided if there are disabled refuge points provided to the upper floor. Consideration should be given to the interaction between the disabled refuges and the dry riser outlets in the firefighting stair. The presence of charged fire hoses could hinder effective use of the disabled refuge; likewise, the use of a refuge could prevent access to the dry riser outlet. Ensuring the provision and location of disabled

refuges is suitable may affect land use planning considerations such as the layout of the building, and disabled persons' access.

Yours sincerely

07/02/2022



Fire Safety Information Assessor
Signed by: Ciprian.Burtila

This substantive response provides fire safety advice to the local planning authority. It's based on the information provided as it relates to land use planning.

It takes into account any fire safety information from section 9 of the fire statement form (where it relates to land use planning).

This response does not provide advice on any of the following:

- **matters that are or will be subject to Building Regulations regardless of whether such matters have been provided as part of the application**
- **matters related to planning applications around major hazard sites, licensed explosive sites and pipelines**
- **applications for hazardous substances consent**
- **London Plan policy compliance**

APPENDIX 3**Statement of Common Ground****Avonmouth House****Appeal Draft Statement of Common Ground**

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1.0 Appeal reference

1.1 APP/A5840/W/22/3303205

2.0 Site address and description

2.1 The appeal relates to the non-determination of a planning application by the London Borough of Southwark ("LB Southwark") (ref: 21/AP/4297) for the mixed-use redevelopment of Avonmouth House, 6 Avonmouth Street, London, SE1 6NX, on behalf of Tribe Avonmouth House Limited ("the Appellant").

The Site

2.2 The site is located within the Chaucer ward. The site is accessed from the southern and western side of Avonmouth Street, approximately 50 metres from the Newington Causeway (A3) junction. An extract from the Site Location Plan is provided below.



Figure 1: Site Location Plan

2.3 The site measures 0.12 hectare and comprises a two storey building constructed in the late 1980s and an area of hard surfaced vehicular access. It is currently occupied by etc. venues and comprises a mix of uses including corporate training and conference facilities, meeting rooms, lecture theatres, offices, and associated catering facilities.

2.4 The site is adjoined to the west by Coburg House (63-67 Newington Causeway), a seven storey commercial building fronting Newington Causeway; and Balppa House (57-61 Newington Causeway), a five storey mixed-use building on the corner of Newington Causeway and Avonmouth

Street. Coburg House has a private right of way on the existing northeast area of the site, which would remain post-development.

- 2.5 Adjoining the site to the north is a group of mainly 20th century, four storey commercial buildings with some residential above that front onto Newington Causeway. Included within this group is the three storey Southwark Playhouse (77-85 Newington Causeway) and the only surviving 19th century locally listed building at 73-75 Newington Causeway. Opposite to the east is Newington Gardens, a non-designated heritage asset. To the south of the site is the large Rockingham Estate formed of 19 predominantly five storey residential blocks set around quadrangles and areas of open amenity space.
- 2.6 There are no listed buildings on the site and the site is not located within a conservation area. Nearby heritage assets include the Grade II Listed Inner London Session Court, approximately 50m to the northeast of the site, and the Trinity Square Conservation Area, approximately 250m northeast of the site. The site is within the setting of non-designated heritage assets including the locally listed building at 73-75 Newington Causeway and Newington Gardens.
- 2.7 The site is well located for quick and convenient access to various modes of transport, including on foot, by bicycle and public transport. The site's public transport accessibility level (PTAL) is classified as "excellent" with a rating of 6b on a scale where 1a is poor and 6b is excellent. High frequency bus services are available from the bus stops located immediately adjacent to the Avonmouth Street/Newington Causeway junction. These stops are known as the Inner London Crown Court stops and are served by the 35, 133, 343 and C10 services as well as the N133 and N343 night bus services. Elephant and Castle Underground Station is located approximately 400 metres walk to the southwest of the site. It is located on the Bank branch of the northern line with a typical off-peak frequency of 20 trains per hour in each direction. It is also the terminus of the Bakerloo line with approximately 14 trains arriving and departing per hour. Elephant and Castle National Rail Station is located approximately 650 metres to the southwest of the site. It provides services to London Blackfriars, Kentish Town, St Albans City, Sevenoaks and Sutton amongst others.
- 2.8 There are a wide range of amenities within walking distance of the site and the two nearest university campuses, University of the Arts and London South Bank, are both within a 5 minute walk of the site.
- 2.9 The site is located in Flood Zone 3 within an area that benefits from flood defences.

Site Designations

- 2.10 The site has the following designations according to the Southwark Plan Planning Policy Interactive Map:
 - Forms part of Site Allocation NSP46: 63 – 85 Newington Causeway;
 - Elephant and Castle Major Town Centre;
 - Strategic Cultural Area – Elephant and Castle Strategic Cultural Quarter;
 - Elephant and Castle Opportunity Area;
 - Central Activities Zone;
 - Archaeological Priority Area (North Southwark and Roman Roads);
 - Air Quality Management Area; and

- Environment Agency Flood Zone 3 area.

Surrounding Area

- 2.11 The area surrounding the site is mixed in character, comprising largely commercial, retail and leisure uses to the west and residential use to the south and east, which form the Rockingham Estate.
- 2.12 The site is within an area experiencing rapid regeneration and transformation in townscape terms, reflective of its opportunity area status. Within the immediate vicinity of the site, between Southwark Playhouse and the railway viaduct, is the recently constructed 24 storey mixed-use retail, hotel and residential scheme by SPPARC Architecture known as 'The Kite' (87 Newington Causeway). Further to the west of the railway viaduct is 'The Signal' building, a 22 storey apartment building at 89-93 Newington Causeway. Two Fifty One London (formerly Eileen House) stands at 41 storeys high and is located opposite 80-94 Newington Causeway.
- 2.13 Planning permission was granted in January 2020 for a 21 storey mixed commercial building at 5-9 Rockingham Street and 2-4 Tiverton Street and a further application is currently pending for a mixed-use 23 storey building including 259 student bedrooms (LPA ref: 22/AP/1068). Other sites within the immediate area that are identified for large scale future redevelopment in the Southwark Plan include the Salvation Army Headquarters and Skipton House, both on Newington Causeway to the southwest of the railway viaduct; and the Newington Triangle site bounded by Borough Road, Newington Causeway, and the railway viaduct. Formerly owned by Peabody Estate, Newington Triangle has been acquired by Berkeley Homes and currently houses the temporary food market, Mercato Metropolitano, although it is allocated for mixed-use development with an indicative capacity of 438 homes with the potential for tall buildings.

