

Avonmouth House

Appeal Statement of Common Ground

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Appendix 1 – List of s106 Heads of Terms

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 244 student bedrooms (LPA ref: 22/AP/1068). Since the appeal was lodged, a planning application (LPA ref: 22/AP/3149) has been submitted for comprehensive mixed-use redevelopment of the Borough Triangle Site bounded by Borough Road, Newington Causeway, and the railway viaduct. The proposals, which are currently under determination, include four new buildings ranging in height from 5 to 46 storeys containing up to 838 residential units and non-residential floorspace on the lower floors of the buildings. 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.

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 separate Core Documents List.

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

- 5.1 Refer to separate Core Documents List.

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 The council considers that due to the outstanding objection from the Health and Safety Executive that the proposal as currently designed does not meet the highest standards of fire safety, in accordance with Policy D12 of the London Plan (2021).
- 9.5 While the parties agree that a section 106 agreement covering the heads of terms listed at Appendix 1 is required to mitigate the planning harms of the proposed development should permission be granted, the Council considers that a nominations agreement with a higher education institution covering all of the units of student accommodation is required whereas the Appellant considers that the nominations agreement should only apply to the majority of the student accommodation, as per London Plan Policy H15.

10.0 Areas of Agreement

- 10.1 Following the Southwark Planning Committee on 2nd November, this section sets out areas which are agreed between the Appellant and the Council, as referred to within the Council's Committee Report and Addendum Report, both dated 2nd November.
- 10.2 If we consider it would be helpful to update the matters of agreement/disagreement following the

anticipated Planning Committee for the alternative 14-storey scheme on 29th November, then we will seek to agree a supplementary Statement of Common Ground in advance of the inquiry.

10.3 The following matters are agreed with the Council and are not matters of dispute:

- the Appellant has submitted amended plans to seek to resolve the outstanding objection from the Health and Safety Executive in relation to fire safety and the Health and Safety Executive has been re-consulted on the amended plans
- The principle of redevelopment of the site is accepted.
- The proposed land uses are appropriate and in accordance with the policy designations, including Site Allocation NSP46.
- Site Allocation NSP46 does not require a sitewide masterplan in order to bring forward the allocation and the proposed development would not fetter the redevelopment potential of the other sites within NSP46.
- The impacts of the proposed development in terms of daylight and sunlight to already constrained neighbouring properties and overshadowing to Newington Gardens are considered in these circumstances to be acceptable.
- The site is not within any strategic or protected local borough views.
- The site is within a wider site suitable for tall buildings in principle on account of its location and planning policy designations, including Site Allocation NSP46.
- The surrounding townscape character is mixed in terms of building scale and architectural design and the Elephant and Castle area includes tall buildings.
- The proposal would comply with policies in the development plan regarding the following topics provided the necessary conditions and planning obligations as agreed between the parties are secured:
 - Archaeology;
 - Impact of the development on the amenity of nearby residents;
 - Security;
 - Impact of adjoining and nearby uses on occupiers and users of the proposed development;
 - Demolition and construction phase environmental impacts;
 - Air quality;
 - Transport matters;
 - Energy and sustainability;
 - Ecology, landscaping, and urban greening factor;
 - Waste; and
 - Telecommunications networks.

Appendix 1 – List of possible s106 Heads of Terms

The following planning obligations are under discussion 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.
19. An area within the Class E/F1(a) space to be secured for use by community groups