

## Planning Committee

Wednesday 21 March 2018

6.00 pm

Ground Floor Meeting Room G02 - 160 Tooley Street, London SE1 2QH

### Membership

Councillor Nick Dolezal (Chair)  
Councillor Cleo Soanes (Vice-Chair)  
Councillor Lucas Green  
Councillor Lorraine Lauder MBE  
Councillor Hamish McCallum  
Councillor Darren Merrill  
Councillor Michael Mitchell  
Councillor Adele Morris

### Reserves

Councillor James Barber  
Councillor Catherine Dale  
Councillor Sarah King  
Councillor Jane Lyons  
Councillor Jamille Mohammed  
Councillor Kieron Williams

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### INFORMATION FOR MEMBERS OF THE PUBLIC

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#### Access to information

You have the right to request to inspect copies of minutes and reports on this agenda as well as the background documents used in the preparation of these reports.

#### Babysitting/Carers allowances

If you are a resident of the borough and have paid someone to look after your children, an elderly dependant or a dependant with disabilities so that you could attend this meeting, you may claim an allowance from the council. Please collect a claim form at the meeting.

#### Access

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**Contact:** Gerald Gohler on 020 7525 7420 or email: [gerald.gohler@southwark.gov.uk](mailto:gerald.gohler@southwark.gov.uk)

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Members of the committee are summoned to attend this meeting

**Eleanor Kelly**

Chief Executive

Date: 13 March 2018



# Planning Committee

Wednesday 21 March 2018

6.00 pm

Ground Floor Meeting Room G02 - 160 Tooley Street, London SE1 2QH

## Order of Business

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	<b>PART A - OPEN BUSINESS</b>	
1.	<b>APOLOGIES</b>	
	To receive any apologies for absence.	
2.	<b>CONFIRMATION OF VOTING MEMBERS</b>	
	A representative of each political group will confirm the voting members of the committee.	
3.	<b>NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT</b>	
	In special circumstances, an item of business may be added to an agenda within five clear days of the meeting.	
4.	<b>DISCLOSURE OF INTERESTS AND DISPENSATIONS</b>	
	Members to declare any personal interests and dispensation in respect of any item of business to be considered at this meeting.	
5.	<b>MINUTES</b>	1 - 13
	To approve as a correct record the minutes of the open section of the meeting held on 6 March 2018; and the amended minutes of 30 January 2018.	
6.	<b>ARTICLE 4 DIRECTION TO WITHDRAW THE PERMITTED DEVELOPMENT RIGHTS GRANTED BY SCHEDULE 2, PART 3, CLASS O OF THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER 2015 (AS AMENDED)</b>	14 - 76

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**ANY OTHER OPEN BUSINESS AS NOTIFIED AT THE START OF THE MEETING AND ACCEPTED BY THE CHAIR AS URGENT.**

**EXCLUSION OF PRESS AND PUBLIC**

The following motion should be moved, seconded and approved if the committee wishes to exclude the press and public to deal with reports revealing exempt information:

“That the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1-7, Access to Information Procedure rules of the Constitution.”

**PART B - CLOSED BUSINESS**

**ANY OTHER CLOSED BUSINESS AS NOTIFIED AT THE START OF THE MEETING AND ACCEPTED BY THE CHAIR AS URGENT.**

Date: 13 March 2018

## Planning Committee

### Guidance on conduct of business for planning applications, enforcement cases and other planning proposals

1. The reports are taken in the order of business on the agenda.
2. The officers present the report and recommendations and answer points raised by members of the committee.
3. The role of members of the planning committee is to make planning decisions openly, impartially, with sound judgement and for justifiable reasons in accordance with the statutory planning framework.
4. The following may address the committee (if they are present and wish to speak) for **not more than 3 minutes each**.

- |   |
|---|
| <ol style="list-style-type: none"><li>(a) One representative (spokesperson) for any objectors. If there is more than one objector wishing to speak, the time is then divided within the 3-minute time slot.</li><li>(b) The applicant or applicant's agent.</li><li>(c) One representative for any supporters (who live within 100 metres of the development site).</li><li>(d) Ward councillor (spokesperson) from where the proposal is located.</li><li>(e) The members of the committee will then debate the application and consider the recommendation.</li></ol> |
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**Note:** Members of the committee may question those who speak only on matters relevant to the roles and functions of the planning committee that are outlined in the constitution and in accordance with the statutory planning framework.

5. If there are a number of people who are objecting to, or are in support of, an application or an enforcement of action, you are requested to identify a representative to address the committee. If more than one person wishes to speak, the 3-minute time allowance must be divided amongst those who wish to speak. Where you are unable to decide who is to speak in advance of the meeting, you are advised to meet with other objectors in the foyer of the council offices prior to the start of the meeting to identify a representative. If this is not possible, the chair will ask which objector(s) would like to speak at the point the actual item is being considered.
6. Speakers should lead the committee to subjects on which they would welcome further questioning.
7. Those people nominated to speak on behalf of objectors, supporters or applicants, as well as ward members, should sit on the front row of the public seating area. This is for ease of communication between the committee and the speaker, in case any issues need to be clarified later in the proceedings; it is **not** an opportunity to take part in the debate of the committee.

8. Each speaker should restrict their comments to the planning aspects of the proposal and should avoid repeating what is already in the report. The meeting is not a hearing where all participants present evidence to be examined by other participants.
9. This is a council committee meeting which is open to the public and there should be no interruptions from the audience.
10. No smoking is allowed at committee.
11. Members of the public are welcome to film, audio record, photograph, or tweet the public proceedings of the meeting; please be considerate towards other people in the room and take care not to disturb the proceedings.

**The arrangements at the meeting may be varied at the discretion of the chair.**

**Contacts:** General Enquiries  
Planning Section, Chief Executive's Department  
Tel: 020 7525 5403

Planning Committee Clerk, Constitutional Team  
Finance and Governance  
Tel: 020 7525 5485



## Planning Committee

MINUTES of the OPEN section of the Planning Committee held on Tuesday 6 March 2018 at 6.00 pm at Ground Floor Meeting Room G02 - 160 Tooley Street, London SE1 2QH

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**PRESENT:** Councillor Nick Dolezal (Chair)  
 Councillor Cleo Soanes (Vice-Chair)  
 Councillor Lucas Green  
 Councillor Hamish McCallum  
 Councillor Darren Merrill  
 Councillor Michael Mitchell  
 Councillor Jamine Mohammed  
 Councillor Adele Morris

**OTHER MEMBERS PRESENT:** Councillor Andy Simmons

**OFFICER SUPPORT:** Simon Bevan (Director of Planning)  
 Jon Gorst (Legal Officer)  
 Alistair Huggett (Planning Projects Manager)  
 Nick Wolff (Principal Strategy Officer)  
 Alex Cameron (Development Management)  
 Tracy Chapman (Design and Conservation)  
 Laura Hills (Planning Policy)  
 Toby Sowter (Surveyor)  
 Gerald Gohler (Constitutional Officer)

### 1. APOLOGIES

There were apologies for absence from Councillor Lorraine Lauder; and for lateness from Councillor Lucas Green.

### 2. CONFIRMATION OF VOTING MEMBERS

Those members listed as present were confirmed as voting members for the meeting.

### 3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

The chair gave notice of the following additional papers which had been circulated at the meeting:

- Addendum report relating to items 9.1 and 9.2
- Members' pack relating items 9.1 and 9.2

### 4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

### 5. MINUTES

#### RESOLVED:

That the minutes of the meetings held on 30 January 2018 and 7 February 2018 be confirmed as correct records and signed by the chair.

### 6. ARTICLE 4 DIRECTION TO WITHDRAW THE PERMITTED DEVELOPMENT RIGHTS FOR A CHANGE OF USE FROM LIGHT INDUSTRIAL TO RESIDENTIAL

An officer introduced the report and members of the committee considered the information contained therein. Members of the committee asked no questions of officers.

#### RESOLVED:

1. That the confirmation of the Article 4 Direction to withdraw the permitted development rights granted by Schedule 2, Part 3, Class PA of the Town and Country Planning (General Permitted Development (England) Order 2015 (as amended) for the change of use from B1c (Light Industrial) to C3 (Dwelling houses) be authorised.
2. That this Article 4 Direction will cover any property located within South East Bermondsey, Parkhouse Street, Mandela Way and Old Kent Road Strategic Preferred Industrial Locations, as well as selected sites in the Peckham and Nunhead Area Action Plan (2015) and selected emerging site allocations in the New Southwark Plan Proposed Submission Version (2017) and Old Kent Road Further Preferred Option Version (2017), as shown on the table of sites in Appendix B and the maps in Appendix C of the report.
3. That the updated equalities analysis of the proposed Article 4 Directions (Appendix D) be noted.
4. That the arrangements for confirming the Article 4 Direction including compliance with the notification requirements under the Town and Country Planning (General Permitted Development) Order 1995 be delegated to the director of planning.

**7. THE RELEASE OF £40,000,000 FROM TWO S106 AGREEMENTS TO DELIVER AFFORDABLE HOUSING**

An officer introduced the report.

At this point Councillor Lucas Green joined the meeting.

Members asked questions of the officers.

**RESOLVED:**

That the release of £40,000,000 of section 106 funding from the legal agreements detailed in paragraph 16 to deliver affordable housing across Southwark be approved.

In accordance with paragraph 1.8.4 of the council's committee procedure rules, Councillor Adele Morris asked for her vote against the recommendation to be recorded.

**8. TO RELEASE £4,748,902.34 FROM THE S106 AGREEMENTS ASSOCIATED WITH THE BELOW DEVELOPMENTS, FOR THE PURPOSES OF EMPLOYMENT AND TRAINING IN THE BOROUGH**

An officer introduced the report and members of the committee considered the information contained therein. Members of the committee asked questions of officers.

**RESOLVED:**

That the release of £4,748,902.34 S106 funding, from the agreements listed in Appendix 1 of the report, in order to deliver employment and training across the borough be approved.

**9. DEVELOPMENT MANAGEMENT**

**RESOLVED:**

1. That the determination of planning applications, or formal observations and comments, the instigation of enforcement action and the receipt of the reports included in the attached items be considered.
2. That the decisions made on the planning applications be subject to the conditions and/or made for the reasons set out in the attached reports unless otherwise stated.
3. That where reasons for decisions or conditions are not included or not as included in the reports relating to an individual item, they be clearly specified.

The chair announced that as items 9.1 and 9.2 items related to the same address they would be heard together, but voted on separately.

**9.1 BELTWOOD HOUSE, 41 SYDENHAM HILL, LONDON SE26 6TH (PLANNING CONSENT)**



**Planning application reference: 17/AP/3070**

Report: see pages 97 to 147 of the agenda and pages 1 and 2 of the addendum report.

**PROPOSAL**

*Alterations to enable a change of use of Beltwood House (a Grade II listed building) from a Class C2 residential institution to provide 7 apartments with external works comprising demolition of the service wing outriggers and replacement with a new communal entrance. Demolition of curtilage outbuildings to the east of Beltwood House ('Stables and Worker's cottage') and replacement with 3 No. residential units. Creation of new Gate House and a Pavilion House within the site curtilage. Alterations including underpinning of the existing Gate Lodge (curtilage listed building) and ground floor extension. A comprehensive landscape strategy comprising communal and private spaces and gardens for use by residents. Car parking for 17 cars for residents and visitors. Provision of new refuse and cycle storage structures. Creation of new vehicular access on to Sydenham Hill from the south-east of the site to serve one new dwelling (new Gate House).*

The committee heard the officers' introduction to the report and addendum report. Councillors asked questions of the officers.

An objector addressed the meeting. Members of the committee asked questions of the objector.

The applicant's agents addressed the committee, and answered questions by the committee.

There were no supporters who lived within 100m of the development site present and wished to speak.

Councillor Andy Simmons addressed the meeting in his capacity as a ward councillor, and answered questions by the committee.

The committee put further questions to officers and discussed the application.

A motion to grant planning permission was moved, seconded, put to the vote and declared carried.

**RESOLVED:**

1. That planning permission be granted subject to:
  - a. The completion of a legal agreement
  - b. The conditions set out in the report and addendum report
  - c. An amended condition 17 regarding the design and location of the refuse storage whose design must mitigate against potential noise, vermin and odour. In the event that is not possible, the refuse storage must be relocated.
2. That in the event that a satisfactory legal agreement is not signed by 30 May 2018, the director of planning be authorised to refuse planning permission for the reason given in paragraph 116 of the report.

**9.2 BELTWOOD HOUSE, 41 SYDENHAM HILL, LONDON SE26 6TH (LISTED BUILDING CONSENT)**

**Planning application reference: 17/AP/3071**

Report: see pages 148 to 171 of the agenda.

**PROPOSAL**

*Alterations to enable a change of use of Beltwood House (a Grade II listed building) from a Class C2 residential institution to provide 7 apartments with external works comprising demolition of the service wing outriggers and replacement with a new communal entrance. Demolition of curtilage outbuildings to the east of Beltwood House ('Stables and Worker's cottage') and replacement with 3 No. residential units. Creation of new Gate House and a detached house within the site curtilage. Alterations including underpinning of the existing Gate Lodge (curtilage listed building) and, ground floor extension.*

This item was considered jointly with item 9.1.

**RESOLVED:**

1. That listed building consent be granted, subject to legal agreement and to the conditions set out in the report.
2. That in the event that a satisfactory legal agreement is not concluded by 30 May 2018, listed building consent be refused.

