

Proof of Evidence: Ms Zoe Brown  
Appeal Reference: APP/A5840/W/22/3303205  
Location: Avonmouth House, 6 Avonmouth Street, London SE1 6NX



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

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## **SUMMARY OF THE PROOF OF EVIDENCE**

### **LONDON BOROUGH OF SOUTHWARK**

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#### **ZOE BROWN MRTPI**

Date of Inquiry: 14<sup>th</sup> – 23<sup>rd</sup> December 2022  
Appeal Reference: APP/A5840/W/22/3303205  
LPA Reference: 21/AP/4297  
Appellant: Tribe Avonmouth House Limited  
Location: Avonmouth House, 6 Avonmouth Street, London, SE1 6NX

1. My Proof of Evidence has been prepared on behalf of Southwark Council and relates to the appeal submitted pursuant to Section 78 of the Town and Country Planning Act 1990, for Avonmouth House, 6 Avonmouth Street, London, SE1 6NX by Tribe Avonmouth House Limited.
2. My Proof of Evidence focuses on the planning assessment of the development proposal relative to the prevailing development plan and other material considerations. The evidence is presented having regard to the three putative reasons for refusal that have been endorsed by Members of the Planning Committee.
3. My evidence in Section 6 focuses on the matters of fire safety and lack of Section 106 Legal Agreement and in Section 8 I consider the planning balance.
4. In relation to the impact on townscape and local character, Reason for Refusal 1, my evidence should be read alongside the Council's other Proof of Evidence prepared by the Design and Conservation witness Mr Richard Craig.
5. In summary I would agree with his evidence that the proposal does not respond positively to the existing townscape, character and context of the Site particularly in relation to the substantially lower buildings in the immediate context. The proposal would be contrary to the Council's consistent approach to the emerging character of the Elephant and Castle town centre in terms of tall buildings and therefore does not comply with development plan policies AV.09, P13 and P17 of the Southwark Local Plan (2022) and policies D1, D3, D4 and D9 of the London Plan (2021).
6. The second reason for refusal relates to fire safety and my assessment relies upon the comments from the Health and Safety Executive who are the statutory consultee on 'relevant buildings' and the experts in relation to fire safety and planning. In summary the comments made by HSE on 8 February 2022 raised 'significant concern'. The Appellant has been made aware of the issues and it was agreed that amended drawings would be submitted. However, I am of the

view that until HSE are satisfied with the design changes and their objection has been withdrawn, that the proposal as currently designed would be contrary to Policy D12 of the London Plan.

7. The final reason for refusal is in relation the absence of a signed Section 106 Agreement. At the time of writing the proof of evidence the Council and the appellant are still in the process of negotiating the legal agreement and that further details will be presented at the inquiry as to whether the detailed terms have been agreed to overcome the reason for refusal.
8. I acknowledge that the proposal would provide a number of planning benefits, including the provision of affordable student accommodation, affordable work space, employment opportunities, and public realm improvements. I have considered the weight that should be attached to each of the benefits; significant, moderate and limited. I have also considered the proposed benefits in relation to the 14 storey scheme which is currently under consideration and likely to be recommended for approval by Officers to the planning committee on 29 November 2022.
9. Overall I conclude that a significant proportion of the benefits could still be realised without causing harm to the townscape and local character, as demonstrated in the 14 storey scheme which is likely to be recommended for approval by Officers. The actual benefits realised from the 16 storey scheme, particularly the top two floors which are identified in Mr Craig's evidence as the 14<sup>th</sup> and 15<sup>th</sup> floors of the building where 14 bedrooms would be located. In total these additional 14 bedrooms provide a limited contribution to the overall benefits of the scheme and are not significant enough to outweigh the planning harm in terms of townscape and local character or fire safety identified within the reasons for refusal.
10. I conclude that in light of the substantial policy conflicts that the appeal should be dismissed and the planning permission refused for the reasons endorsed by

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Members and outlined in the Council's Statement of Case and addendum  
Statement of Case.