3.0 Description of development

- 3.1 The agreed description of development is:

“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.”

4.0 Latest plans on which the Council has consulted

- 4.1 Refer to Core Documents List at Appendix 1.

5.0 New plans not previously seen or consulted on by the LPA

- 5.1 Refer to Core Documents List at Appendix 1.
- 5.2 Following amendments to Condition 18 it has been agreed between the LPA and the appellant that amended plans will be submitted to show the policy compliant cycle parking provision.

6.0 Relevant planning history

- 6.1 The Council's online planning application database provides the following planning history for the site:

Application reference	Description of Development	Date received	Decision
89/AP/0133	Change of use from office B1 to educational D1 at 6 Avonmouth Street SE1	10 January 1989	Granted
04/AP/1181	Retention of external refurbishment works to include new planters, resurface existing driveway, installation of new railings to semi-enclosed area and installation of a double set of doors to entrance	2 July 2004	Granted
04/AP/1607	Relocation of existing free standing advertisement sign, to be positioned within a proposed planter	1 September 2004	Granted

- 6.2 In addition to the subject appealed application, there is a live planning application at the site (ref: 22/AP/2227) with a statutory expiry date of 30 August 2022. The application is for:

“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..”

7.0 List of important development plan policies

- 7.1 The development plan for LB Southwark comprises:

- The Southwark Plan (February 2022)
- The London Plan (March 2021)

- 7.2 Relevant policies within the Southwark Plan are as follows:

- Policy ST1 Southwark's Development Targets
- Policy ST2 Southwark's Places
- Policy SP1 Homes for all
- Policy SP4 A green and inclusive economy
- Policy SP6 Climate Emergency
- Policy AVP.09 Elephant and Castle Area Vision
- Policy P5 Student homes
- Policy P13 Design of places
- Policy P14 Design quality
- Policy P16 Designing out crime
- Policy P17 Tall buildings

- Policy P18 Efficient use of land
- Policy P20 Conservation areas
- Policy P21 Conservation of the historic environment and natural heritage
- Policy P22 Borough views
- Policy P23 Archaeology
- Policy P26 Local list
- Policy P27 Education places
- Policy P28 Access to employment and training
- Policy P30 Office and business development
- Policy P31 Affordable Workspace
- Policy P35 Town and local centres
- Policy P45 Healthy developments
- Policy P47 Community uses
- Policy P49 Public transport
- Policy P50 Highways impacts
- Policy P50 Walking
- Policy P53 Cycling
- Policy P55 Parking standards for disabled people and the physically impaired
- Policy P56 Protection of amenity
- Policy P59 Green infrastructure
- Policy P60 Biodiversity
- Policy P61 Trees
- Policy P62 Reducing waste
- Policy P65 Improving air quality
- Policy P66 Reducing noise pollution and enhancing soundscapes
- Policy P67 Reducing water use
- Policy P68 Reducing flood risk
- Policy P69 Sustainability standards
- Policy P70 Energy
- Policy IP3 Community infrastructure levy (CIL) and Section 106 planning obligations
- Site Allocation NSP46: 63-85 Newington Causeway

7.3 Relevant policies within the London Plan are as follows:

- Policy GG2 Making the best use of land
- Policy GG4 Delivering the homes Londoners need
- Policy SD1 Opportunity Areas
- Policy SD3 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 SD10 Strategic and local regeneration
- Policy D1 London's form, character and capacity for growth
- 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 D12 Fire safety
- Policy D14 Noise
- Policy H1 Increasing housing supply
- Policy H5 Threshold approach to applications
- Policy H15 Purpose-built student accommodation
- Policy S2 Health and social care facilities
- Policy S3 Education and childcare facilities
- Policy E1 Offices
- Policy E2 Providing suitable business space
- Policy E3 Affordable workspace
- Policy E8 Sector growth opportunities and clusters
- Policy HC1 Heritage conservation and growth
- Policy HC3 Strategic and Local Views
- 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 7 Reducing waste and supporting the circular economy
- Policy SI 13 Sustainable drainage
- Policy T1 Strategic approach to transport
- Policy T2 Healthy Streets
- Policy T5 Cycling
- Policy T6 Car parking

8.0 Other relevant planning policy/guidance/material considerations

8.1 The following are material considerations in the determination of the planning application:

- The National Planning Policy Framework (July 2021)
- Planning Practice Guidance (March 2014 and updated on a continuous basis)
- LB Southwark Supplementary Planning Documents:
 - Elephant and Castle SPD/OAPF (2012)
 - Heritage SPD (2021)
 - Affordable Housing SPD (adopted 2008, draft update consulted on in 2011)
 - Development Viability SPD (2016)
 - Design and Access Statements SPD (2007)
 - Section 106 and CIL SPD (adopted 2015 and amended in November 2020)
 - Sustainability Assessments SPD (2009)
 - Sustainable Design and Construction SPD (2009)

- London Plan Supplementary Guidance:
 - Affordable Housing and Viability (August 2017)
 - Housing (March 2016)
 - Accessible London: Achieving an Inclusive Environment (October 2014)
 - The control of dust and emissions during construction and demolition (July 2014)
 - Character and Context (June 2014)
 - Use of planning obligations in the funding of Crossrail, and the Mayoral Community Infrastructure Levy (April 2013)
 - London Planning Statement (May 2014)
 - Planning for Equality and Diversity in London (October 2007)
 - Be Seen energy monitoring (September 2021)
 - Circular economy statements (March 2022)
 - Energy Planning Guidance (June 2022)
 - The control of dust and emissions in construction (July 2014)
 - Whole life carbon (March 2022)
 - Sustainable Transport, Walking and Cycling (September 2021 - draft)
 - Air quality neutral (September 2021 - draft)
 - Fire safety (February 2022 - draft)
 - Optimising Site Capacity: A Design-led Approach (February 2022 - draft)
 - Urban greening factor (September 2021 - draft)

9.0 Matters in Dispute

- 9.1 The Council considers that proposed development is contrary to policies P13 ('Design of places'), and P17 ('Tall buildings') of the Southwark Plan 2022 as:
- it fails to respond positively to the existing character and context and would as a result harm the local townscape,
- 9.2 The council considers that the public benefits of the proposal would not outweigh the harm that would be caused to the local townscape.
- 9.3 The Council considers that there are no other material considerations which indicate that it would be appropriate to grant planning permission.
- 9.4 Given the timetable for this appeal, the Appellant is unable to comment meaningfully upon paragraphs 9.1-9.3 above (which are text provided by the Council) as the Appellant has not yet had sight of the Council's reason(s) for refusal. As this is a non-determination appeal, the Appellant will be unable to comment conclusively upon which matters are agreed and those which are not until it has seen the Council's reason(s) for refusal. We understand that the Council intends to present a report to the Planning Committee on 2nd November for authority to challenge the appeal and the likely grounds for refusal if the application had been determined. If we consider it would be helpful to update the matters of agreement/disagreement once we are in receipt of the Council's reason(s) for refusal, then we will seek to agree a supplementary Statement of Common Ground in advance of the inquiry.