Meeting ended at 7.30 pm

**CHAIR:**

**DATED:**



## Planning Committee

MINUTES of the Planning Committee held on Tuesday 30 January 2018 at 7.00 pm at Ground Floor Meeting Room G02 - 160 Tooley Street, London SE1 2QH

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**PRESENT:** Councillor Nick Dolezal (Chair)  
 Councillor Cleo Soanes (Vice-Chair)  
 Councillor Lucas Green  
 Councillor Sarah King (Reserve)  
 Councillor Lorraine Lauder MBE  
 Councillor Hamish McCallum  
 Councillor Michael Mitchell  
 Councillor Adele Morris

**OTHER MEMBERS PRESENT:** Councillor David Noakes

**OFFICER SUPPORT:** Simon Bevan (Director of Planning)  
 Jon Gorst (Legal Officer)  
 Bridin O'Connor (Development Management)  
 Victoria Lewis (Development Management)  
 Yvonne Lewis (Development Management)  
 Daniel Davies (Development Management)  
 Michael Tsoukaris (Design and Conservation)  
 Terence McLellan (Development Management)  
 Michael Glasgow (Development Management)  
 Sally Crew (Transport Policy)  
 Jack Ricketts (Development Management)  
 Naima Ihsan (Transport Planner)  
 Gerald Gohler (Constitutional Officer)

### 1. APOLOGIES

There were apologies for absence from Councillor Darren Merrill.

### 2. CONFIRMATION OF VOTING MEMBERS

The chair invited the legal officer to explain which councillors would be voting on items 7.1

and 7.2.

The legal officer explained that as items 7.1 and 7.2 had been deferred from the meeting on 16 January 2018, only councillors who had sat on the committee at that meeting, would be discussing and voting on these items. He went on to clarify that this included Councillor Lorraine Lauder MBE. This was because although she had left the 16 January 2018 meeting at 1am, during the discussion around reasons for refusal, she had heard all the prior discussions.

Following this, those members listed as present were confirmed as voting members for the meeting.

### **3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT**

The chair informed the meeting that the supplemental agenda No.1 had been circulated before the meeting. This outlined possible reasons for refusal for item 7.1. Two additional documents had been tabled at the meeting: supplemental agenda No.2 and the members' pack.

### **4. DISCLOSURE OF INTERESTS AND DISPENSATIONS**

The following councillors declared an interest in the item

#### **7.3 Southwark Fire Station, 94 Southwark Bridge Road, London SE1 0EG; Grotto Place and Grotto Podiums**

Councillor Adele Morris, non-pecuniary, as she was a ward councillor and had heard from both applicants and residents, but had not expressed a view and approached the application with an open mind.

Councillor Hamish McCallum, non-pecuniary, as he had met with the applicants, but had not expressed a view and approached the application with an open mind.

### **5. MINUTES**

Councillor Adele Morris asked for the minutes to be amended to reflect that a motion to refuse the planning application for item 7.1 had been moved.

#### **RESOLVED:**

That the minutes of the meeting held on 16 January 2018, including the above amendment, be confirmed as a correct record and signed by the chair.

### **7. DEVELOPMENT MANAGEMENT**

#### **RESOLVED:**

1. That the determination of planning applications, or formal observations and comments, the instigation of enforcement action and the receipt of the reports

included in the attached items be considered.

2. That the decisions made on the planning applications be subject to the conditions and/or made for the reasons set out in the attached reports unless otherwise stated.
3. That where reasons for decisions or conditions are not included or not as included in the reports relating to an individual item, they be clearly specified.

#### **7.1 SHOPPING CENTRE SITE, ELEPHANT AND CASTLE, 26, 28, 30 AND 32 NEW KENT ROAD, ARCHES 6 AND 7 ELEPHANT ROAD, AND LONDON COLLEGE OF COMMUNICATIONS SITE, LONDON SE1**

**Planning application reference: 16/AP/4458**

Report: see pages 44 – 291 of the agenda pack and the addendum report (16 Jan 2018), as well as supplemental agenda No.1 (30 January 2018), and pages 1 to 3 of supplemental agenda No.2 (30 January 2018).

#### **PROPOSAL**

*Phased, mixed-use redevelopment of the existing Elephant and Castle shopping centre and London College of Communication sites comprising the demolition of all existing buildings and structures and redevelopment to comprise buildings ranging in eight from single storey to 35 storeys (with a maximum building height of 124.5m AOD) above multilevel and single basements, to provide a range of uses including 979 residential units (use class C3), retail (use Class A1-A4), office (Use Class B1), Education (use class D1), assembly and leisure (use class D2) and a new station entrance and station box for use as a London underground operational railway station; means of access, public realm and landscaping works, parking and cycle storage provision, plant and servicing areas, and a range of other associated and ancillary works and structures.*

The meeting went on to consider this item deferred from the meeting on 16 January 2018.

The chair reminded the meeting that a motion to refuse had been proposed, before the items had been deferred on 16 January, which was yet to be seconded. He went on to say that he understood from social media and from an email from the applicant, which had been received, that both ward councillors and the applicant had expressed an interest in further discussion to be had and both wished for a deferral to allow for these discussion to go ahead. The chair said in light of this he suggested that:

- If Councillor Morris did not withdraw her motion and the motion succeeded, a recommendation to refuse would stand and officers would take the appropriate action.
- If Councillor Morris agreed to withdraw her motion, the meeting should agree to defer the items.
- If the motion to refuse failed, the meeting should take a motion to defer the items. Officers would then make arrangements for the application to come back to a future meeting.

The chair then asked the legal officer to come in and explain the process.

The legal officer informed the meeting that:

- at the meeting on 16 January 2018, a motion to approve planning application 16/AP/4458 had been moved, seconded, put to the vote and failed
- a motion to refuse planning permission had subsequently been started, but the meeting had deferred the two items under discussion to this meeting
- possible reasons for refusal had been published in supplemental agenda No.1
- That afternoon an email by the developer had been forwarded to members of the committee and broadcast on social media making proposals for further discussions. This constituted new material considerations, both in planning terms and in terms of the equalities duty, which councillors had to take into account. This submission was not a formal amendment, but did address the key concerns discussed at the meeting on 16 January 2018, namely: the amount of social rented units, situation of the traders and leisure provision for groups with protected characteristics. Officers had not had sufficient time to review these proposals, which also did not constitute a formal revision of the application. Members of the public were unlikely to have seen the proposals.

The legal officer went on to sum up that a motion to refuse had been proposed, and that the meeting would return to this motion now.

Councillor Morris stated that she did not wish to withdraw her motion to refuse.

The chair asked for the motion to be seconded. There was no seconder and the motion fell.

A motion to defer this item was proposed, seconded, put to the vote and declared carried.

**RESOLVED:**

That this item be deferred to a future meeting of the planning committee.

In accordance with paragraph 1.8.4 of the council's committee procedure rules, Councillor Adele Morris asked for her vote against the motion to defer to be recorded.

**7.2 METROPOLITAN TABERNACLE CHURCH, ELEPHANT AND CASTLE, LONDON SE1 6SD**

**Planning application references:16/AP/4525**

Report: pages 292 – 300 of the agenda pack dated 16 January 2018.

**PROPOSAL**

*Minor amendments to the northern elevation of the grade II listed Metropolitan Tabernacle building by virtue of the demolition of the immediately adjacent/abutting London College of Communications building (subject to planning application reference: 16-AP-4458).*

A motion to defer this item was proposed, seconded, put to the vote and declared carried.

**RESOLVED:**

That this item be deferred to a future meeting of the planning committee.

In accordance with paragraph 1.8.4 of the council's committee procedure rules, Councillor Adele Morris asked for her vote against the motion to defer to be recorded.

The meeting adjourned at 7.25pm and resumed at 7.40pm to consider item 6.

**6. TO RELEASE £377,143.63 FROM THE S106 AGREEMENTS ASSOCIATED WITH THE BELOW DEVELOPMENTS, TO DELIVER IMPROVEMENTS TO THE ACCESSIBILITY ALONG THE FOOTWAYS IN NORTH CAMBERWELL.**

An officer introduced the report and members of the committee considered the information contained therein.

**RESOLVED:**

That the release of of £377,143.63 of Section 106 funding, from the developments outlined in the report, to deliver improvements to the accessibility along the footways in North Camberwell, as set out in paragraphs 3-5 of the report, be approved.

The meeting adjourned 7.45pm and reconvened at 8pm.

**7.3 SOUTHWARK FIRE STATION, 94 SOUTHWARK BRIDGE ROAD, LONDON SE1 0EG; GROTTA PLACE AND GROTTA PODIUMS**

**Planning application references: 17/AP/0367 (full planning application) and 17/AP/0368 (listed building application)**

Report: see pages 17 to 68 of the agenda pack and pages 3 to 6 and pages 9 to 25 of supplemental agenda No.2.

**PROPOSAL**

*Redevelopment of the site including alterations and extensions to listed buildings for a mixed use scheme to provide a new secondary school with sixth form (up to 1150 pupils), 199 residential units, 234 sqm of flexible commercial or community use (Class A1, A3, B1, D1, D2), a 139 sqm Gym (D2) associated landscape and public realm works, cycle parking, disabled parking and servicing access; and the redevelopment of land at Grotto Place for the provision of a new sports hall (1,452sqm) and external multi use games facility and landscaping.*

The committee heard the officer's introduction to the report and addendum report. Councillors asked questions of the officer.

The objectors addressed the meeting and answered questions by the committee.

The applicant and the applicant's agents addressed the committee, and answered questions by the committee.

Supporters who lived within 100m of the development site addressed the meeting, and responded to questions from councillors.

Councillor David Noakes addressed the meeting in his capacity as a ward councillor, and answered questions by the committee.

The committee put further questions to officers and discussed the application.

A motion to grant planning permission was moved, seconded, put to the vote and declared carried.

**RESOLVED:**

1. That planning permission be granted for application 17/AP/0367, subject to:
  - a. The conditions set out in the report and addendum report, including the corrected Section 106 contribution for social housing of £13,856,722, and
  - b. Subject to two additional conditions stipulating that:
    - i. Six-monthly meetings between the school, ward councillors and residents to be organised by Haberdasher Aske for the first 2-3 years of the school's operation. This is to include reviewing the arrangements around the community use of the Grotto Place site.
    - ii. That the opening times of the Grotto Place site to be amended to a 9pm closing time on any day, and a 10am opening time on Sundays. These opening times are to be subject to review by the above meeting
  - c. referral to the Mayor for London, and the applicant entering into an appropriate legal agreement by no later than 27 April 2018.
2. That in the event that the requirements of (a) are not met by 27 April 2018, the director of planning be authorised to refuse planning permission, if appropriate, for the reasons set out in paragraph 153 of the report;
3. That listed building consent for 17AP0368 be granted, subject to the conditions set out in the report and addendum report, and subject to the decision on the related planning application having been issued.

The meeting adjourned from 10pm to 10.10pm.

**7.4 LAVINGTON HOUSE, 25 LAVINGTON STREET, LONDON SE1 0NA**

**Planning application reference: 16/AP/2668**

Report: see pages 69 to 143 of the agenda and pages 5 to 7 of the supplemental agenda No. 2.



## PROPOSAL

*Demolition of existing buildings and redevelopment of the site to provide a 10 storey (plus basement) commercial building with two flexible A1/A3/B1 units at ground/basement level and B1 floorspace on all upper levels and accessible parking/vehicular access and servicing from Ewer Street; 170 apartments in three residential buildings at 8, 13 and 21 storeys (plus basement, including roof plant) with a flexible A1/A3/B1 unit at basement/ground floor level; parking/vehicular access from Lavington Street; 3 mews houses (3 storeys); new public realm; hard and soft landscaping; pedestrian routes; alterations to the public highways including widened footways, relocated parking and service bays, tree planting, resurfacing and associated works.*

The committee heard the officer's introduction to the report and addendum report. Councillors asked questions of the officer.

There were no objectors wishing to address the meeting.

The applicant and the applicant's agent addressed the committee, and answered questions by the committee.

There were no supporters who lived within 100m of the development site.

Councillor David Noakes addressed the meeting in his capacity as a ward councillor, and answered questions by the committee.

The committee put further questions to officers and discussed the application.

A motion to grant planning permission was moved, seconded, put to the vote and declared carried.

## RESOLVED:

1. That planning permission for application 16/AP/2668 be granted, subject to:
  - a. The conditions set out in the report and addendum report
  - b. two additional conditions:
    - that Bankside Residents' Forum be granted 50sqm within a flexible unit for 10 years at a peppercorn rent
    - that there be regular residential liaison meetings during the construction phase, which should include representatives of Bankside Residents' Forum and ward councillors
  - c. the applicant entering into an appropriate legal agreement and referral to the Mayor of London.
2. That in the event that the requirements of paragraph 1 above are not met by 31 August 2018, the Director of Planning be authorised to refuse planning permission, if appropriate, for the reasons set out under paragraph 153 of the report.

Meeting ended at 10.35 pm

**CHAIR:**

**DATED:**

<b>Item No.</b> 6.	<b>Classification:</b> Open	<b>Date:</b> 21 March 2018	<b>Meeting Name:</b> Planning Committee
<b>Report title:</b>		Article 4 Direction to withdraw the permitted development rights granted by Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) Order 2015 (as amended)	
<b>Ward(s) or groups affected:</b>		All	
<b>From:</b>		Director of Planning	

## RECOMMENDATIONS

That the Planning Committee:

1. Approves a non-immediate Article 4 Direction (Appendix A) to withdraw the permitted development rights granted by Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (GPDO) Order 2015 for changes of use from office use (Class B1a) to a dwellinghouse (Class C3) in the Central Activities Zone in Southwark (Appendix B). The direction will allow more than 12 months notice prior to the date when Class O will come into effect for the Central Activities Zone (31 May 2019).
2. Notes the equalities analysis of the proposed Article 4 Directions (Appendix C).
3. Delegates to the director of planning the arrangements for confirming the Article 4 Direction including compliance with the notification requirements under the Town and Country Planning (General Permitted Development) Order 2015.

