

**AVONMOUTH HOUSE,
6 AVONMOUTH STREET, LONDON, SE1 6NX**

**AN APPEAL UNDER SECTION 78 OF THE TOWN
AND COUNTRY PLANNING ACT 1990**

APPEAL REFERENCE: APP/A5840/W/22/3303205

**Summary Proof of evidence of
Roger Antony Hephher BA (Hons) MTP FRICS MRTPI FRSA AAoU**

on behalf of

Tribe (Avonmouth House) Ltd

16 November 2022

- 1.1 My name is Roger Antony Hepher. I hold an Honours Degree in Town & Country Planning from the University of Manchester, and a Master's Degree in Town Planning from the same University. I am a Chartered Town Planner, a Fellow of the Royal Institution of Chartered Surveyors, a Fellow of the Royal Society of Arts and an Academician of the Academy of Urbanism.
- 1.2 I have been a town planning and development consultant for over 40 years, holding senior positions in a succession of companies. I was a partner at J R Eve (which in due course became GVA Grimley), a founding Director of Hepher Dixon and am now Chairman of hgh Consulting. hgh Consulting employs 34 planners and related professionals, and is a busy planning consultancy practice, primarily acting for landowners and developers. It is based in Marylebone, central London, and much of the practice's work is in inner London, including Southwark.
- 1.3 The appeal site provides an important opportunity to deliver a new building which would better contribute to the built environment on Avonmouth Street and Newington Gardens. The existing building is poorly designed, fails to optimise the site and provides no active or animated street frontage.
- 1.4 The proposals comprise the demolition of the existing building, providing a stepped building ranging from 2 to 16 storeys (plus a double basement). This is for purpose-built student accommodation; flexible Class E/F1(a) floorspace in the lower levels of the development, amounting to 1,733sqm (10% of which would be affordable); and a total of 165sqm of external private amenity space provided on the roof terrace on the seventh floor.
- 1.5 The appeal scheme has been prepared by Ms Lewis, a leading architect and principal of Stitch. Extensive design input was also provided by Mr Coleman (a heritage and townscape expert at Citydesigner) throughout the design evolution process to ensure the form of the proposals reflects and responds to the site's townscape setting, enhancing the streetscape and local environment. This process has culminated in a high-quality architecturally significant development that will function well and add to the quality of the built environment.
- 1.6 The Appellant sought to engage collaboratively with the London Borough of Southwark ("LBS") from the outset of the pre-application process. A formal request for a pre-application meeting and written advice was made in June 2021. Subsequently a virtual pre-application meeting took place in August 2021; however, written advice has never been issued. Following the submission of the planning application in December 2021, LBS consistently failed to respond to information requests and meaningfully engage with the Appellant regarding the proposals.
- 1.7 Notwithstanding the lack of engagement from LBS, the Greater London Authority ("GLA") responded to a Stage 1 consultation. They welcomed the redevelopment of this brownfield site for PBSA, and supported a tall building subject to detailed design.

- 1.8 Unfortunately, the lack of willingness of LBS to engage ultimately left the Appellant no choice but to appeal the planning application. Following the lodging of the appeal, LBS initially confirmed four putative reasons for refusal. The first three related to:
- i. Design concerns and harm to the local townscape.
 - ii. Lack of a section 106 agreement.
 - iii. Outstanding fire safety concerns raised by the Health & Safety Executive (“HSE”).
- 1.9 The fourth reason for refusal, relating to heritage matters, has subsequently been withdrawn due to a lack of justifiable harm to the setting of the Grade II Listed Inner London Sessions Court building.
- 1.10 Policies P13 ‘Design of Places’ and P17 ‘Tall Buildings’ are specifically referenced by LBS as the policy basis for the first reason of refusal. Ms Lewis, a respected architect, is, however, of the view that the scale and character of the proposed development integrates with the local townscape, and will be a positive contribution to the neighbourhood. The ten design principles set out in P13 and three criteria of P17 have been forensically examined against the backdrop of the proposal through a Design and Access Statement (“DAS”) Addendum.
- 1.11 Critically, the findings establish (a) that the potential for the site to accommodate a tall building is established through Site Allocation NSP46, and acknowledged by LBS in their SoC; (b) the Heritage Townscape and Visual Assessment (“HTVA”) demonstrates there will be no harm to the existing character, heritage or townscape; and (c) the proposals in fact respond positively to, and enhance the local character and townscape. Furthermore, the proposals substantially accord with the design principles established in Chapter 12 of the NPPF, which support development, specifically well-designed, beautiful and sustainable buildings, such as that proposed in this Appeal.
- 1.12 As a town planner and urbanist, I endorse these conclusions.
- 1.13 The second reason for refusal is a non-issue. LBS have identified the obligations considered appropriate in their Statement of Case (“SoC”), and these potential obligations form the basis of a s106 agreement which is in the process of being agreed between the parties.
- 1.14 Mr Alexandrou, a qualified fire engineer with Clarke Banks, has been advising the project team from the outset of the design process. This input culminated in a series of design measures to ensure the proposals meet fire regulation and safety standards. It is unfortunate that the delayed engagement with LBS culminated in the Appellant not being made aware about HSE's concerns until very late in the day. Notwithstanding this, the design team have analysed HSE's concerns and reacted in a proactive manner to incorporate a series of design improvements. These measures will further enhance the scheme's performance against fire regulations and safety standards. An updated HSE response is due to be issued on 24 November, and no further issues are anticipated.

- 1.15 I examine the need for purpose built student accommodation, concluding that there is an acute strategic and local need for it, which will almost certainly not be met in the short to medium term. The contribution of 233 PBSA bed spaces by the appeal scheme should, therefore, be given very substantial weight.
- 1.16 A series of other material planning considerations are discussed in detail within my Proof. In summary, there are no technical or environmental constraints that would justifiably preclude the proposed development from coming forward. The scheme delivers purpose-built student accommodation which is supported by LBS and GLA, and makes efficient use of underutilised brownfield land. This is supplemented by the new non-residential floorspace which will increase the site's employment potential by c. 158 net FTE jobs (noting that no existing jobs will be lost to the Borough, with existing jobs simply relocated).
- 1.17 On balance, when the proposals are viewed as a whole against the development plan and the objectives in the NPPF, the scheme constitutes sustainable development and satisfies the policy requirements to grant planning permission without delay. The characteristics and benefits of the scheme substantially outweigh any alleged harm.
- 1.18 Drawing all of these matters together, and taking into account the evidence of the other independent professionals acting on behalf of the Appellant, it is clear to me there are no significant disbenefits of the scheme.
- 1.19 I therefore respectfully ask that the appeal be allowed.

hghconsulting.com