Appendix 1 – Core Documents List

AVONMOUTH HOUSE APPEAL CORE DOCUMENTS LIST
LPA Reference: 21/AP/4297

Part 05 (b) A list of all plans, drawings and documents (stating drawing numbers) submitted with the application to the LPA

No.	Name of Plan/Document	Reference	Author
1.0	Application Form and Site Ownership Certificate B	No doc ref provided	hgh Consulting
1.1	CIL Additional Information Requirement Form	No doc ref provided	hgh Consulting
Plans and Drawings			
1.2	Existing site location plan	21235 - STCH - XX - ZZ - DR - A - 1001	Stitch Architects
1.3	Existing site plan	21235 - STCH - XX - ZZ - DR - A - 1002	Stitch Architects
1.4	Existing site elevation – northeast	21235 - STCH - XX - ZZ - DR - A - 1003	Stitch Architects
1.5	Existing site elevations	21235 - STCH - XX - ZZ - DR - A - 1004	Stitch Architects
1.6	Existing site section	21235 - STCH - XX - ZZ - DR - A - 1005	Stitch Architects
1.7	Proposed site plan	21235 - STCH - XX - ZZ - DR - A - 1050	Stitch Architects
1.8	Proposed block plan	21235 - STCH - XX - ZZ - DR - A - 1051	Stitch Architects
1.9	Proposed building – Basement 2 plan	21235 - STCH - XX - B2 - DR - A - 1100	Stitch Architects
1.10	Proposed building – Basement plan	21235 - STCH - XX - B1 - DR - A - 1101	Stitch Architects
1.11	Proposed building – Ground floor plan	21235 - STCH - XX - 00 - DR - A - 1102	Stitch Architects
1.12	Proposed building – 1st floor plan	21235 - STCH - XX - 01 - DR - A - 1103	Stitch Architects
1.13	Proposed building – 2nd floor plan	21235 - STCH - XX - 02 - DR - A - 1104	Stitch Architects
1.14	Proposed building – 3 rd – 6 th floor plan	21235 - STCH - XX - ZZ - DR - A - 1105	Stitch Architects
1.15	Proposed building – 7 th floor plan	21235 - STCH - XX - 07 - DR - A - 1106	Stitch Architects
1.16	Proposed building – 8 th – 13 th floor plan	21235 - STCH - XX - ZZ - DR - A - 1107	Stitch Architects
1.17	Proposed building – 14 th – 15 th floor plan	21235 - STCH - XX - ZZ - DR - A - 1108	Stitch Architects
1.18	Proposed building – Roof plan	21235 - STCH - XX - RF - DR - A - 1109	Stitch Architects
1.19	Proposed building – North west elevation	21235 - STCH - XX - ZZ - DR - A - 1200	Stitch Architects
1.20	Proposed building – North east elevation	21235 - STCH - XX - ZZ - DR - A - 1201	Stitch Architects
1.21	Proposed building – South east elevation	21235 - STCH - XX - ZZ - DR - A - 1202	Stitch Architects
1.22	Proposed building – South west elevation	21235 - STCH - XX - ZZ - DR - A - 120	Stitch Architects
1.23	Proposed building – North east site elevation	21235 - STCH - XX - ZZ - DR - A - 1204	Stitch Architects
1.24	Proposed building – South east site elevation	21235 - STCH - XX - ZZ - DR - A - 1205	Stitch Architects
1.25	Proposed building - Section AA	21235 - STCH - XX - ZZ - DR - A - 1300	Stitch Architects
1.26	Proposed building - Section BB	21235 - STCH - XX - XX - DR - A - 1301	Stitch Architects

1.27	Proposed layouts Typical Ensuite 01	20221 - STCH - XX - ZZ - DR - A - 1400	Stitch Architects
1.28	Proposed layouts Typical Ensuite 02	20221 - STCH - XX - ZZ - DR - A - 1401	Stitch Architects
1.29	Proposed layouts Typical studio	20221 - STCH - XX - ZZ - DR - A - 1402	Stitch Architects
1.30	Proposed layouts Typical accessible studio	20221 - STCH - XX - ZZ - DR - A - 1403	Stitch Architects
1.31	Detail elevation study 01	20221 - STCH - XX - ZZ - DR - A - 1500	Stitch Architects
1.32	Detail elevation study 02	20221 - STCH - XX - ZZ - DR - A - 1501	Stitch Architects
1.33	Detail elevation study 03	20221 - STCH - XX - ZZ - DR - A - 1502	Stitch Architects
1.34	Detail elevation study 04	20221 - STCH - XX - ZZ - DR - A - 1503	Stitch Architects
1.35	Detail elevation study 05	20221 - STCH - XX - ZZ - DR - A - 1504	Stitch Architects
1.36	3D Massing Model	20221 - STCH - XX - ZZ - M1 - A - 1700	Stitch Architects
1.37	Landscape GA	TM-502-LA-101	Turkington Martin
1.38	Landscape Terrace	TM-502-LA-102	Turkington Martin
Documents			
1.39	Design and Access Statement, including: <ul style="list-style-type: none"> • Accessibility Statement • Secure by Design Statement 	No doc ref provided	Stitch Architects
1.40	Accommodation and Area Schedule	No doc ref provided	Stitch Architects
1.41	Landscape Statement (including Urban Greening Factor calculation)	TM502 RE07	Turkington Martin
1.42	Letter of support from the University of London	No doc ref provided	UoL
1.43	Letter from ETC Venues		ETC Venues
1.44	Planning Statement	No doc ref provided	hgh Consulting
1.45	Air Quality Assessment	2102760-01	Ardent
1.46	Flood Risk Assessment and Drainage Strategy (including SuDs Proforma)	2102760-04	Ardent
1.47	Delivery and Servicing Management Plan	2102760-10	Ardent
1.48	Car Park Management Plan	2102760-11	Ardent
1.49	Outline Construction Logistics Plan	2102760-09	Ardent
1.50	Student Management Plan (Transport)	2102760-06	Ardent
1.51	Framework Travel Plan	2102760-07	Ardent
1.52	Noise and Vibration Assessment	2102760-02A	Ardent
1.53	Utilities and Services Statement	2102760-05	Ardent
1.54	Healthy Streets Transport Assessment	2102760-08	Ardent
1.55	Daylight and Sunlight Assessment	P2747	Point 2
1.56	Overheating Assessment	No doc ref provided	JAW Sustainability