## BACKGROUND INFORMATION

4. The Central Activities Zone (CAZ) covers London's geographic, economic and administrative core. The CAZ is an internationally and nationally significant office location and a key driver of the London and UK economy. The CAZ accounts for 10% of UK output and is projected to need to accommodate at least 177,000 additional office jobs and 2.3 million sqm of office floorspace over the period 2011-2031 London-wide (Mayor's CAZ SPG, 2016).
5. In Southwark it incorporates Bankside, Borough, London Bridge and Elephant and Castle. It contains two London Plan designated opportunity areas: Bankside, Borough and London Bridge and Elephant and Castle. These are areas in which significant growth is expected including 1,900 homes and 25,000 jobs in Bankside, Borough and London Bridge and 5,000 homes and 5,000 jobs at Elephant and Castle.
6. The CAZ contains over 80% of the total office jobs within Southwark and the vacancy rate is estimated as low as 3.4%. The borough as a whole has seen a net loss of employment floorspace since 2010 and presently extant permissions will lead to the loss of over 31,000 sqm of B1a floorspace. In the period leading up to 2041, it is estimated 37,800 new office jobs will be generated in Southwark, which equates to

some 506,800 sqm of office space. The majority of this space would be delivered in the CAZ. The main forecast demand is for a significant volume of Grade A office space with increasing demand for this space to respond to flexible working, natural light, technology-enabled and stylish design trends. The Southwark Employment Land Study (2015) recognises that flexible and smaller business uses are required in the Bankside and Borough employment land cluster, to ensure vital support space is not being lost.

7. Southwark's Economic Wellbeing Strategy 2017-22 seeks to make Southwark a place where businesses thrive and prosper. The strategy notes the scarcity of land for business in the borough, the need for new office space and the pressure for residential development. The strategy sets out to protect the functions of the CAZ and encourage growth in areas within and connected to the CAZ with a balance of uses providing a mix of homes, employment, commercial and leisure opportunities.
8. The GPDO consolidated permitted development rights for England. This included the change of use from offices to dwellinghouses before 30 May 2016 without the need for a full planning application, except for land which had been granted an exemption. The exempted land included Southwark's CAZ after a successful application by the council to the Secretary of State when the right was first introduced in 2013. The GPDO was amended in 2016 making the development right permanent and removing the exemption after 30 May 2019.
9. The council has been collaborating with the Greater London Authority (GLA) and other boroughs to make Article 4 Directions to cover the CAZ as supported by the Mayor of London and the London Plan. The City of London, Tower Hamlets, Hackney, Kensington and Chelsea and Wandsworth have made their directions. Strategic evidence prepared by the GLA is endorsed by Southwark in the making of this Article 4 Direction and is attached as Appendix D.
10. The Article 4 Direction is proposed in recognition of the significant economic function of the CAZ and the need to retain and grow office space to support projected demand in Southwark and in the wider London context. This report sets out the justification for a non-immediate Article 4 Direction which is recommended to come into force from May 2019 when the GPDO exemptions will expire.

#### **Article 4 Directions**

11. An Article 4 Direction can be used to remove specific permitted development rights in all or parts of the local authority's area. It would not restrict development altogether, but instead ensure that development requires planning permission. A planning application for the proposal would need to be submitted that would then be determined in accordance with the development plan.
12. Article 4 Directions must apply to all uses within the relevant use class and it cannot restrict changes within the same use class.
13. The government's on-line National Planning Practice Guidance (NPPG entitled "When is permission required?") sets out guidance on the use of Article 4 Directions. The NPPG states that an Article 4 Direction to remove national permitted development rights should be limited to situations where this is necessary to protect local amenity or the wellbeing of the area. It also states that in deciding whether an Article 4 Direction would be appropriate, local planning authorities should identify clearly the potential harm that the direction is intended to address (paragraph 038).

14. Article 4 Directions can either be immediate or non-immediate depending upon when notice is given of the date on which they come into force. The process for making and confirming a non-immediate Article 4 Direction is as follows:
- Stage 1 (the current stage) - The council decides whether to go ahead and introduce a Direction setting a date in the Notice for when the Direction will come into force which must be at least 28 days and no more than 2 years after representations can first be made, which is usually after the last publication/service date;
  - Stage 2 – Publication/Consultation stage. The council:-
    - 1) publishes the notice of direction in a local newspaper;
    - 2) formally consults with general members of the public and the owners and occupiers of every part of the land within the area or site to which the Direction relates over a period of at least 21 days;
    - 3) and places notices up on site for 6 weeks;
  - Stage 3 – On the same day that notice is given under Stage 2 above, the council refers its decision to the Secretary of State who has wide powers to modify or cancel a Direction;
  - Stage 4 – Confirmation Stage - The council cannot confirm the Direction until after a period of at least 28 days from publication/service of the Notice. Once a Direction has been confirmed, the council must give notice of the confirmation in the same way as it gave notice of the initial direction, and must specify the date that the direction comes into force. A copy of the direction as confirmed must also be sent to the Secretary of State.

### **Compensation**

15. In some circumstances the council can be liable to compensate developers or landowners whose developments are affected by Article 4 Directions. Local planning authorities are liable to pay compensation to landowners who would have been able to develop under the permitted development rights that an Article 4 Direction withdraws, if they:
- Refuse planning permission for development which would have been permitted development if were not for an Article 4 Direction; or
  - Grant planning permission subject to more limiting conditions than the GPDO would normally allow.
16. Compensation may also be claimed for abortive expenditure or other loss or damage directly attributable to the withdrawal of permitted development rights. 'Abortive expenditure' includes works carried out under the permitted development rights before they were removed, as well as the preparation of plans for the purposes of any work.
17. Loss or damage directly attributable to the withdrawal of permitted development rights would include the depreciation in the value of land or a building(s), when its value with the permitted development right is compared to its value without the right.

18. However, the compensation arrangements differ for cases where a development order in respect of prescribed development is being withdrawn. The definition of prescribed development can be found in regulation 2 of the Town and Country Planning (Compensation) (England) Regulations 2015 (as amended). In cases such as these compensation is not payable if the following procedure is followed, as set out in section 108 of the Town and Country Planning Act:
- The planning permission withdrawn is of a prescribed description as set out in the Town and Country Planning (Compensation) Regulations 2015 (as amended).
  - The permitted development right is withdrawn in the prescribed manner.
  - Notice of withdrawal is given in the prescribed manner:
    - Not less than 12 months before it takes effect.
    - Not more than the prescribed period of two years.
19. Permitted development rights granted by Schedule 2, Part 3, Class O are prescribed development, which means that compensation will not be payable if more than 12 months notice of the withdrawal is given.

### **Planning applications**

20. If permitted development rights are withdrawn and planning permission is required, the council would be obliged to determine the proposal in accordance with the development plan unless material considerations indicate otherwise. In Southwark's case, the development plan includes the London Plan, the Core Strategy, saved policies in the Southwark Plan and adopted area action plans. Core Strategy Policy 10 'Jobs and Business' and Southwark Plan Policy 1.4 'Employment Sites outside the Preferred Office Locations and Preferred Industrial Locations' protect business space in the CAZ, requiring no net loss through development. The New Southwark Plan will replace the Core Strategy and Southwark Plan once it is adopted. New Southwark Plan Policy P26 'Office and business development' will require development in the CAZ to retain or increase the amount of employment floorspace on site whilst promoting successful integration with homes.
21. In addition to ensuring an uplift or retention of employment space, other policies in the development plan would also apply to the determination of applications. These would include policies to secure affordable homes, family homes and homes for households with specialist needs. Policies would be applied to ensure residential design standards are met, that sufficient social infrastructure such as education and health facilities are available and that the right amount of cycle parking, car parking, amenity space and play space are provided.

### **KEY ISSUES FOR CONSIDERATION**

22. As noted above, the NPPF advises that the use of Article 4 Directions to remove national permitted development rights should be limited to situations where it is necessary to protect local amenity or the wellbeing of the area. This is reiterated in the NPPG which also states local planning authorities should identify clearly the potential harm that the direction is intended to address.

23. As set out below, permitted development rights for the change of use from office to residential in Southwark's CAZ would have implications for office locations of great significance to London and the UK's economy. Southwark's CAZ is often referred to commercially as part of the now well recognised South Bank office market. The nationally significant stock of office space provides a unique concentration of businesses contributing to employment growth. Demand for new office space is already outstripping supply from both existing and permitted office space.
24. Schedule 2, Part 3, Class O of the GPDO requires prior approval from the local authority for a determination of the transport and highways impacts of the development, and contamination and flooding risks in relation to the building. Class O was amended in 2016 which now requires consideration of the impacts of noise from commercial premises on the intended occupiers of the development.
25. The prior approval process does not allow the consideration of impacts related to the suitability and quality of accommodation created through change of use, pressure on social infrastructure and open space, the loss of employment space or wider economic effects. Such impacts could not be mitigated through planning conditions or obligations, nor could affordable housing or contributions towards strategic infrastructure be secured.

### **Contribution to economy**

26. Offices in Southwark's CAZ contribute to the economy both within and far beyond the local area. The GLA has compiled strategic evidence to support the introduction of Article 4 Directions in the CAZ for office to residential permitted development rights (Appendix D). It calculates that the output of the CAZ, Northern Isle of Dogs and a 1km fringe around them stood at just over £194 billion in 2015 accounting for over 50% of London's output and around 12% of UK output. Southwark's output in 2015 was £14.9 billion or around 1% of the entire UK output. In addition to achieving this very high output Southwark is an economically competitive borough. Southwark was ranked as the fourth most competitive out of 379 local authorities in the UK in the 2013 UK Competitiveness Index. Southwark contains a large portion of the South Bank office market. The Union Street Partners' Quarter 4 2017 London South Bank Office and Retail Markets (2018) update reported an annual investment of £2.2 billion in 2017 up from a 10 year average of £930 million. There has been £3.9 billion investment in the last three years including £2.1 billion from overseas.
27. The strength of the office-based economy in Southwark's CAZ is underpinned by its strategic location. Businesses can access major transport hubs at Waterloo, Elephant and Castle and London Bridge and are well connected to the City, Midtown and West End markets north of the river. Major international firms from a range of sectors have taken up premises in the area including business and professional services such as Pricewaterhouse Cooper and Norton Rose Fulbright, traditional media companies such as the Financial Times and News UK and new media companies such as Square Enix.
28. The Southwark Employment Land Study (ELS) 2016 identifies the Southwark CAZ as being part of the principal economic cluster for professional scientific and technical services in London. It has attracted professional and business services such as legal and accountancy services, advertising and market research which will continue to grow as a sector. Union Street Partners report recent take-up of offices from 2014-17 by technology, telecoms, professional services and serviced offices companies.

29. Many of the businesses within Southwark's CAZ come together in Business Improvement Districts (BIDs): Team London Bridge, Better Bankside, South Bank and We Are Waterloo. When the council successfully sought the exemption for the CAZ in the GPDO in 2013, BIDs wrote in support of the application. The council has also received letters from Better Bankside and We are Waterloo BIDs (Appendix E) in support of an Article 4 Direction to maintain planning controls for office to residential conversions.
30. The strategic evidence provided by the GLA concludes that the CAZ provides an irreplaceable contribution to the prosperity of the UK thanks to established policy support for offices. Offices in Southwark's CAZ bring the opportunities provided by strategic economic activity close to residents. There are deprived areas in the north of the borough and their proximity to the CAZ provides opportunities for those most in need. An Article 4 Direction would prevent harm to economic wellbeing locally, city-wide and nationally.

### **Agglomeration benefits**

31. As set out in the GLA's strategic evidence, the concentration of large numbers of office-based businesses in Southwark's CAZ leads to increased productivity, access to a large pool of labour, collaboration, and transfer of knowledge, innovation and technology between businesses. Along with the character and reputation of the CAZ this improves the competition, efficiency and global competitiveness of Southwark, London and the UK. This agglomeration is boosted by exceptional levels of transport connectivity.
32. The Southwark ELS (2015) describes how the improvement of the environment in Southwark's CAZ in recent years, the Jubilee Line extension, development of large scale offices and the local cultural offer have supported the growth of professional and creative business clusters. Developments at Bankside, More London, The Place and The Shard have added 550,000 sqm of prime office space to help create a critical mass for agglomeration. Union Street Partners report evidence of clustering in recent office leases that have been taken up. Closely associated with office clusters, hotel growth in the South Bank market added 8,500 rooms in 2017.
33. The Small Offices and Mixed Use in CAZ (2015) report for the GLA identifies Southwark's CAZ as an important growing cluster for small offices as well. The Southwark ELS points to the establishment of co-working and incubator spaces. It also gives examples of small office agglomeration at the level of individual buildings where businesses share similar requirements for facilities, location and rents. For example 75 Bermondsey Street contains the following firms:
  - Agent (account management)
  - Animl (digital marketing)
  - Beyond (design)
  - Encore (digital media)
  - Kurt Geiger (fashion)
  - Lexis (creative communications)
  - Morar Consulting (marketing)
  - Next 15 (business investment)
  - Reverb (event management)



34. An Article 4 Direction would allow planning controls to maintain the concentration of businesses which add to the character and amenity of Southwark's CAZ as well as underpinning economic activity and wellbeing.

