

**APPEAL BY TRIBE AVONMOUTH HOUSE LTD.  
SITE AT AVONMOUTH HOUSE, 6 AVONMOUTH STREET, LONDON SE1 6NX**

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**OPENING STATEMENT  
ON BEHALF OF THE LOCAL PLANNING AUTHORITY**

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1. This is an inquiry into an appeal against non-determination of a scheme for a block of student housing (part 2, part 7, part 14 and part 16 storeys) providing 233 bedrooms and some flexible non-residential space (education / employment space or health hub) at Avonmouth Street in the London Borough of Southwark.
2. The Council has consistently and reasonably scrutinised its case to ensure it is fair and robust. To that end, it does not pursue an original objection on the grounds of heritage impact on the Inner Sessions Crown Court and, following the lead of the Health and Safety Executive, no longer relies on putative Reason for Refusal 3 in relation to fire safety. Matters relating to the s. 106 agreement remain outstanding at the opening of the inquiry; however the Council has been in full and active discussion with the Appellant in relation to the issue of the nominations agreement.
3. The remaining matter, which has always been the Council's primary case as Reason for Refusal 1, is that the appeal should be refused because the building fails to respond positively to the existing character and context and would as a result cause harm to the local townscape. The public benefits of the scheme in providing commercial space and residential student housing do not outweigh the harm.
4. Mr Hepher, the Appellant's planning witness, states in his rebuttal that the planning benefits, cumulatively, carry a great deal of weight to balance against what seems to be a very insubstantial, single objection on townscape (para 1.17). That is, with respect, a wholly flawed approach. Planning decisions are not a numbers game. Townscape, in particular when a tall building is concerned, is a highly significant matter and perfectly

capable of outweighing any number of planning benefits cumulatively. It has wide ranging effects and these effects are permanent. In our densely populated city, there is always going to be huge social and economic pressure to optimise sites and bring forward large scale development on a small footprint. However, it must be done sensitively to ensure that future generations do not look back, as our generation has on some of the mistakes of the post-War past, with regret. Tall buildings, as the London Plan Policy D9 sets out, should be of “exemplary standard” in terms of their architectural quality and must reinforce the spatial hierarchy of their local and wider context. Average - or even good - is not good enough.

5. Avonmouth Street sits in transitional location on the edge of the Elephant and Castle Opportunity Area, major town centre and Central Activities Zone. It is accepted that tall buildings are, in policy terms, acceptable in the location (Policy P17 of the Southwark Plan). However, it is in a peripheral part of the centre and immediately borders the mainly residential character area of Rockingham which is dominated by the inter-war Rockingham Estate and its Newington Gardens Park. With the exception of The Kite building (a tall hotel), there are no other tall buildings in the immediate vicinity. Avonmouth Street itself is a subsidiary road to the more strategic Newington Causeway and has a ‘backland’ character, entirely in keeping with the existing low-rise warehouse type developments currently on site (see photo of the existing appeal building in Mr Craig’s proof at p. 21).
6. The harm caused by the proposed building is twofold: (a) as a result of its scale and overall 16-storey height, which would appear incongruous within the townscape and (b) the compounding of this harm by the architectural approach to the building’s crown, which gives the building a ‘top heavy’ appearance and exaggerates its overt presence. Tweaking around with materials, as Ms Lewis’ has sought to do in her rebuttal, cannot solve the fundamental problems. It is accepted that the Council has not been as proactive in the earlier stages as it often is in scrutinising the design. However, the burden of proof is on the Appellant and, irrespective of fault, the position is that this building has had very limited independent review. The GLA’s response is luke-warm at best. It has not been to an independent Design Review Panel. The resulting scheme before the Inspector is simply insufficiently ‘beautiful’ (and Mr Coleman will no doubt elegantly seek to persuade you otherwise), to justify its height and scale in this location.

Strategically, it appears to compete with The Kite building and does not read well in terms of the hierarchy of other tall buildings in the Elephant and Castle area.

7. The planning benefits and the delivery of student housing are acknowledged and welcomed. However, many of these benefits are either generic to any redevelopment project for the site (economic benefits from construction etc.) or could be brought about through an alternative scheme for student housing in the location which is acceptable in townscape terms. Indeed, the Council's Members have resolved to grant planning permission to Tribe for a smaller scheme which will still deliver nearly all of the same planning benefits. This inquiry is not concerned with a 'compare and contrast' of the two schemes. However, it is material that the planning benefits can be delivered in a way the Council has considered acceptable, and the Appellant has not sought to suggest that their other scheme is unviable. In other words, there is no need for a bigger and taller scheme on the site: it is simply a case of a developer who wishes for something more commercially attractive.
8. Accordingly, in due course, the Inspector will be invited to dismiss the appeal on account of the harm to townscape (and, if matters with the s. 106 agreement cannot be satisfactorily resolved, that too). The planning benefits do not outweigh the harm which will be wide-ranging and permanent.

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