1.57	Circular Economy Statement	No doc ref provided	JAW Sustainability
1.58	Energy Strategy (including Carbon Emissions Reporting Spreadsheet)	No doc ref provided	JAW Sustainability
1.59	Sustainability Statement (including BREEAM Pre-Assessment)	No doc ref provided	JAW Sustainability
1.60	Life Cycle Carbon Assessment	No doc ref provided	JAW Sustainability
1.61	Archaeological Desk-Based Assessment	JAC27293	RPS
1.62	Fire Statement	F10245	Clarke Banks
1.63	Preliminary Ecological Appraisal	No doc ref provided	The Ecology Partnership
1.64	Wind Microclimate Assessment	No doc ref provided	Urban Microclimate
1.65	Statement of Community Involvement	No doc ref provided	Carvil Ventures
1.66	Engagement Summary (Development Consultation Charter)	No doc ref provided	Carvil Ventures
1.67	Ground Investigation and Basement Impact Assessment	P3637J2281/CLP	Jomas Associates
1.68	Student Housing Management Plan		Tribe
1.69	Heritage Townscape and Visual Assessment	No doc ref provided	Citydesigner (AVRs by The Visualiser)
1.70	Arboricultural Survey	5810/21-01 Rev 1	PJC Consultancy
1.71	Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan	5810/21-02 Rev 1	PJC Consultancy
1.72	Plant Assessment	No doc ref provided	hgh Consulting
1.73	Viability Report (Private and Confidential) and Executive Summary (Public)	No doc ref provided	James R Brown & Co
1.74	Southwark Student Housing Demand Study	No doc ref provided	Knight Frank
1.75	Employment Land Report	No doc ref provided	Union Street Partners

Part 06 (b): A list of all plans, drawings and documents (stating drawing numbers) which did not form part of the original application

No.	Name of Plan/Document	Reference	Author
Document submitted on 03 February 2022			
2.0	Letter of support from LSBU	No doc ref provided	LSBU
Document submitted on 20 April 2022			
2.1	Letter to case officer regarding LSBU involvement	No doc ref provided	hgh Consulting

Documents submitted on 13 May 2022			
2.2	Circular Economy Statement (Version 02)	No doc ref provided	JAW Sustainability
2.3	GLA Circular Economy Memo (Excel)	No doc ref provided	JAW Sustainability
2.4	GLA Whole Life Carbon Memo (Excel)	No doc ref provided	JAW Sustainability
2.5	GLA Whole Life Carbon Assessment Template (Excel)	No doc ref provided	JAW Sustainability
Documents, drawings and plans submitted on 27 May 2022			
2.6	Proposed building – Basement 2 plan	21235 - STCH - XX - B2 - DR - A – 1100 Rev A	Stitch Architects
2.7	Proposed building – Ground floor plan	21235 - STCH - XX - 00 - DR - A – 1102 Rev B	Stitch Architects
2.8	Proposed building – 2nd floor plan	21235 - STCH - XX - 02 - DR - A – 1104 Rev A	Stitch Architects
2.9	Proposed building – 3 rd – 6 th floor plan	21235 - STCH - XX - ZZ - DR - A – 1105 Rev A	Stitch Architects
2.10	Proposed building – 7 th floor plan	21235 - STCH - XX - 07 - DR - A – 1106 Rev A	Stitch Architects
2.11	Proposed building – 8 th – 13 th floor plan	21235 - STCH - XX - ZZ - DR - A – 1107 Rev A	Stitch Architects
2.12	Proposed building – 14 th – 15 th floor plan	21235 - STCH - XX - ZZ - DR - A – 1108 Rev A	Stitch Architects
2.13	Proposed layout Typical Ensuite 01	21235 - STCH - XX - ZZ - DR - A – 1400 Rev A	Stitch Architects
2.14	Proposed layout Typical Ensuite 02	21235 - STCH - XX - ZZ - DR - A – 1401 Rev A	Stitch Architects
2.15	Foul and Surface Water Drainage Drawing	2102760-001 Rev A	Ardent
2.16	Applicant team's response to GLA Stage 1 Report	No doc ref provided	hgh Consulting
2.17	Schedule of drawings to be replaced	No doc ref provided	hgh Consulting
2.18	Updated Fire Statement (25th May 2022)	F10245	Clarke Banks
2.19	TRICS Sensitivity Test	No doc ref provided	Ardent
2.20	Inclusive Design Statement	No doc ref provided	Stitch Architects
2.21	Design and Access Statement Addendum	No doc ref provided	Stitch Architects
2.22	Sustainability Statement (24th May 2022)	No doc ref provided	JAW Sustainability
2.23	Energy Strategy (24th May 2022)	No doc ref provided	JAW Sustainability
2.24	Overheating Assessment (25th October 2021)	No doc ref provided	JAW Sustainability
2.25	GLA Carbon Emissions Reporting Spreadsheet (Excel)	No doc ref provided	JAW Sustainability
2.26	Stage 1 GLA Consultation – Energy Memo (Excel)	No doc ref provided	JAW Sustainability
Documents, drawings and plans submitted on 30 June 2022			
2.27	Circular Economy Statement (Version 03)	No doc ref provided	JAW Sustainability
2.28	Proposed building – Ground floor plan	21235 - STCH - XX - 00 - DR - A – 1102 Rev C	Stitch Architects
2.29	Stitch Drawing Register	No doc ref provided	Stitch Architects
2.30	Schedule of drawings to be replaced v2	No doc ref provided	hgh Consulting
2.31	GLA Circular Economy Memo (Excel)	No doc ref provided	JAW Sustainability
2.32	GLA Whole Life Carbon Memo (Excel)	No doc ref provided	JAW Sustainability
2.33	GLA Whole Life Carbon Assessment Template (Excel)	No doc ref provided	JAW Sustainability

Documents submitted on 03 July 2022			
2.34	Energy Strategy (1st July 2022)	No doc ref provided	JAW Sustainability
2.35	Stage 1 GLA Consultation - Energy Memo (Excel)	No doc ref provided	JAW Sustainability

Part 09 (b): A list of all plans and drawings submitted but not previously seen by the LPA

No.	Name of Plan/Document	Reference	Author	Date
3.0	Economic Impact and Regeneration Statement	No doc ref provided	Propernomics Ltd	June 2022
3.1	Daylight and Sunlight Technical Note	No doc ref provided	Point 2	1 July 2022

Part 10: Any relevant correspondence with the LPA, including any supporting information submitted with your application in accordance with the list of local requirements.