### **Employment**

35. The Southwark ELS estimates that 56.3% of all jobs in Southwark's CAZ are found in B use class properties and of this total 51.9% are office jobs. The ELS also places publishing/media/digital, professional services and second-tier office activities in the top 5 sectors for the strongest growth and greatest concentration in job numbers. These sectors have helped to drive job growth in recent years; between 2000 and 2013 the ELS indicates employment in Southwark grew by 41% (74,000 jobs) compared to 21% for Lambeth and 16% for London.
36. The Southwark ELS estimates that 72% of Southwark's jobs and 90% of all office employment in the borough is concentrated in the CAZ. A further 18% of Southwark's jobs are in the CAZ fringe which is also highly dependent on businesses providing services to the central London office-led economy. This connection of the wider employment base to the CAZ is also highlighted by the Southwark Industrial and Warehouse Land Study 2014.
37. The GLA's strategic evidence predicts that employment in the CAZ will increase by 423,000 jobs between 2016 and 2041 of which around 290,000 jobs are expected to be in offices. Between 2014 and 2036 the Southwark ELS forecasts an increase of 58,000 jobs, with 34,500 of these being office jobs due to high levels of growth in professional and technical services. London Plan opportunity areas set targets for 30,000 new jobs in Southwark's CAZ and the ELS argues that these should be increased. The New Southwark Plan contains allocations for development sites in the CAZ requiring an uplift in office floorspace to meet these targets alongside the delivery of new homes. Some of these sites contain existing offices and their conversion to residential could prevent comprehensive redevelopment.
38. Offices are central to providing employment in Southwark both for residents and workers across a much wider area. Overall job numbers are highly dependent on the CAZ and its vicinity as is the high level of jobs growth seen in recent years. Offices account for the majority of future jobs forecast and this expansion of employment would be undermined by the uncontrolled loss of offices to residential.

### **Contributions to strategic infrastructure**

39. Change of use from office to residential without planning permission in Southwark's CAZ would undermine contributions to strategic infrastructure. The impact on funding could be significant given the amount of existing office space. The GLA has highlighted the success of the Mayoral Community Infrastructure Levy (CIL) to fund strategic transport infrastructure, namely Crossrail, essential to supporting the agglomeration of business functions in the CAZ and their contribution to the local and national economy and employment. The GLA has consulted on its proposals for MCIL2 to fund Crossrail 2 to address major pressures due to growth in London and the South East.
40. Development granted planning permission must also pay Southwark CIL to help fund strategic health, education, parks and transport infrastructure. This will include the extension of the Bakerloo Line, enabling delivery of 20,000 homes and 10,000 jobs in Old Kent Road as well as growth in New Cross and Lewisham. It will transform

connectivity in south-east London, increase the capacity and resilience of London's transport network and provide opportunities for improved wellbeing and enhanced local amenity for quality of life. Offices could also contribute to the Bakerloo Line extension through MCIL2 if the Mayor allocates some of those receipts. Business rate retention will also make an important contribution to strategic infrastructure funding packages in the future, including the Bakerloo Line extension. This funding would be reduced by the loss of office floorspace and potential loss of higher density mixed use redevelopment.

### Central London office market trends

41. The stock of office space in Southwark's CAZ is substantial and has grown in recent years to accommodate a variety of businesses in growing clusters benefitting from agglomeration and providing employment as well as supporting the national economy. The GLA's evidence states that office space in the CAZ has been growing since 2000 and now amounts to almost 20 million sqm, which is over a fifth of the UK's total. The Southwark ELS indicates that the borough's office stock grew from 1 to 1.3 million sqm between 2000 and 2012 due to the regeneration of the South Bank and delivery of More London as well as smaller schemes. Union Street Partners report that the total South Bank stock is now almost 2 million sqm. The ELS describes how the office market south of the river has been transformed, notably with the relocation of City firms such as Ernst Young and Omnicom Group south of the river.
42. Despite the expansion of office stock all evidence points towards demand outstripping supply. The Southwark ELS reasons that the regeneration of Southwark's CAZ will continue to strengthen its appeal for business and that there are positive underlying drivers of demand for office space. This is in line with the situation across the CAZ; the 2017 London Plan Annual Monitoring Report concludes that the current level of office permissions is too low to provide adequate development supply. The ELS forecasts a need for 460,000 sqm net additional office floorspace and that 80% of this should be provided in Southwark's CAZ, including Grade A space of the order of More London in highly accessible locations as well as smaller managed offices for SMEs. The sensitivity of location underlines the need to protect office stock that is already in highly suitable locations for business. These forecasts are backed up by the latest market data. Union Street Partners report that the availability rate in the South Bank office market is 3.4%, well below the recommended 8% vacancy rate for efficient market operation and lower than the rates for the West End, Midtown and City. They also report an annual take-up of space by business of around 120,000 sqm, above the 10 year average of 100,000 sqm. The New London Quarterly Winter 2017-18 described the office market in Southwark's CAZ as resilient with continuing investor interest and one of the few markets not to be negatively impacted by EU Referendum result. All of these indicators of high demand and constrained supply suggest that a significant loss of office space would negatively impact the effective functioning of the market and create issues for businesses such as increases in rents.
43. Within this context there is a concerning threat to office space and office-based businesses posed by the competing demand for homes. The GLA's London Office Policy Review (2017) highlights the pressure for residential development with little likelihood of change in the future. The Southwark ELS demonstrates that projected housing growth will negatively impact employment floorspace.
44. Existing small and secondhand office premises are more likely to be at risk from office to residential permitted development rights as they would be more readily converted into flats compared to large floorplate or new recently fitted out offices. The small

offices and mixed use in CAZ report states that 82% of Southwark's businesses have less than 10 employees. The ELS also suggests that Southwark's CAZ is still largely characterised by SMEs, such as those found around Blackfriars Road, Borough High Street, Southwark Street and Bermondsey Street, with demand for new space catering specifically for small occupiers. Union Street Partners also point to the importance of secondhand space for the local market, making up 69% of activity in Q4 2017.

45. The delivery of new offices is also put at risk. The ELS forecasts a high need for new Grade A, large floorplate office space to serve the professional services market where there is little available supply at present. These offices will require the delivery of strategic scale development in Southwark's CAZ. The profile of opportunity sites identified during the preparation of the New Southwark Plan suggests that suitable sites will usually have an existing employment land-use, often offices. Opportunistic conversion of these offices to residential could undermine their comprehensive redevelopment to achieve greater levels of new office provision alongside new homes. The pipeline of existing planning permissions in the London Development Database illustrates that sites with offices are coming forward for redevelopment to provide improved office space. Of the approximately 138,000 sqm gross new office floorspace in the pipeline in March 2017, 110,000 sqm (80%) was permitted on sites with existing office space. The New Southwark Plan allocates sites to achieve the delivery of new office space in the CAZ and their delivery could be undermined by permitted development rights where these prevent sites with existing offices being available for comprehensive redevelopment. Sites that are within the CAZ are recognised in the plan as being the most in demand for office delivery and are required to contribute to this growth by providing an increase in the amount of employment floorspace.

#### **Office and residential values**

46. The profits that could be realised would provide a strong incentive for conversion from office to residential under permitted development rights due to differences in value between the land uses. The GLA's evidence points out that the whole CAZ is attractive for homes as well as offices and that subsequent viability studies have shown that residential values have exceeded office values even in the most desirable locations for high turnover office-based businesses. The GLA present evidence that office rental values are cyclical so that relative values to residential change over time. At the top of the cycle in Southwark's CAZ some offices may have competed with average residential values but at the bottom of the cycle there would be an even stronger incentive for conversion. Since 2008 the price of residential land has been growing and office price growth cannot compete, with prime residential values far exceeding those for prime offices across the CAZ.
47. The Southwark ELS discusses the threat of high value residential in Southwark's CAZ creating pressure to convert and for businesses to have to relocate out of the borough or occupy poorer quality space. The study identifies a problem with office rental values dropping away from the riverside putting the second tier businesses that support the highest value CAZ firms at risk. It also draws attention to the risk to any future supply if potential development land can be outbid by residential developers. This would be exacerbated if residential could be established as the existing use through the tactical use of the permitted development rights.
48. The New Southwark Plan Housing Viability Study 2017 supports the GLA's findings that residential values have grown significantly since the recession and they now exceed pre-recession peak values by 71%. The study reviews residential sales value

forecasts and they predict that values will continue to increase. Southwark's CAZ falls in the highest value zone identified for residential development in the borough. High value residential rents range from £2,600 per month for a 1 bed flat to £3,250 per month for a 3 bed flat. For one bed flats this approximates to £800 per sqm per year, above the £700 per sqm per year for office rents. Union Street Partners' transaction data suggests that office space is achieving lower rents than this in practice, with an example of secondhand grade A space on Blackfriars Road letting for £565 per sqm and even a new investment office letting on Blackfriars Road for £535 per sqm. Sales values of residential in the area from the viability study range from approximately £12,400 to £23,200 per sqm. This puts the majority of residential above the £13,000 per sqm approximate sales value for offices calculated from the rent. Again Union Street Partners' data suggests office values are even lower in practice with a new build example on Blackfriars Road at £12,700 per sqm, dropping to £6,500 per sqm for an office on Great Suffolk Street and £5,400 per sqm on Bermondsey Street

49. This data suggests that residential values will continue to outstrip office values and that offices of all grades and particularly the smaller offices vital to SMEs and easiest to convert to residential are at risk. There is therefore a high likelihood of the harm to the economy, agglomeration, strategic infrastructure delivery, employment and the office market discussed above. The GLA highlight the cumulative nature of this impact that requires management through a planned approach to office and residential development in the CAZ.

### **Impacts and unintended consequences**

50. Office to residential permitted development rights were introduced with the intention of making better use of vacant commercial buildings for housing. This would not be the outcome in Southwark's CAZ where vacancy rates are exceptionally low but high residential values would nevertheless incentivise conversion of offices even though they are occupied. This unintended consequence can already be observed in areas across London where the permitted development rights already apply. The GLA report that 1.6 million sqm of office floorspace (6% of London's total stock) has prior approval for office to residential conversion, including many offices on the fringes of the CAZ. More than half of this floorspace is fully or partly occupied and the GLA conclude these permitted conversions are impacting on SMEs and start-up businesses in particular. Given the size and nature of the office market in Southwark's CAZ the harmful impacts would be even greater.
51. The Southwark ELS raises concerns about the net loss of office space since 2010 and the even greater gross loss of lower cost office space important to SMEs. The study points to successful regeneration leading to rising rents, with the discount compared to the city falling from 18% in 2006 to 8% in 2014, which would likely inflate significantly with a greater loss of office space allowed by permitted development. It highlights prominent examples of large residential development at One Tower Bridge and the King's Reach Tower conversion that illustrate the pressure for residential development even where the most successful commercial uses are otherwise viable.
52. An Article 4 Direction would prevent the unintended harm of office to residential permitted development rights in the CAZ on existing occupiers and their contribution to the character of the area, employment, the overall functioning of the CAZ and the wider economy.

## Housing delivery

53. Large numbers of new homes are being delivered in Southwark through an effective planned approach to regeneration and even greater numbers will be deliverable in the future without the need to relax requirements on office to residential conversion. The Authority Monitoring Report indicates that from 2011 to 2016 over 1,700 homes have been delivered in Southwark on average each year through large-scale regeneration, conversions, extensions, student housing development and vacant homes being brought back in to use. A net total of nearly 2,200 affordable homes have been delivered in the borough over the five year period and 42% of new homes on schemes of ten units or more have been affordable. The Southwark Five and Fifteen Year Housing Land Supply: 2016-2031 report last indicated that planning was making sufficient land available for 18,595 homes that could be developed over 5 years and 42,043 homes that could be developed over 15 years.
54. The GLA evidence points to the Mayor's draft London Plan, which sets out ambitious ten-year housing targets for every borough, alongside Opportunity Area plans for longer-term delivery where the potential for new homes is especially high. The London Plan strikes an appropriate balance between strategic housing and office needs, supported by the draft London Housing Strategy setting out how the Mayor of London will work with boroughs to deliver the step change in housing supply required. The London Plan and Housing Strategy support the delivery of housing within the CAZ such that it does not compromise the agglomerations of offices and other strategic functions.
55. The New Southwark Plan identifies enough sites to build at least 2,736 homes per year which would meet the adopted London Plan target of 27,362 homes between 2015 and 2025. This is a greater level of capacity than the target in the draft London Plan. Site allocations in Southwark's CAZ will achieve an uplift in office floorspace sufficient to meet demand as well as making a substantial contribution to the ambitious target for homes. The level of housing and office delivery anticipated in the plan through comprehensive redevelopment would be greater than that achieved by piecemeal conversions of office to residential. There are examples of conversions from commercial to residential that have taken place outside the CAZ in Old Kent Road before regeneration had begun in earnest where a much greater scale of development is now being planned for on nearby sites. The London Development Database also provides evidence that planning controls are effectively managing and not preventing the redevelopment of appropriate office sites. Of the live permissions at March 2017, 1,304 of the 3,085 permitted homes in the CAZ wards were on sites that had existing office floorspace. This illustrates how permitted development rights could undermine the delivery of a greater number of homes due to the possibility of a quick profit through conversion.

## Areas affected

56. The NPPG states that an Article 4 Direction to remove national permitted development rights should be limited to situations where this is necessary to protect local amenity or the wellbeing of the area. For the reasons outlined above it is considered necessary to remove all permitted development rights relating to conversion to residential in Southwark's CAZ (Appendix B).