No.	Name of Plan/Document	Author	Date
4.0	Email from senior officer - query re Nominations Agreement	LB Southwark	22 December 2021
4.1	Email to senior officer - confirmation on Nominations Agreement	hgh Consulting	23 December 2021
4.2	Email from senior officer - further clarification requested on Nominations Agreement	LB Southwark	4 January 2022
4.3	Email to senior officer – further information provided on Nominations Agreement	hgh Consulting	6 January 2022
4.4	Email to the case officer – update on consultation process	hgh Consulting	12 January 2022
4.5	Email to the case officer – update on viability audit	hgh Consulting	19 January 2022
4.6	Email to the case officer – request for consultation responses	hgh Consulting	25 January 2022
4.7	Email to senior officer – letter of support from LSBU	hgh Consulting and LSBU	3 February 2022
4.8	Emails to LB Southwark Planning Support – request for consultation responses	hgh Consulting	14, 17 February, 2 March 2022
4.9	Email from LB Southwark Planning Support – update on case officer	LB Southwark	3 March 2022
4.10	Email to LB Southwark Planning Support – request for consultation responses	hgh Consulting	7 March 2022
4.11	Email to the case officer – request for consultation responses and general update	hgh Consulting	14 March 2022
4.12	Email to LB Southwark Planning Support – request for consultation responses	hgh Consulting	22 March 2022
4.13	Email from LB Southwark Planning Support – case escalated	LB Southwark	24 March 2022
4.14	Email to the case officer – request for consultation responses	hgh Consulting	13 April 2022
4.15	Email to the case officer – letter confirming latest position re LSBU's involvement	hgh Consulting	20 April 2022

Appendix 2 – List of possible planning conditions

The following planning conditions are suggested in order to make the development acceptable in planning terms.

1. The development to which this permission relates must have commenced not later than the expiration of three years beginning from the date of this decision notice.

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

2. The development hereby permitted shall be carried out in accordance with the approved plans listed in this notice, unless otherwise required by any other condition in this notice.

Reason: To ensure that the Development is undertaken in accordance with the approved drawings and documents to achieve compliance with Development Plan Policies (London Plan 2021 and Southwark Plan 2022), and National Planning Policy Framework 2021.

3. No development shall take place, including any works of demolition, until a written CEMP has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall oblige the applicant, developer and contractors to commit to current best practice with regard to construction site management and to use all best endeavours to minimise off- site impacts, and will include the following information:

- A detailed specification of demolition and construction works at each phase of development including consideration of all environmental impacts and the identified remedial measures;
- Site perimeter continuous automated noise, dust and vibration monitoring;
- Engineering measures to eliminate or mitigate identified environmental impacts e.g., hoarding height and density, acoustic screening, sound insulation, dust control measures, emission reduction measures, location of specific activities on site, etc.;
- Arrangements for a direct and responsive site management contact for nearby occupiers during demolition and/or construction (signage on hoardings, newsletters, residents' liaison meetings, etc.)
- A commitment to adopt and implement of the ICE Demolition Protocol and Considerate Contractor Scheme; Site traffic - Routing of inbound and outbound site traffic, one-way site traffic arrangements on site, location of lay off areas, etc.;
- Site waste Management - Accurate waste stream identification, separation, storage, registered waste carriers for transportation and disposal at appropriate destinations.

- A commitment that all NRMM equipment (37 kW and 560 kW) shall be registered on the NRMM register and meets the standard as stipulated by the Mayor of London.

All demolition and construction work shall be undertaken in strict accordance with the approved CEMP and other relevant codes of practice, unless otherwise agreed in writing by the Local Planning Authority.

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 Southwark Plan Policies P50 (Highways impacts) and P56 (Protecting amenity), London Plan Policy T4 (Assessing and mitigating transport impacts), and the National Planning Policy Framework.

4. a.) No development shall take place until a remediation scheme has been submitted to and approved in writing by the Local Planning Authority. Following the completion of the works and measures identified in the approved remediation strategy, a verification report providing evidence that all works required by the remediation strategy have been completed, together with any future monitoring or maintenance requirements shall be submitted to and approved in writing by the Local Planning Authority.

b.) In the event that potential contamination is found at any time when carrying out the approved development that was not previously identified, it shall be reported in writing immediately to the Local Planning Authority, and a scheme of investigation and risk assessment, a remediation strategy and verification report (if required) shall be submitted to the Local Planning Authority for approval in writing.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with Southwark Plan Policy P64 (Contaminated land and hazardous substances) and the National Planning Policy Framework.

5. No works (excluding demolition and site clearance) shall commence until full details of the proposed surface water drainage system incorporating the Sustainable Drainage Systems (SuDS) have been submitted to and approved in writing by the Local Planning Authority, including detailed design, dimensions, depth and location of attenuation units and flow control devices. The specific SuDS type, arrangement and material should be given in line with the proposed strategy dependant on any necessary site investigations. The strategy should achieve a reduction in surface water runoff rates as detailed in the approved 'Flood Risk Assessment and Drainage Strategy' prepared by Ardent. The applicant must confirm that the site is safe in the event of blockage/failure of the system, including consideration of exceedance flows. The site drainage must be constructed to the approved details.

Reason: To minimise the potential for the site to contribute to surface water flooding in accordance with Southwark's Strategic Flood Risk Assessment (2017), Policy SI 13 of the London Plan, and Policy P68 of the Southwark Plan.

6. Before any work hereby authorised begins, excluding demolition to ground slab level and site investigation works, the applicant shall secure the implementation of a programme of archaeological evaluation works in accordance with a written scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority.

In the event archaeology of national significance is found on the site, a scheme shall be submitted to the council for approval to ensure this will be preserved in-situ. The scheme shall be implemented during the construction period and within the completed development as approved.

Reason: In order that the applicants supply the necessary archaeological information to ensure suitable mitigation measures and/or foundation design proposals be presented in accordance with Policy P23 Archaeology of the Southwark Plan (2022) and the National Planning Policy Framework 2021.

7. Before any work hereby authorised begins (excluding demolition to ground slab level and archaeological evaluation), the applicant shall secure the implementation of a programme of archaeological mitigation works in accordance with a written scheme of investigation, which shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order that the details of the programme of works for the archaeological mitigation 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) and the National Planning Policy Framework 2021.

8. a) Prior to commencement of the development (excluding demolition and site investigation works) hereby permitted, the applicant shall submit to and receive the Local Planning Authority's approval of a Public Engagement Programme which shall set out:

- 1) How the field work areas will be hoarded to provide opportunities for passers-by to safely view the excavations;
- 2) Detailed drawings (artwork, design, text and materials, including their location and a full specification of the construction and materials) for the public interpretation and presentation display materials celebrating the historic setting of the site, which will 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 field work 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 fieldwork phase, the hoarding shall be installed in full accordance with the LPA-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 fieldwork phase.

c) During the fieldwork phase, the event (referred to in part a.3) shall be carried out.

d) Before first occupation of any part of the development, detailed drawings (artwork, design, text and materials, including their location and a full specification of the construction and materials) for the public interpretation and presentation display materials celebrating the historic setting of the site, in some form of permanent display case or signage to be installed within a publicly-accessible part of the development hereby approved. The approved display case or signage shall be installed in accordance with the approval and shall not be replaced other than with a display case or signage of similar specification and bearing the same information.

Reason: To promote the unique setting of the application site and provide information on the special archaeological and historical interest of this part of Southwark, in accordance with Policy P23 Archaeology of the Southwark Plan (2022) and the National Planning Policy Framework 2022.

9. Within one year of the completion of the archaeological work on site, an assessment report detailing the proposals for the off-site analyses and post-excavation works, including publication of the site and preparation for deposition of the archive, shall be submitted to and approved in writing by the Local Planning Authority, and the works detailed in the assessment report shall not be carried out otherwise than in accordance with any such approval given. The assessment report shall provide evidence of the applicant's commitment to finance and resource these works to their completion.

Reason: In order that the archaeological interest of the site is 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 Policy P23 (Archaeology) of the Southwark Plan, Policy HC1 (Heritage conservation and growth) of the London Plan, and the National Planning Policy Framework.

10. Details of access for fire appliances as required by Approved Document B of the Building Regulations and details of adequate water supplies for fire fighting purposes should be provided prior to the implementation of the scheme and should be secured in perpetuity on completion of the scheme.

Reason: To minimise the risk to life and minimise building damage in the event of a fire, in accordance with the National Planning Policy Framework and Policy D12 (Fire safety) of the London Plan.

11. Prior to works commencing, including any demolition and no later than RIBA Stage 4, a Planning Stage Circular Economy Statement (CES) shall be submitted to and approved in writing by the Local Planning Authority. The CES shall include

- a Bill of Materials including kg/m2 and recycled content (target for a minimum 20%) for the development;
- a Recycling and Waste Reporting table, evidencing that the proposal would reuse/recycle/recover 95% of construction and demolition waste, and put 95% of excavation waste to beneficial use;
- a Pre-demolition/Refurbishment Audit;
- a Letter of Commitment, pledging to submit a Post-Completion Report within 3 months of completion of the development;
- a Building End-of-Life Strategy;
- a Final Destination Facilities List; and
- evidence of any destination landfill sites' capacity to receive waste.

The development shall be implemented in accordance with the CES. Unless otherwise agreed by the Council, to comply with the Circular Economy Statement for the full life cycle of the Development.

Reason: To ensure that the proposal responds appropriately to climate change policies by reducing carbon emissions and minimising waste streams in accordance with London Plan Policies SI7 (Reducing waste and supporting the circular economy) and SI2 (Minimising greenhouse gas emissions), and Southwark Plan Policies P69 (Sustainability standards) and P70 (Energy).

12. No later than three months following substantial completion of the final student accommodation unit within 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 ensure that Planning Stage Circular Economy Statement has been implemented in the construction and delivery of the development, and that all on-going operational measures and mechanisms have been satisfactorily implemented, in order to achieve Circular Economy goals and in accordance with: the National Planning Policy Framework and Policies GG6 (Increasing Efficiency and Resilience) and SI7 (Reducing Waste and Supporting the Circular Economy) of the London Plan.

13. Prior to commencement of any works (with the exception of demolition to ground level and archaeology), 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 the approved plans and maintained as such in perpetuity.

Reason: To provide high quality digital connectivity infrastructure to contribute to London's global competitiveness in accordance with Policy SI6 of the London Plan.

14. Prior to the commencement of any above grade works (excluding demolition), details of bird and bat boxes shall be submitted to and approved in writing by the Local Planning Authority. The bird and bat boxes shall be installed with the development

prior to the first occupation of the building of which they form a part or the first use of the space in which they are contained. The bird and bat boxes shall be installed strictly in accordance with the details so approved and shall be maintained as such thereafter.

Reason: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity in accordance with Southwark Plan Policy P60 (Biodiversity).

15. Prior to commencement of any works above grade (excluding demolition), detailed drawings at a scale of 1:5 or 1:10 through:

- i) all facade variations; and
- ii) commercial fronts and residential entrances; and
- iii) all parapets and roof edges; and
- iv) all balcony details; and
- v) heads, cills and jambs of all openings

to be used in the carrying out of this permission shall be submitted to and approved by the Local Planning Authority in writing. 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 quality of architectural design and details in accordance with Chapter 12 - Achieving well designed places of the NPPF, Policies D4 (Delivering good design) and D9 (Tall buildings) of the London Plan, and Policies P13 (Design of places), P14 (Design quality), and P17 (Tall buildings) of the Southwark Plan.

16. Prior to the commencement of any above grade works (excluding demolition), samples of all external facing materials and full-scale (1:1) mock-ups of the facades to be used in the carrying out of this permission shall be presented on site to the Local Planning Authority and approved in writing. The development shall not be carried out otherwise than in accordance with any such approval given. The facades to be mocked up should be agreed with the Local Planning Authority.

Reason: In order that the Local Planning Authority may be satisfied as to the quality of architectural design and details in accordance with Chapter 12 - Achieving well designed places of the NPPF, Policies D4 (Delivering good design) and D9 (Tall buildings) of the London Plan, and Policies P13 (Design of places), P14 (Design quality), and P17 (Tall buildings) of the Southwark Plan.