## Conclusions

57. An Article 4 Direction can be made if the council is satisfied that it is expedient that development should not be carried out unless planning permission is granted on application.
58. The use of an Article 4 Direction would not restrict development altogether, but instead ensure that development requires planning permission. Planning permissions including residential development on office sites in the CAZ would ensure the balance between office and residential uses is appropriate. They would ensure that new homes are of good quality with access to sufficient amenity space, play space, parking and social infrastructure. They would secure affordable housing, housing for people with specialist needs, family housing and contributions to strategic infrastructure. In accordance with adopted and emerging planning policy, employment sites within the CAZ are required to retain or uplift the amount of employment floorspace.
59. The council is satisfied that permitted development rights granted by Schedule 2, Part 3, Class O would present a significant risk to the economic wellbeing of residents and the amenity of Southwark's CAZ where the concentration of offices is essential to its character and function. The harm that permitted development rights could cause extends to London and the UK due to the contribution offices make to economic output, agglomeration, employment growth and the property market; the loss of funding for strategic infrastructure; unintended consequences for occupiers and future development; and the undermining of planned housing delivery.

## Consultation

60. Consultation on the Article 4 Directions will comply with provisions set out in the GPDO. Notice of the Directions will be made by:
  - Local advertisement in the press;
  - Site notices placed in visible locations on principle streets in Southwark's CAZ;
  - Written notification sent to all commercial addresses in Southwark's CAZ, specifying a period of at least 21 days in which representations can be made; and
  - Notification to the Secretary of State.

Additional notification will be made by:

- Mail out to over 7,000 email addresses on the council's planning policy consultation notification mailing list;
  - Article 4 Direction council webpages updated with relevant information on the Direction, the representation period, the planning committee report and other supporting documents available to view and download; and
  - Online Consultation Hub Page providing information on the Direction and a portal for submitting representations.
61. Following consultation and before 31 May 2019, a report recommending whether the Direction should be confirmed will be reported back to Planning Committee.

## Community impact statement

62. The council is working to improve the economic wellbeing of residents and to ensure that Southwark has a strong local economy with opportunities for employment, vibrant

centres to do business in and residents equipped with skills and knowledge to access employment. The Article 4 Direction seeks to protect the contribution of offices to the local economy and economic wellbeing.

63. The equalities analysis (Appendix C) has concluded that the Article 4 Direction will have a positive impact on equalities and it will assist the council in implementing its planning policy framework, which has also undergone equalities analysis.

### **Financial implications**

64. As is noted above, should the local authority refuse planning permission for development that otherwise would have been granted by Schedule 2, Part 3, Class O, the council's potential liability for compensation is limited to one year from the date the Direction is introduced. The direction will be made more than one year before the expiry of the existing exemption from the permitted development right so applicants will not be entitled to claim compensation.

### **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

#### **Director of Law and Democracy**

65. Planning committee is being asked to confirm a non-immediate Article 4 Direction to withdraw the permitted development rights granted by Schedule 2, Part 3, Class O of the GDPO to restrict changes of use from office use to a dwelling house within the Central Activities Zone; to note the equalities analysis of the proposed Article 4 Direction and to delegate to the director of planning the arrangements for confirming the Article 4 Direction including compliance with the notification requirements.
66. Part 3F of the council's constitution entitled "Matters reserved for decision by the Planning Committee" at paragraph 3 reserves to planning committee any authorisations under Article 4 of the Town and Country Planning Permitted Development Order. This confirms planning committee has authority to take the decisions being asked of it.
67. The Equality Act 2010 introduced the public sector equality duty, which merged existing race, sex and disability equality duties and extended them to include other protected characteristics; namely age, gender reassignment, pregnancy and maternity, religion and belief and sex and sexual orientation, including marriage and civil partnership. In summary those subject to the equality duty, which includes the council, must in the exercise of their functions: (i) have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; and (ii) foster good relations between people who share a protected characteristic and those who do not. This report notes the conclusion in the equalities analysis that the Article 4 Direction is anticipated to have a positive impact on equalities. The report should however be considered in full.
68. In addition, the Human Rights Act 1998 imposed a duty on the council as a public authority to apply the European Convention on Human Rights; as a result the council must not act in a way which is incompatible with these rights. The most important rights for planning purposes are Article 8 (respect for homes); Article 6 (natural justice) and Article 1 of the First Protocol (peaceful enjoyment of property). It is important to note that few rights are absolute in the sense that they cannot be interfered with under any circumstances. 'Qualified' rights, including Article 8 and the First Protocol, can be

interfered with or limited in certain circumstances. The extent of legitimate interference is subject to the principle of proportionality whereby a balance must be struck between the legitimate aims to be achieved by a local planning authority in the policy making process against the potential interference with individual human rights. In this case it is considered proportionate to remove permitted development rights in order to protect the Central Activities Zone.

### Strategic Director of Finance and Governance

69. This report is requesting planning committee to approve a non-immediate Article 4 Direction (Appendix A) to withdraw the permitted development rights granted by Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (GPDO) Order 2015 for changes of use from office use (Class B1a) to a dwelling house (Class C3) in the Central Activities Zone in Southwark (Appendix B).
70. The report is also requesting planning committee to note the equalities analysis of the proposed Article 4 Directions (Appendix C) and also delegates to the director of planning the arrangements for confirming the Article 4 Direction including compliance with the notification requirements under the Town and Country Planning (General Permitted Development) Order 2015. Full details and the reasons for the recommendation are contained within the main body of the report.
71. The strategic director of finance and governance notes that as the direction will be made more than one year before the expiry of the existing exemption from the permitted development right and therefore the applicants will not be entitled to claim compensation.
72. Staffing and any other costs connected with this report to be contained within existing departmental revenue budgets.

### BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Saved Southwark Plan 2007	160 Tooley Street, London SE1 2QH	Planning Policy Team 020 7525 5471 <a href="mailto:planningpolicy@southwark.gov.uk">planningpolicy@southwark.gov.uk</a>
<b>Link (copy and paste into your browser):</b> <a href="http://www.southwark.gov.uk/assets/attach/1767/1.0.1%20DL%20Saved_Southwark_Plan_policies_and_appendices_strikethrough_version.pdf">http://www.southwark.gov.uk/assets/attach/1767/1.0.1%20DL%20Saved_Southwark_Plan_policies_and_appendices_strikethrough_version.pdf</a>		
The Core Strategy 2011	160 Tooley Street, London SE1 2QH	Planning Policy Team 020 7525 5471 <a href="mailto:planningpolicy@southwark.gov.uk">planningpolicy@southwark.gov.uk</a>
<b>Link (copy and paste into your browser):</b> <a href="https://www.southwark.gov.uk/assets/attach/1675/1.0.2%20DL%20Core_Strategy_2011.pdf">https://www.southwark.gov.uk/assets/attach/1675/1.0.2%20DL%20Core_Strategy_2011.pdf</a>		
General Permitted Development Order 2015	160 Tooley Street, London SE1 2QH	Planning Policy Team 020 7525 5471 <a href="mailto:planningpolicy@southwark.gov.uk">planningpolicy@southwark.gov.uk</a>



Background Papers	Held At	Contact
<b>Link:</b> <a href="http://www.legislation.gov.uk/uksi/2015/596/contents/made">http://www.legislation.gov.uk/uksi/2015/596/contents/made</a>		
Southwark's Economic wellbeing strategy 2017-22: A partnership for local growth	160 Tooley Street, London SE1 2QH	Planning Policy Team 020 7525 5471 <a href="mailto:planningpolicy@southwark.gov.uk">planningpolicy@southwark.gov.uk</a>
<b>Link:</b> <a href="https://www.southwark.gov.uk/business/economic-wellbeing-strategy">https://www.southwark.gov.uk/business/economic-wellbeing-strategy</a>		
New Southwark Plan proposed submission version 2017	160 Tooley Street, London SE1 2QH	Planning Policy Team 020 7525 5471 <a href="mailto:planningpolicy@southwark.gov.uk">planningpolicy@southwark.gov.uk</a>
<b>Link (copy and paste into your browser):</b> <a href="https://www.southwark.gov.uk/planning-and-building-control/planning-policy-and-transport-policy/development-plan/local-plan?chapter=4">https://www.southwark.gov.uk/planning-and-building-control/planning-policy-and-transport-policy/development-plan/local-plan?chapter=4</a>		
London Plan 2016	160 Tooley Street, London SE1 2QH	Planning Policy Team 020 7525 5471 <a href="mailto:planningpolicy@southwark.gov.uk">planningpolicy@southwark.gov.uk</a>
<b>Link:</b> <a href="https://www.london.gov.uk/what-we-do/planning/london-plan">https://www.london.gov.uk/what-we-do/planning/london-plan</a>		
London Plan Annual Monitoring Report 2017	160 Tooley Street, London SE1 2QH	Planning Policy Team 020 7525 5471 <a href="mailto:planningpolicy@southwark.gov.uk">planningpolicy@southwark.gov.uk</a>
<b>Link:</b> <a href="https://www.london.gov.uk/what-we-do/planning/implementing-london-plan/monitoring-london-plan">https://www.london.gov.uk/what-we-do/planning/implementing-london-plan/monitoring-london-plan</a>		
CAZ Supplementary Planning Guidance 2016	160 Tooley Street, London SE1 2QH	Planning Policy Team 020 7525 5471 <a href="mailto:planningpolicy@southwark.gov.uk">planningpolicy@southwark.gov.uk</a>
<b>Link:</b> <a href="https://www.london.gov.uk/what-we-do/planning/implementing-london-plan/supplementary-planning-guidance/central-activities-zone">https://www.london.gov.uk/what-we-do/planning/implementing-london-plan/supplementary-planning-guidance/central-activities-zone</a>		
Small Offices and Mixed Use in CAZ 2016	160 Tooley Street, London SE1 2QH	Planning Policy Team 020 7525 5471 <a href="mailto:planningpolicy@southwark.gov.uk">planningpolicy@southwark.gov.uk</a>
<b>Link:</b> <a href="https://www.london.gov.uk/file/24189">https://www.london.gov.uk/file/24189</a>		
London Office Policy Review 2017	160 Tooley Street, London SE1 2QH	Planning Policy Team 020 7525 5471 <a href="mailto:planningpolicy@southwark.gov.uk">planningpolicy@southwark.gov.uk</a>

Background Papers	Held At	Contact
<b>Link (copy and paste into your browser):</b> <a href="https://www.london.gov.uk/sites/default/files/london_office_policy_review_2017_final_17_06_07.pdf">https://www.london.gov.uk/sites/default/files/london_office_policy_review_2017_final_17_06_07.pdf</a>		
Southwark Employment Land Study 2016	160 Tooley Street, London SE1 2QH	Planning Policy Team 020 7525 5471 <a href="mailto:planningpolicy@southwark.gov.uk">planningpolicy@southwark.gov.uk</a>
<b>Link (copy and paste into your browser):</b> <a href="https://www.southwark.gov.uk/planning-and-building-control/planning-policy-and-transport-policy/development-plan/evidence-base-documents">https://www.southwark.gov.uk/planning-and-building-control/planning-policy-and-transport-policy/development-plan/evidence-base-documents</a>		
Southwark Industrial and Warehouse Land Study 2014	160 Tooley Street, London SE1 2QH	Planning Policy Team 020 7525 5471 <a href="mailto:planningpolicy@southwark.gov.uk">planningpolicy@southwark.gov.uk</a>
<b>Link (copy and paste into your browser):</b> <a href="https://www.southwark.gov.uk/planning-and-building-control/planning-policy-and-transport-policy/development-plan/evidence-base-documents">https://www.southwark.gov.uk/planning-and-building-control/planning-policy-and-transport-policy/development-plan/evidence-base-documents</a>		
New Southwark Plan Housing Viability Study 2017	160 Tooley Street, London SE1 2QH	Planning Policy Team 020 7525 5471 <a href="mailto:planningpolicy@southwark.gov.uk">planningpolicy@southwark.gov.uk</a>
<b>Link (copy and paste into your browser):</b> <a href="https://www.southwark.gov.uk/planning-and-building-control/planning-policy-and-transport-policy/development-plan/evidence-base-documents">https://www.southwark.gov.uk/planning-and-building-control/planning-policy-and-transport-policy/development-plan/evidence-base-documents</a>		
Southwark Authority Monitoring Report	160 Tooley Street, London SE1 2QH	Planning Policy Team 020 7525 5471 <a href="mailto:planningpolicy@southwark.gov.uk">planningpolicy@southwark.gov.uk</a>
<b>Link:</b> <a href="https://www.southwark.gov.uk/planning-and-building-control/planning-policy-and-transport-policy/authority-monitoring-report">https://www.southwark.gov.uk/planning-and-building-control/planning-policy-and-transport-policy/authority-monitoring-report</a>		
Southwark Five and Fifteen Year Housing Land Supply: 2016-2031	160 Tooley Street, London SE1 2QH	Planning Policy Team 020 7525 5471 <a href="mailto:planningpolicy@southwark.gov.uk">planningpolicy@southwark.gov.uk</a>
<b>Link (copy and paste into your browser):</b> <a href="https://www.southwark.gov.uk/planning-and-building-control/planning-policy-and-transport-policy/development-plan/evidence-base-documents">https://www.southwark.gov.uk/planning-and-building-control/planning-policy-and-transport-policy/development-plan/evidence-base-documents</a>		
Union Street Partners' Quarter 4 2017 London South Bank Office and Retail Markets (2018)	160 Tooley Street, London SE1 2QH	Planning Policy Team 020 7525 5471 <a href="mailto:planningpolicy@southwark.gov.uk">planningpolicy@southwark.gov.uk</a>
<b>Link:</b> <a href="http://www.unionstreetpartners.co.uk/research">http://www.unionstreetpartners.co.uk/research</a>		
New London Quarterly Winter 2017/18	160 Tooley Street, London SE1 2QH	Planning Policy Team 020 7525 5471

Background Papers	Held At	Contact
		<a href="mailto:planningpolicy@southwark.gov.uk">planningpolicy@southwark.gov.uk</a>
<b>Link:</b> <a href="http://www.newlondonquarterly.com/">http://www.newlondonquarterly.com/</a>		

## APPENDICES

No.	Title
Appendix A	Draft Article 4 Direction to withdraw the Permitted Development Rights granted by Schedule 2, Part 3, Class O, of the Town and Country Planning (General Permitted Development) Order 2015 (as amended)
Appendix B	Map of the Central Activities Zone subject to proposed Article 4 Direction
Appendix C	Equalities analysis
Appendix D	Strategic evidence to support London borough Article 4 Directions in London's nationally significant office locations
Appendix E	Letters of support from Business Improvement Districts

## AUDIT TRAIL

<b>Lead Officer</b>	Simon Bevan, Director of Planning	
<b>Report Author</b>	Andrew Ruck, Planning Policy Officer	
<b>Version</b>	Final	
<b>Dated</b>	6 March 2018	
<b>Key Decision?</b>	Non-key	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Cabinet Member	No	No
<b>Date final report sent to Constitutional Team</b>		7 March 2018

## Article 4 Direction: Offices to residential in the Central Activities Zone (CAZ)

No.	Title
Appendix A	Draft Article 4 Direction to withdraw the Permitted Development Rights granted by Schedule 2, Part 3, Class O, of the Town and Country Planning (General Permitted Development) Order 2015 (as amended)
Appendix B	Map of the Central Activities Zone subject to proposed Article 4 Direction
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**TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT)  
ORDER 2015 (AS AMENDED)**

**DIRECTION MADE UNDER ARTICLE 4(1) TO WHICH ARTICLE 6 APPLIES**

WHEREAS the London Borough of Southwark being the appropriate local planning authority within the meaning of article 4(5) of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) are satisfied that it is expedient that development of the description(s) set out in the Schedule below should not be carried out on the land shown edged red on the attached plans, unless planning permission is granted on an application made under Part III of the Town and Country Planning Act 1990, as amended.

NOW THEREFORE the said Council in pursuance of the power conferred on them by article 4(1) of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) hereby direct that the permission granted by article 3 of the said Order shall not apply to development on the said land of the description(s) set out in the Schedule below.

SCHEDULE

Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class B1(a) (offices) of the Schedule to the Use Classes Order, to a use falling within Class C3 (dwellinghouses) of that Schedule being development comprised within Class O of Part 3 of Schedule 2 of the General Permitted Development Order 2015 (as amended).

THIS DIRECTION is made under article 4(1) of the said Order and, in accordance with paragraph 1(4)(e) of Schedule 3, shall come into force on 31 May 2018.

1. Made under the Common Seal of the London Borough of Southwark this XXst day of March 2018

The Common Seal of the Mayor  
and Burgesses of the London Borough  
of Southwark was hereto  
affixed in the presence of

.....  
Authorised Signatory

2. Confirmed under the Common Seal of the London Borough of Southwark this .....day of.....20.....

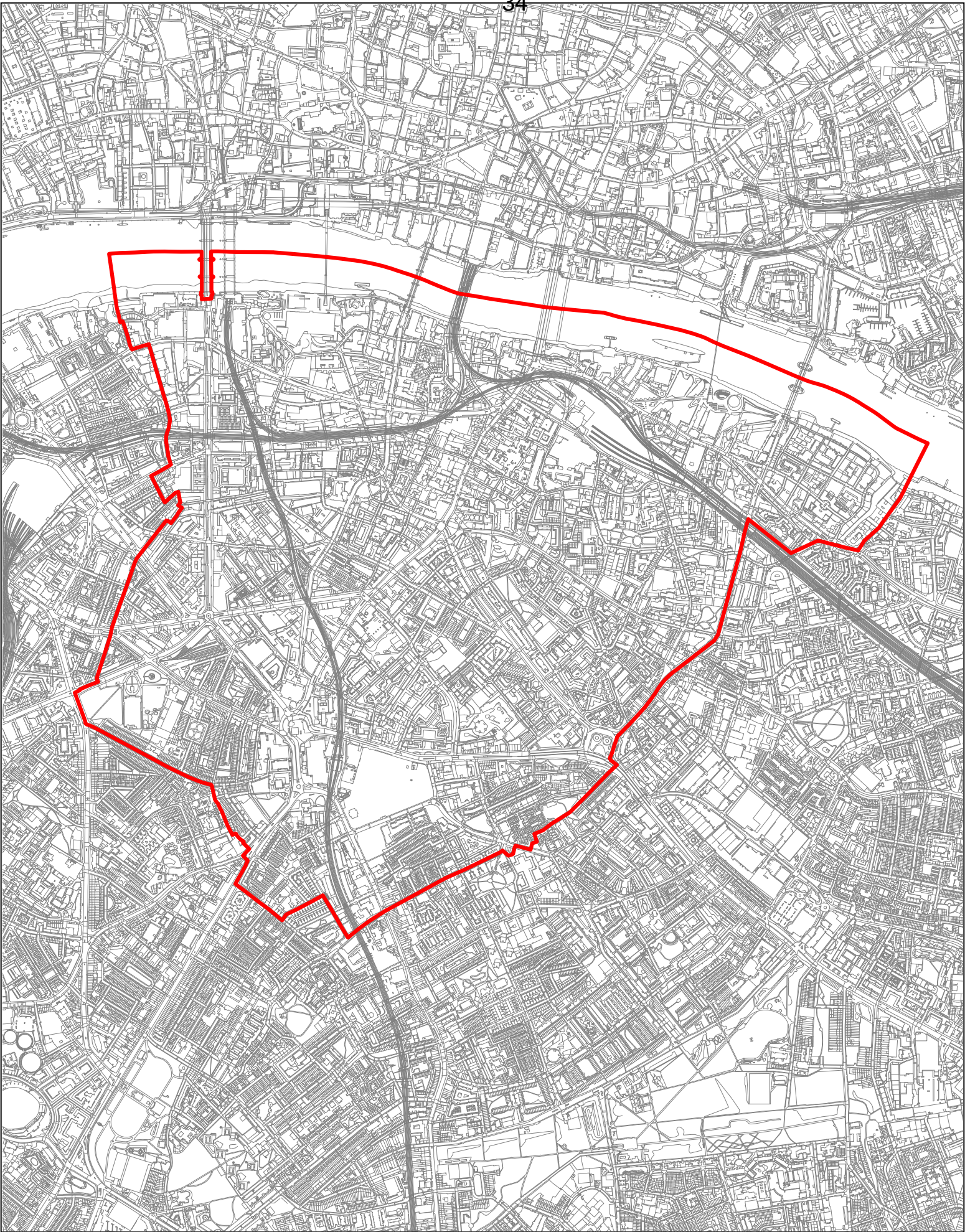
The Common Seal of the Mayor  
and Burgesses of the London Borough  
of Southwark was hereto  
affixed in the presence of

.....  
Authorised Signatory



## Article 4 Direction: Offices to residential in the Central Activities Zone (CAZ)

No.	Title
Appendix A	Draft Article 4 Direction to withdraw the Permitted Development Rights granted by Schedule 2, Part 3, Class O, of the Town and Country Planning (General Permitted Development) Order 2015 (as amended)
Appendix B	Map of the Central Activities Zone subject to proposed Article 4 Direction
Appendix C	Equalities analysis
Appendix D	Strategic evidence to support London borough Article 4 Directions in London's nationally significant office locations
Appendix E	Letters of support from Business Improvement Districts



**Southwark Central Activities Zone**

## Article 4 Direction: Offices to residential in the Central Activities Zone (CAZ)

No.	Title
Appendix A	Draft Article 4 Direction to withdraw the Permitted Development Rights granted by Schedule 2, Part 3, Class O, of the Town and Country Planning (General Permitted Development) Order 2015 (as amended)
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Appendix D	Strategic evidence to support London borough Article 4 Directions in London's nationally significant office locations
Appendix E	Letters of support from Business Improvement Districts

### Initial Equalities Analysis Stage 1

March 2018



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**Section 1: Equality analysis details**


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<b>Proposed policy/decision/business plan to which this equality analysis relates</b>	Article 4 Direction to withdraw the Permitted Development Rights granted by Schedule 2, Part 3, Class O, of the Town and Country Planning (General Permitted Development) Order 2015 (as amended)
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<b>Equality analysis author</b>	Andrew Ruck				
<b>Strategic Director:</b>	Simon Bevan				
<b>Department</b>	Chief Executive	<b>Division</b>	Planning Policy		
<b>Period analysis undertaken</b>	March 2018				
<b>Date of review (if applicable)</b>	Tbc. A review could take place at the time when the Article 4 Direction is confirmed.				
<b>Sign-off</b>	Laura Hills	<b>Position</b>	Planning Policy Team Leader	<b>Date</b>	March 2018

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## Section 2: Brief description of policy/decision/business plan

### 1.1 Brief description of policy/decision/business plan

This equalities analysis report supports the report to Planning Committee on 20 March 2018 which requests consultation on the introduction of a non-immediate Article 4 Direction to remove permitted development rights granted by Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) in Southwark's part of London's Central Activities Zone (CAZ).

Schedule 2, Part 3, Class O of the Order allows a change of use from offices (Class B1a) to a dwellinghouse (Class C3) without the need to apply for planning permission. Southwark's CAZ is currently exempt from the permitted development right until 31 May 2019.

The ability for the local authority to ensure the balance between office and residential uses is appropriate in the CAZ is constrained by the Town and Country Planning General Permitted Development Order (GPDO) 2015 (as amended).

The GPDO 2015 (as amended) consolidated permitted development rights for England and introduced new provisions. This included the change of use from offices to dwellinghouses before 30 May 2016 without the need for a full planning application, except for land which had been granted an exemption. The exempted land included Southwark's CAZ after a successful application by the council to the Secretary of State when the right was first introduced in 2013. The GPDO was amended in 2016 making the development right permanent and removing the exemption after 30 May 2019.

There are a number of concerns with regard to converting offices to residential in Southwark's CAZ which should be subject to a robust analysis in determining whether such a use would be acceptable. Conversion presents a significant risk to the economic wellbeing of residents and the amenity of Southwark's CAZ where the concentration of offices is essential to its character and function. The harm that permitted development rights could cause extends to London and the UK due to the contribution offices make to economic output, agglomeration, employment growth and the property market; the loss of funding for strategic infrastructure; unintended consequences for occupiers and future development; and the undermining of planned housing delivery.

An Article 4 Direction can be used to remove specific permitted development rights in all or parts of the local authority's area. It would not restrict development altogether, but instead ensure that development requires planning permission. A planning application for the proposal would need to be submitted that would then be determined in accordance with the development plan.

Article 4 Directions can either be immediate or non-immediate depending upon whether notice is given of the date on which they come into force. In the case of this report, the council is proposing to make a non-immediate Article 4 Direction to withdraw the permitted development rights for the change of use from offices to residential in Southwark's CAZ.

### Section 3: Overview of service users and key stakeholders consulted

2. Service users and stakeholders	
<b>Key users of the department or service</b>	Planning is a statutory function carried out by local authorities. The development of planning policies and the impacts of planning decisions can affect everyone with an interest in land in the borough. This can include residents, landowners, developers, local businesses and their employees, community organisations, statutory consultees and interest groups.
<b>Key stakeholders are involved in this decision</b>	<p>The key stakeholders involved in this proposal include: Cabinet Member for Regeneration and New Homes, Southwark Councillors, Development Management and Planning Policy officers and the Property division.</p> <p>The Development Management team will be responsible for monitoring the Article 4 Directions and to determine any subsequent planning applications submitted for change of use.</p> <p>The Planning Policy team have received corporate equalities training and Equalities Analysis report writing training. A number of the service deliverers within the Council will also have received corporate equalities training.</p>

### Section 4: Pre-implementation equality analysis

This section considers the potential impact (positive and negative) of the proposals on the key 'protected characteristics' in the Equality Act 2010 and Human Rights Act. The Planning Committee report sets out detail on the local data and other equality information on which the analysis is based and mitigating actions to be taken.

The making of the Article 4 Directions does not have a direct impact on any groups with protected characteristics. Decisions on planning applications made as a result of the direction may have a potential impact on certain protected characteristics.

It is considered however that the effect of the direction will promote good relations between people who do not share the protected characteristic and those who do, in that it is likely to result in a more balanced and mixed community.

<b>Age</b> - Where this is referred to, it refers to a person belonging to a particular age (e.g. 32 year olds) or range of ages (e.g. 18 - 30 year olds).
<b>Potential impacts (positive and negative) of proposed policy/decision/business plan</b>
The implementation of the Article 4 Direction and the requirement for planning permission will protect employment and economic wellbeing. A strong local economy will provide

opportunities for all ages and employment opportunities will benefit working age people in particular.

The Article 4 Directions will help to ensure that good quality residential accommodation, employment and a strong local economy are provided in the borough that support the needs of all age groups in society. Overall there will be a positive impact for all age groups.

#### **Equality information on which above analysis is based**

This Equalities Analysis has also been informed by previous equalities analyses undertaken for planning policy documents, our evidence base documents and our local knowledge and expertise.

#### **Mitigating actions to be taken**

The above analysis highlights that the implementation of the Article 4 Direction will largely give rise to positive impacts.

**Disability** - A person has a disability if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.

#### **Possible impacts (positive and negative) of proposed policy/decision/business plan**

The potential change of use of offices to dwellings could have a negative impact on people with disabilities. Dwellings within office buildings may not always be easily accessible for vehicles or provide safe access for wheelchairs, and people with limited mobility could be affected by this. The Article 4 Direction will help to ensure that good quality residential accommodation is provided in the borough that ensures there is good accessibility for people with disabilities and is considered to have a positive impact.

#### **Equality information on which above analysis is based**

This Equalities Analysis has also been informed by previous equalities analyses undertaken for planning policy documents, our evidence base documents and our local knowledge and expertise.