17. Prior to the commencement of any above grade works (excluding demolition), details of security measures shall be submitted and approved in writing by the Local Planning Authority and any such security measures shall be implemented prior to occupation in accordance with the approved details which shall achieve the 'Secured by Design' accreditation award from the Metropolitan Police.

Reason: In the interests of securing well designed, safe and secure buildings and neighbourhoods in accordance with Southwark Plan Policy P16 (Designing out crime).

18. Prior to the commencement of any above grade works (excluding demolition), details and 1:50 scale drawings of the secure cycle parking facilities to Southwark Plan 2022 standards shall be submitted for approval. This shall include 302 spaces, including 30 Sheffield racks providing for 60 spaces, including 3 disabled and 3 cargo bicycle spaces.

Details relating to the servicing layout and its relationship with the public highway shall be submitted to be approved in writing by the Local Planning Authority. The cycle parking facilities shall be provided prior to the occupation of the development and thereafter shall be retained and the space used for no other purpose and the development shall not be carried out otherwise than in accordance with any such approval given.

Reason: In order to ensure that satisfactory safe and secure cycle parking and changing facilities are provided and can be easily accessed by users 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 London Plan Policy T5 (Cycling) and Southwark Plan Policy P53 (Cycling).

19. Prior to the commencement of any above grade works (excluding demolition), details of the biodiversity (green/brown) roof(s) shall be submitted to and approved in writing by the Local Planning Authority. The biodiversity (green) roof(s) shall be:

- biodiversity based with extensive substrate base (depth 80-150mm);
- laid out in accordance with agreed plans; and
- planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works (focused on wildflower planting, and no more than a maximum of 25% sedum coverage).

The biodiversity (green) roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair or escape in case of emergency. The biodiversity roof(s) shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter. Discharge of this condition will be granted on receiving the details of the green roof(s) and Southwark Council agreeing the submitted plans. A post completion assessment will be required to confirm the roof has been constructed to the agreed specification.

Reason: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity in accordance with Policies SI 4 (Managing heat risk), SI 13 (Sustainable drainage), G1 (Green Infrastructure), and G5 (Urban Greening) of the London Plan and Policies P59 (Green infrastructure) and P60 (Biodiversity) of the Southwark Plan.

20. Prior to the commencement of any above grade works (excluding demolition), the applicant shall submit written confirmation from the appointed building control body that the specifications for each student bedspace identified in the detailed construction plans meet the standard of the Approved Document M of the Building Regulations (2015). The development

shall be carried out in accordance with the details thereby approved by the appointed building control body.

M4 (Category 3) 'wheelchair user dwellings':- at least 5%

M4 (Category 2) 'accessible and adaptable':- remaining units

Reason: In order to ensure the development complies with Policy P5 (Student homes) of the Southwark Plan and Policy D7 (Accessible Housing) of the London Plan.

21. Prior to the commencement of any above grade works (excluding demolition), full particulars of the sprinkler system to be used within the building shall be submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with any approval given.

Reason: To ensure that there is an adequate level of fire safety within this mixed use development in accordance with Policy D12 (Fire Safety) of the London Plan.

22. Prior to the commencement of any landscaping works, 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 access, terraces, or pathways layouts, materials and edge details), shall be submitted to and approved in writing by the Local Planning Authority. 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 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 in the next planting season 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 Council may be satisfied with the details of the landscaping scheme, in accordance with Chapters 8, 12, 15 and 16 of the National Planning Policy Framework, Policies SI 4 (Managing heat risk), SI 13 (Sustainable drainage), G1 (Green Infrastructure), G5 (Urban Greening), G6 (Biodiversity and access to nature) and G7 (Trees and Woodlands) of the London Plan, and Policies P13 (Design of places), P14 (Design quality), P60 (Biodiversity) and P61 (Trees) of the Southwark Plan.

23. Prior to the commencement of any above grade works (excluding demolition), details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that a minimum of at least two lifts (or more subject to capacity assessments) will be suitably sized fire evacuation lifts 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 order to ensure that the proposed development complies with the requirements of the London Fire Brigade and

Policy D12 (Fire Safety) of the London Plan.

24. Before the first occupation of the building hereby permitted, a revised sustainability strategy shall be submitted to and approved in writing by the Local Planning Authority detailing water efficiency measures to be implemented in the development.

Reason: In order to ensure that the proposed development complies with the requirements of Policy SI 5 of the London Plan.

25. Within three months of completion of the development or commencement of RIBA Stage 6 (whichever occurs earlier) and in any event prior to the building being occupied (or handed over to a new owner (if applicable)), to submit the Post-Construction Whole Life-Cycle Carbon (WLC) Assessment to the GLA.

The WLC assessment shall be submitted to ZeroCarbonPlanning@london.gov.uk. The developer shall use the post construction tab of the GLA's WLC assessment template and the relevant forms must be completed accurately and in their entirety in line with the criteria set out in the GLA's WLC assessment guidance. The Post-Construction Assessment should provide an update of the information submitted at planning submission stage (RIBA Stage 2/3), including the WLC carbon emission figures for all life-cycle modules based on the actual materials, products and systems used. The assessment must be submitted along with supporting evidence as required by the GLA's WLC assessment guidance and, unless otherwise agreed by the Council, within three months of the completion of the development or commencement of RIBA Stage 6 (whichever occurs earlier).

Reason: To ensure whole life-cycle carbon is calculated and reduced and to demonstrate compliance with Policy SI 2 (Minimising Greenhouse Gas Emissions) of the London Plan.

26. Before the first occupation of the building hereby permitted, details of the arrangements for the storing of domestic and commercial refuse shall be submitted to and approved in writing by the Local Planning Authority and the facilities approved shall be provided and made available for use by the occupiers. The facilities shall thereafter be retained and shall not be used or the space used for any other purpose.

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 the National Planning Policy Framework 2021 and Policies P56 (Protection of amenity) and P62 (Reducing waste) of the Southwark Plan 2022.

27. Before the first occupation of the building hereby permitted, a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas shall be submitted to and approved in writing by the Local Planning Authority. The landscape 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 protection of wildlife and supporting habitat and to secure opportunities for the enhancement of the nature conservation value of the site, in accordance with the NPPF, Policies G1 (Green infrastructure),

G5 (Urban greening) and G6 (Biodiversity and access to nature) of the London Plan. It is a mandatory criterion of BREEAM (LE5) to monitor long term impact on biodiversity, a requirement is to produce a landscape and habitat management plan.