#### **Mitigating actions to be taken**

The above analysis highlights that the implementation of the Article 4 Directions will largely give rise to positive impacts.

**Gender reassignment** - The process of transitioning from one gender to another.

<b>Possible impacts (positive and negative) of proposed policy/decision/business plan</b>
<p>No identifiable impacts are identified on this group as a result of the implementation of the Article 4 Directions.</p> <p>The Article 4 Directions will help to ensure that good quality residential accommodation, employment and a strong local economy are provided in the borough that support the needs of all groups in society. Overall there will be a positive impact for all equality groups.</p>
<b>Equality information on which above analysis is based.</b>
<p>This Equalities Analysis has also been informed by previous equalities analyses undertaken for planning policy documents, our evidence base documents and our local knowledge and expertise.</p>
<b>Mitigating actions to be taken</b>
<p>The above analysis highlights that the implementation of the Article 4 Directions will largely give rise to positive impacts.</p>

<b>Marriage and civil partnership - Marriage is defined as a 'union between a man and a woman'. Same-sex couples can have their relationships legally recognised as 'civil partnerships'. Civil partners must be treated the same as married couples on a wide range of legal matters. (Only to be considered in respect to the need to eliminate discrimination.</b>
<b>Possible impacts (positive and negative) of proposed policy/decision/business plan</b>
<p>No identifiable impacts are identified on this group as a result of the implementation of the Article 4 Directions.</p> <p>The Article 4 Directions will help to ensure that good quality residential accommodation, employment and a strong local economy are provided in the borough that support the needs of all groups in society. Overall there will be a positive impact for all equality groups.</p>
<b>Equality information on which above analysis is based</b>
<p>This Equalities Analysis has also been informed by previous equalities analyses undertaken for planning policy documents, our evidence base documents and our local knowledge and expertise.</p>
<b>Mitigating actions to be taken</b>
<p>The above analysis highlights that the implementation of the Article 4 Directions will largely give rise to positive impacts.</p>

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**Pregnancy and maternity** - Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.

**Possible impacts (positive and negative) of proposed policy/decision/business plan**

The potential change of use of offices to dwellings could have a negative impact on pregnant women. Dwellings within offices may not always be easily accessible for vehicles, including emergency vehicles, and pregnant women could be affected by this.

The Article 4 Directions will help to ensure that good quality residential accommodation, employment and a strong local economy are provided in the borough that support the needs of all groups in society. Overall there will be a positive impact for all equality groups.

**Equality information on which above analysis is based**

This Equalities Analysis has also been informed by previous equalities analyses undertaken for planning policy documents, our evidence base documents and our local knowledge and expertise.

**Mitigating actions to be taken**

The above analysis highlights that the implementation of the Article 4 Directions will largely give rise to positive impacts.

**Race** - Refers to the protected characteristic of Race. It refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.

**Possible impacts (positive and negative) of proposed policy/decision/business plan**

No identifiable impacts are identified on this group as a result of the implementation of the Article 4 Directions.

The Article 4 Directions will help to ensure that good quality residential accommodation, employment and a strong local economy are provided in the borough that support the needs of all groups in society. Overall there will be a positive impact for all equality groups.

**Equality information on which above analysis is based**

This Equalities Analysis has also been informed by previous equalities analyses undertaken for planning policy documents, our evidence base documents and our local knowledge and expertise.
<b>Mitigating actions to be taken</b>
The above analysis highlights that the implementation of the Article 4 Directions will largely give rise to positive impacts.

<b>Religion and belief</b> - Religion has the meaning usually given to it but belief includes religious and philosophical beliefs including lack of belief (e.g. Atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition.
<b>Possible impacts (positive and negative) of proposed policy/decision/business plan</b>
No identifiable impacts are identified on this group as a result of the implementation of the Article 4 Directions.  The Article 4 Directions will help to ensure that good quality residential accommodation, employment and a strong local economy are provided in the borough that support the needs of all groups in society. Overall there will be a positive impact for all equality groups.
<b>Equality information on which above analysis is based</b>
This Equalities Analysis has also been informed by previous equalities analyses undertaken for planning policy documents, our evidence base documents and our local knowledge and expertise.
<b>Mitigating actions to be taken</b>
The above analysis highlights that the implementation of the Article 4 Directions will largely give rise to positive impacts.

<b>Sex</b> - A man or a woman.
<b>Possible impacts (positive and negative) of proposed policy/decision/business plan</b>

No identifiable impacts are identified on this group as a result of the implementation of the Article 4 Directions.

The Article 4 Directions will help to ensure that good quality residential accommodation, employment and a strong local economy are provided in the borough that support the needs of all groups in society. Overall there will be a positive impact for all equality groups.

**Equality information on which above analysis is based**

This Equalities Analysis has also been informed by previous equalities analyses undertaken for planning policy documents, our evidence base documents and our local knowledge and expertise.

**Mitigating actions to be taken**

The above analysis highlights that the implementation of the Article 4 Directions will largely give rise to positive impacts.

**Sexual orientation** - Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes

**Possible impacts (positive and negative) of proposed policy/decision/business plan**

No identifiable impacts are identified on this group as a result of the implementation of the Article 4 Directions.

The Article 4 Directions will help to ensure that good quality residential accommodation, employment and a strong local economy are provided in the borough that support the needs of all groups in society. Overall there will be a positive impact for all equality groups.

**Equality information on which above analysis is based**

This Equalities Analysis has also been informed by previous equalities analyses undertaken for planning policy documents, our evidence base documents and our local knowledge and expertise.

**Mitigating actions to be taken**

The above analysis highlights that the implementation of the Article 4 Directions will largely give rise to positive impacts.



**Human Rights**

There are 16 rights in the Human Rights Act. Each one is called an Article. They are all taken from the European Convention on Human Rights. The Articles are The right to life, Freedom from torture, inhuman and degrading treatment, Freedom from forced labour , Right to Liberty, Fair trial, Retrospective penalties, Privacy, Freedom of conscience, Freedom of expression, Freedom of assembly, Marriage and family, Freedom from discrimination and the First Protocol

**Possible impacts (positive and negative) of proposed policy/decision/business plan**

The Council has carefully considered the balance to be struck between individual rights and the wider public interest. The rights of those affected by the proposed Article 4 Directions have been considered under the Human Rights Act 1998 and it has been determined that none of the Articles will be triggered.

**Information on which above analysis is based**

Section 6 of the Human Rights Act 1998 prohibits public authorities from acting in a way which is incompatible with the European Convention on Human Rights (ECHR). Various Convention rights may be engaged in the process of making and considering the Article 4 Directions, including under Articles 1 and 8 of the First Protocol. The European Court has recognised that “regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole”. Both public and private interests are to be taken into account in the exercise of the Council’s powers and duties as a local planning authority. Any interference with a Convention Right must be necessary and proportionate.

**Mitigating actions to be taken**

N/A

**Section 5: Further actions and objectives****5. Further actions**

Based on the initial analysis above, please detail the key areas identified as requiring more detailed analysis or key mitigating actions.

<b>Number</b>	<b>Description of Issue</b>	<b>Action</b>	<b>Timeframe</b>
1	The initial decision would be to support the Article 4 Directions, to be followed by formal consultation. Any new issues would be assessed as part of that	Tbc	Tbc

consultation and reported when the local authority decides whether to confirm the direction. Guidance suggests that the need and effectiveness for Article 4 Directions should be monitored at regular intervals. This would be subject to committee approval but would suggest a yearly review is appropriate. This does not need to be reflected in any recommendations at this stage.

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## Article 4 Direction: Offices to residential in the Central Activities Zone (CAZ)

No.	Title
Appendix A	Draft Article 4 Direction to withdraw the Permitted Development Rights granted by Schedule 2, Part 3, Class O, of the Town and Country Planning (General Permitted Development) Order 2015 (as amended)
Appendix B	Map of the Central Activities Zone subject to proposed Article 4 Direction
Appendix C	Equalities analysis
Appendix D	Strategic evidence to support London borough Article 4 Directions in London's nationally significant office locations
Appendix E	Letters of support from Business Improvement Districts

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# Strategic evidence to support London borough Article 4 Directions in London's nationally significant office locations

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## Executive Summary

In May 2013, Government introduced **permitted development rights (PDR)** to allow offices to be converted to residential without the need for planning permission<sup>1</sup>. For defined locations the Government granted **exemptions from these rights** in recognition of their role as nationally significant office locations. In London these locations include:

- The whole of the Central Activities Zone (CAZ)
- Northern Isle of Dogs (NIOD)
- Tech City
- The Royal Borough of Kensington & Chelsea
- The Royal Docks Enterprise Zones

These exemptions are due to **expire in May 2019**.

This paper sets out a summary of the **strategic evidence** to support the relevant boroughs to introduce 'Article 4 Directions' which would remove the permitted development rights that would otherwise apply.

The Mayor's **strategic objectives** on this matter are:

- to safeguard, enhance and promote the **agglomerations of nationally significant offices** in the capital and their contribution to the London and UK economy
- to support a **co-ordinated approach** to the introduction of Article 4 Directions by the relevant boroughs for the areas currently exempt from office to residential permitted development rights
- to **optimise the potential for housing delivery** in appropriate locations that is of good quality and addresses London's housing needs including affordable housing
- to work with boroughs and other partners to deliver the **step change in housing supply** required through his London Plan and Housing Strategy.

The **evidence** to support the introduction of Article 4 Directions to remove the permitted development rights includes:

- **Safeguarding the contributions of London's nationally significant office locations to the London and national economy** - The output of the Central Activities Zone, Northern Isle of Dogs and a 1km fringe around them stood at just over £194 billion in 2015 accounting for over 50 per cent of London's output and around 12 per cent of UK output. It is essential for London and the UK as a whole that these areas are not undermined by office to residential permitted development rights.
- **Office floorspace stock** - The ten CAZ boroughs (incorporating much of London's nationally significant office space) contained almost 20 million sq m of office floorspace in 2016. This equates to about three quarters of London's total office stock and over a fifth of the total in England & Wales.

---

<sup>1</sup> Subject to prior approval and conditions set out in the Statutory Instrument 2015 No. 596 and 2016 No. 332.

- **Agglomeration benefits** – These arise from the unique concentration of large numbers of businesses in London’s nationally significant offices locations. The benefits include increased productivity (output per worker), access to a large pool of labour, fostering collaboration and transfer of knowledge, innovation and technology between business and sectors, and promoting competition, efficiency and London’s global competitiveness.
- **Employment growth** – Employment is projected to increase by 423,000 in CAZ, 86,000 in NIOD and 18,000 in Kensington & Chelsea between 2016 and 2041. Over the same period there is capacity for 51,000 jobs in the City Fringe/Tech City area and 55,000 in the Royal Docks Opportunity Area. The introduction of Article 4 Directions will help to ensure that sufficient office capacity is provided to accommodate the growth in projected employment.
- **Contributions to strategic infrastructure** - The introduction of Article 4 Directions to remove office to residential permitted development rights in the currently exempted area would enable financial contributions to be collected through conventional planning approvals towards the delivery of strategic transport infrastructure. This essential infrastructure will support the agglomeration of business functions in these areas and their contribution to London and UK output and employment.
- **Central London office market trends** - The 2017 London Plan Annual Monitoring Report concluded that the current level of office permissions is too low to provide adequate development supply, and suggests that policy attention should be directed to avoid an undue shortage of office capacity in the pipeline. This reinforces the importance of the current exemption of London’s nationally significant office locations from office to residential permitted development rights.
- **Office and residential values** - The difference between office and residential values in the currently exempted areas is such that office to residential permitted development rights would see significant loss of office stock and an irreversible change in the nature of the country’s commercial hubs.
- **Unintended impacts and consequences of PDR** – More than 1.6 million sq m of office floorspace has prior approval for office to residential conversion via PDR, about 6 per cent of London’s office stock. The greatest impact has been in West and South London and around the exempted areas in Central London. More than half of the office floorspace with office to residential PDR prior approval is either fully or partly occupied with particular impacts on London SMEs and new start-up businesses.
- **Delivery of housing** - The Mayor’s draft London Plan sets out ambitious ten-year housing targets for every borough, alongside Opportunity Area plans for longer-term delivery where the potential for new homes is especially high. These targets have taken into account the need to strike an appropriate balance between new housing and the strategic office functions within the CAZ, NIOD and the other nationally significant office locations. The draft London Housing Strategy sets out the Mayor’s proposals for working with boroughs and other partners to deliver the step change in housing supply required.