28. The student accommodation hereby permitted shall be designed to ensure that the following internal noise levels are not exceeded due to environmental noise:

Bedrooms - 35dB LAeq T†, 30 dB L Aeq T*, 45dB LAFmax T *

Living and Dining rooms- 35dB LAeq T †

* - Night-time - 8 hours between 23:00-07:00

† - Daytime - 16 hours between 07:00-23:00

Reason: To ensure that the occupiers and users of the development do not suffer a loss of amenity by reason of excess noise from environmental and transportation sources in accordance with Southwark Plan Policy P56 (Protection of amenity) and the National Planning Policy Framework.

29. 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 BS4142:2014+A1:2019.

Reason: To ensure that the occupiers and users of the development do not suffer a loss of amenity by reason of excess noise from environmental and transportation sources in accordance with Southwark Plan policy P56 ('Protection of amenity') and the National Planning Policy Framework 2021.

30. Party walls, floors and ceilings between the commercial premises and student accommodation shall be designed to achieve a minimum weighted standardized level difference of 60 dB DnTw+Ctr. Pre-occupation testing of the separating partition shall be undertaken for airborne sound insulation in accordance with the methodology of ISO 16283-1:2014.

Reason: To ensure that the occupiers and users of the development do not suffer a loss of amenity by reason of excess noise from environmental and transportation sources in accordance with Southwark Plan policy P56 ('Protection of amenity') and the National Planning Policy Framework 2021.

31. Prior to the commencement of any use within use class E involving the cooking of food, full particulars and details of a scheme for the extraction and ventilation of the commercial kitchen shall be submitted to and approved by the Local Planning Authority. The scheme shall include:

- Details of extraction rate and efflux velocity of extracted air
- Full details of grease, particle and odour abatement plant
- The location and orientation of the extraction ductwork and discharge terminal
- A management servicing plan for maintenance of the extraction system to ensure that fumes and odours from the kitchen do not affect public health or residential amenity. Once approved the scheme shall be implemented in full and permanently maintained thereafter.

Reason: In order to ensure that any installed ventilation, ducting and ancillary equipment 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 and Southwark Plan Policy P56 (Protection of amenity).

32. No piling 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 sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure. To ensure that the development does not harm groundwater resources in line with the National Planning Policy Framework paragraph 183 and Policy P64 (Contaminated land and hazardous substances) of the Southwark Plan.

33. Any deliveries, unloading and loading to the commercial units shall only be between the following hours:

08.00 to 20.00hrs on Monday to Saturdays; and
10.00 to 16.00hrs on Sundays and Bank Holidays.

Reason: To ensure that the occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance, and to reduce vehicle movements on the local road network during peak times, in accordance with: the National Planning Policy Framework; Policy T7 (Deliveries, Servicing and Construction) of the London Plan 2021; and Policy P50 (Highways Impacts) of the Southwark Plan 2022.

34. The Class E/F1(a) floorspace shall not be used except during the hours of 07.00 - 23.00 on any day.

Reason: To ensure that the occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance, and to reduce vehicle movements on the local road network during peak times, in accordance with the National Planning Policy Framework 2021; Policy T7 (Deliveries, Servicing and Construction) of the London Plan; and Policy P50 (Highways Impacts) of the Southwark Plan.

35. 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, 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: 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 paragraph 183 and Policy P64 (Contaminated land and hazardous substances) of the Southwark Plan.

36. The development hereby permitted shall be constructed to include the energy efficiency measures stated in the Energy Strategy prepared by JAW and submitted in support of the application. All measures and technologies shall remain for as long as the development is occupied, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure the development complies with the National Planning Policy Framework, Strategic Policy SP4 of the Southwark Plan, and Policy S1 2 (Minimising greenhouse gas emissions) of the London Plan.

37. The existing trees on or adjoining the site which are to be retained shall be protected and both the site and trees managed in accordance with the recommendations contained in the Arboricultural Method Statement. All tree protection measures shall be installed, carried out and retained throughout the period of the works, unless otherwise agreed in writing by the Local Planning Authority. In any case, all works must adhere to BS5837: (2012) Trees in relation to demolition, design and construction and BS3998: (2010) Tree work - recommendations. If within the expiration of 5 years from the date of the occupation of the building for its permitted use any retained tree is removed, uprooted is destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

Reason: To avoid damage to the existing trees which represent an important visual amenity in the area, in accordance with The National Planning Policy Framework Parts 8, 11, 12, 15 and 16, Policies G1 (Green Infrastructure), G5 (Urban Greening) and G7 (Trees and Woodlands) of the London Plan, and Policy P61 (Trees) of the Southwark Plan.

Appendix 3 – List of possible s106 Heads of Terms

The following planning obligations are suggested in order to make the development acceptable in planning terms:

1. Restriction on occupation of the student accommodation by students of a Higher Education Institution;
2. Not to occupy the student accommodation until a Nomination Agreement has been entered into with either London South Bank University, University of London, or another Higher Education Institution in respect of the student accommodation;
3. To provide 35% of the student accommodation as affordable student accommodation as defined through the London Plan;
4. Approval of a detailed Student Accommodation Management Plan (SAMP) prior to occupation and compliance with the SAMP for the duration that the development remains occupied;
5. To provide 5% of the student accommodation as wheelchair accessible;
6. To provide 10% of the 1,733sqm GIA non-purpose-built student accommodation floorspace as affordable workspace should it be implemented as E class floorspace;
7. Payment of the carbon offset contribution prior to occupation;
8. Provision of one disabled car parking space and an electric vehicle charging point as part of the disabled parking space;
9. Restriction on car parking permits for occupants of the development;
10. Payment of a cycle hire contribution to TfL (£120,000);
11. Provision of public realm and highways improvements through a Section 38/278 Agreement;
12. Approval of a Construction Skills and Employment Plan prior to implementation of the development;
13. Approval of the Energy Strategy prior to occupation;
14. To achieve the agreed carbon targets contained within the approved energy strategy;
15. Approval of a Delivery and Service Management Plan prior to occupation;
16. Approval of a Demolition Environmental Management Plan prior to any works of demolition;
17. Approval of a Construction Environmental Management Plan prior to implementation; and
18. Payment of an administration and monitoring fee.

OPEN**COMMITTEE:****PLANNING COMMITTEE****MUNICIPAL YEAR 2022-23****NOTE:**

Original held in Constitutional Team; all amendments/queries to Gerald Gohler, Constitutional Team, Tel: 020 7525 7420

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