**Drawing on this evidence the Mayor supports the relevant boroughs to introduce Article 4 Directions to remove office to residential permitted development rights for the currently exempted areas set out above prior to the expiry of these exemptions in May 2019.**



## 1. Strategic objectives

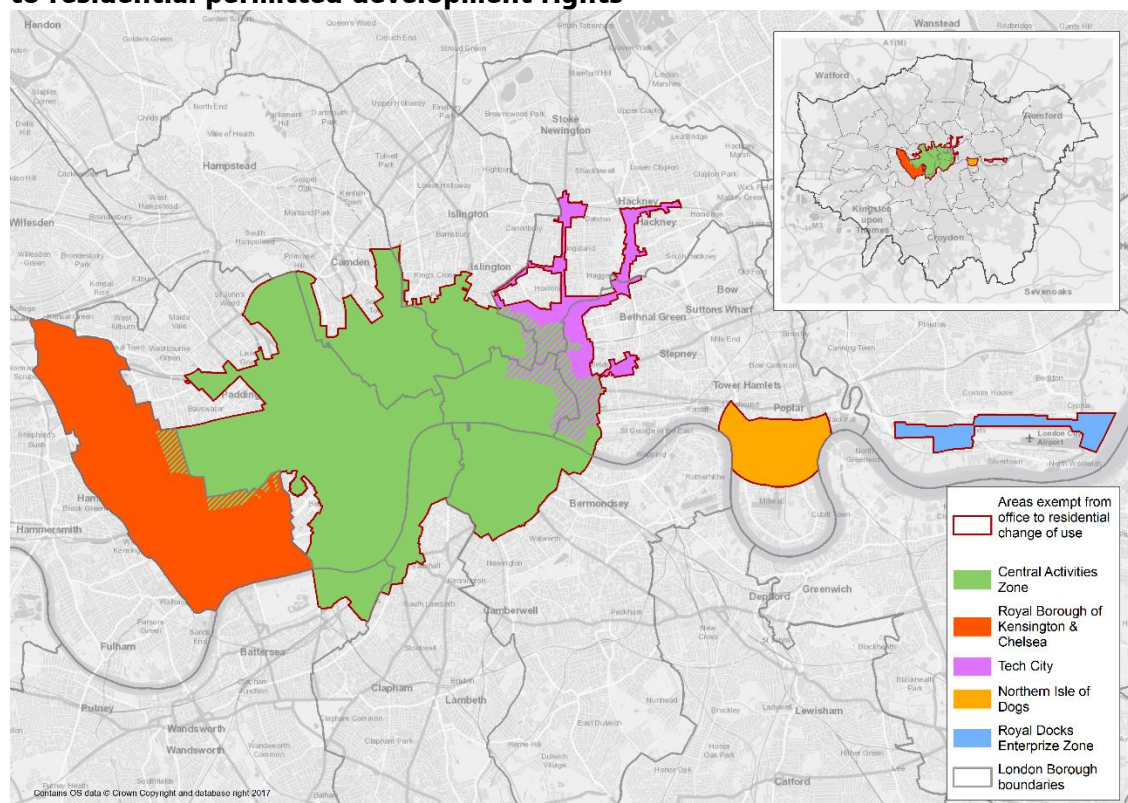
London's Central Activities Zone (CAZ), the Northern Isle of Dogs, Tech City, the Royal Borough of Kensington & Chelsea and Royal Docks Enterprise Zones are **internationally and nationally significant office locations**. This was recognised in the exemptions to office to residential permitted development rights (PDR) that were granted by Government in 2013.

It is essential that the **agglomerations of offices** in these locations and their contribution to the London and UK economy **should continue to be safeguarded**. This is best managed through the planning system, rather than permitted development rights, to enable a careful balance to be struck between:

- (a) promoting the role of London's **internationally and nationally significant office locations** and
- (b) optimising the potential for **housing delivery** in appropriate locations that is of good quality and addresses London's housing needs including affordable housing.

The Mayor therefore supports a **co-ordinated approach** to the introduction of Article 4 Directions by the CAZ boroughs for the currently exempted areas (see Map 1 below) and for these to be in place before the exemptions expire in May 2019. This will ensure that London's nationally significant offices in and around the CAZ are safeguarded. To support the Article 4 Directions, boroughs are encouraged to draw on the strategic evidence contained within this paper and its associated sources (see Appendix) as well as more local evidence.

**Map 1: London's nationally significant office locations currently exempt from office to residential permitted development rights<sup>2</sup>**



<sup>2</sup> Referred to collectively in this paper as the “currently exempted areas” or “nationally significant office locations”

## 2. National policy and London Plan policy

The **National Planning Policy Framework (NPPF)** sets out the Government's core planning principles including the need to *"proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs."* (paragraph 17).

It sets out a commitment to *"securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths"* and that *"significant weight should be placed on the need to support economic growth through the planning system."* (paragraphs 18/19).

The **London Plan** and boroughs' **Local Plans** provide a practical framework for housing and economic development responding to the unique circumstances in the capital.

With respect to London's nationally significant office locations the **adopted London Plan** (March 2016) contains policy to:

*"enhance and promote the unique international, national and London-wide roles of the Central Activities Zone (CAZ), supporting the distinct offer of the Zone based on a rich mix of local as well as strategic uses and forming the globally iconic core of one of the world's most attractive and competitive business locations"* (Policy 2.10 Aa).

It also seeks to: *"sustain and enhance the City of London and, although formally outside the CAZ, the Isle of Dogs as strategically important, globally-oriented financial and business services centres"* (Policy 2.10 Ac)

The **Mayor's new draft London Plan** (published in December 2017) includes the following policies which provide the strategic context for boroughs' Article 4 Directions in the nationally significant office locations:

*"The unique agglomerations and dynamic clusters of world city business and other specialist functions of the central London office market, including the CAZ, NIOD and other nationally-significant office locations (such as Tech City, Kensington & Chelsea and the Royal Docks Enterprise Zones), should be developed and promoted."* (Policy E1 part C)

*"The Mayor supports a co-ordinated approach to the introduction of Article 4 Directions by the CAZ boroughs before the exemptions expire in May 2019 to ensure that London's nationally significant offices in and around the CAZ are safeguarded. Boroughs are encouraged to draw on both strategic and local evidence to support these Directions"* (paragraph 2.114)

The draft London Plan recognises the mixture of strategic activities and more locally-based and residential ones in the CAZ. This mixture is an important part of its dynamism. The introduction of office to residential Article 4 Directions will sustain the agglomerations of offices and other strategic functions in these areas whilst supporting the complementary provision of residential development.

### 3. Locations – the currently exempted areas

#### The Central Activities Zone and Northern Isle of Dogs

The Central Activities Zone (CAZ) is the vibrant heart and globally iconic core of London. It is one of the world's most attractive and competitive business locations. It accommodates **one third of London's jobs** and generates around **10 per cent of the UK's output**. It contains the seat of national government and is internationally-renowned for its culture, night time economy, tourism, shopping and heritage. It is also home to more than 230,000 residents.

The density, scale and mix of business functions and activities in the CAZ are unique and are underpinned by the connectivity provided by public transport, walking and cycling networks. This agglomeration results in **exceptional levels of productivity**, which cannot be replicated elsewhere in the UK, and provides national benefits. It requires different or tailored approaches to the application of national policy to address its distinct circumstances.

The CAZ has **strategically important clusters** in areas such as business, professional and financial services, tech, creative industries, arts and culture, health and life sciences, education and law. The removal of office to residential permitted development rights is essential to enable these sectors to continue to flourish and for small and medium-sized enterprises to fulfil their economic potential alongside larger businesses. These office functions and business clusters are spread throughout the CAZ and the Mayor supports the introduction of Article 4 Directions for the **whole of the CAZ** by the relevant local planning authorities<sup>3</sup>.

For the purposes of CAZ policies in the London Plan, the **Northern Isle of Dogs** is recognised as a CAZ 'satellite' location for world city office functions. The 2017 London Office Policy Review indicates that the CAZ and the Northern Isle of Dogs are projected to accommodate more than **367,000 additional office jobs** and a net increase of 3.5 million sq m (GIA) of office floorspace over the period 2016 to 2041, an average of 140,000 sq m per annum. The introduction of borough Article 4 Directions should ensure the provision of a range of office floorspace in terms of size, quality and cost. This will be supported through a combination of intensification, redevelopment and refurbishment.

#### Tech City

Tech City is recognised in the London Plan as a growing digital, creative and tech cluster and a **business hub of major international significance**. It lies within the City Fringe Opportunity Area and extends from the Old Street 'Silicon Roundabout' and Shoreditch to Whitechapel, Hackney Central and Dalston. Parts of the area lie within the CAZ and include development corridors leading to Dalston, Hackney and Whitechapel. The expansion of Tech City and continued business growth in the City Fringe was formally recognised by the (then) Prime Minister, David Cameron, as **strategically important to the economy of London and the UK**.

Tech City contains an agglomeration of business functions and significant additional office development capacity in relatively central areas. There is particular scope to support the expansion of diverse clusters of digital-creative businesses in this area as well as business and professional services.

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<sup>3</sup> Including Camden, City of London, Hackney, Islington, Kensington & Chelsea, Lambeth, Southwark, Tower Hamlets, Wandsworth and the City of Westminster.

The key growth conditions that planning can affect in Tech City and the City Fringe are its:

- available, affordable, suitable business floorspace
- location and “creative vibe”
- dense, urban, collaborative environment
- connectivity
- mix of uses.

The introduction of Article 4 Directions for this area will continue to support the growth and expansion of this vital business cluster.

### **Royal Borough of Kensington & Chelsea**

Kensington & Chelsea contains a vibrant mix of business clusters. In 2016 it was estimated to contain 473,000 sqm of office floorspace<sup>4</sup> and more than 37,000 office jobs<sup>5</sup>. Over the period 2016 to 2041, office jobs are projected to increase by around 8,000 and office floorspace by around 87,000 sq m<sup>6</sup>. Offices are located in clusters spread throughout the borough and in recognition of this, Government granted the exemption to office to residential PDR for the whole area.

### **Royal Docks Enterprise Zones**

London's Royal Docks is an expanding business district in East London, delivered by the Mayor of London as a major landowner, private sector partners and the London Borough of Newham. With 122 hectares of prime waterfront land it contains London's only designated Enterprise Zone. It has excellent transport links. The area has firm foundations for growth, with existing assets including the University of East London, Crossrail, Docklands Light Railway, the ExCeL Exhibition Centre and London City Airport. The regeneration of the Zone will create a centre for global trade, with thousands of jobs and new homes.

### **Boundaries and area definition**

The responsibility for defining the boundaries within which the Article 4 Directions will apply lies with the relevant London boroughs. The Mayor supports the introduction of Article 4s for all the currently exempted areas set out above.

## **4. Contributions to the national economy**

The currently exempted areas provide concentrations of office provision important at international, national and London-wide levels. It is estimated that the output of the Central Activities Zone, Northern Isle of Dogs and a 1km fringe around them stood at just over £194 billion in 2015 accounting for over 50 per cent of London's output and around 12 per cent of UK output<sup>7</sup>.

---

<sup>4</sup> Source: VOA Business Floorspace statistics (2016)

<sup>5</sup> Ramidus Consulting/CAG, London Office Policy Review 2017, GLA, June 2017

<sup>6</sup> Ramidus Consulting/CAG, 2017 op cit

<sup>7</sup> GLA Economics calculations using ONS Business Register and Employment Survey and ONS Regional GVA by local authority (income approach) data.

These figures were estimated by GLA Economics using the same methodology<sup>8</sup> described in GLA Economics Working Paper 68<sup>9</sup>. Figure 4.1 shows the ONS estimates of GVA for the local authorities that contain elements of the CAZ, the NIOD and the fringes. And Figure 4.2 shows the GLA Economics estimates of GVA for the CAZ, the NIOD and the fringes themselves.

**Figure 4.1: Calculations of London local authorities GVA(I) in 2015 (£ million rounded to the nearest £10 million) for those authorities that are within the CAZ, NIOD or an approximately 1km fringe of either area.**

Local authority	GVA (£ million)	Local authority	GVA (£ million)
Camden	26,440	Hackney	7,260
City of London	46,720	Islington	17,040
Kensington and Chelsea	11,100	Lambeth	11,270
Wandsworth	9,500	Lewisham	4,910
Westminster	53,570	Newham	6,500
Southwark	14,940	Greenwich	4,640
Tower Hamlets	28,970		

Source: ONS Regional GVA by local authority (income approach)

**Figure 4.2: Calculations of GVA(I) generated within the CAZ, NIOD, and their approximately 1km fringes in 2015 (£ million rounded to the nearest £10 million)**

Area	GVA (£ million)
CAZ	139,600
CAZ 1km Fringe	34,270
NIOD	18,230
NIOD 1km Fringe	2,370
CAZ & NIOD	157,830
CAZ, NIOD & a 1km Fringe	194,470

Source: ONS Regional GVA by local authority (income approach), ONS Business Register and Employment Survey, GLA Economics calculations

Given that in 2015 London's GVA stood at £378,420 million<sup>10</sup>, these estimates would suggest that the CAZ accounted for around 37 per cent of London's GVA. They further suggest that the

<sup>8</sup> This first involved identifying the local super output areas (LSOA) – a geographical classification used in official statistics – for the Central Activities Zone and Northern Isle of Dogs. Then the employment shares of these LSOAs are calculated as a percentage of the relevant local authority on an industry basis. These employment shares were then applied to gross value added (GVA) estimates for the local authorities and summed.

<sup>9</sup> GLA Economics. Working Paper 68: Work and life in the Central Activities Zone, the Northern Isle of Dogs and their fringes, GLA 2015.

<sup>10</sup> This figure has since been revised to £379,160 million. However, given that the ONS has not yet made this revision to the GVA by local authority estimates (i.e. Table 4.1), the previous unrevised estimate is reported here for consistency.

CAZ and NIOD accounted for around 42 per cent of London's GVA and the CAZ, NIOD and the 1 km fringe around these areas accounted for nearly **51 per cent of London's GVA**. UK GVA stood at £1,666,340 million in 2015<sup>11</sup> implying that the CAZ, NIOD and their fringes accounted for just over **12 per cent of UK GVA**.

The latest data<sup>12</sup> finds that the all sector average GVA per workforce job in London was £58,442 in 2015 (a value 36.1 per cent higher than the UK as a whole and 48.6 per cent higher than the UK excluding London). In nominal terms, for 2015, the all-sector average GVA per workforce job in London increased by 1.3 per cent. For the UK as a whole, the all sector average GVA per job was £42,918, and £39,339 for the rest of the UK (excluding London) – increases of 1.2 per cent and 1.5 per cent respectively.

In conclusion, the introduction of office to residential Article 4 Directions for the currently exempted areas will enable established policy to support office and other related activities that make an irreplaceable contribution to the **continued prosperity of the United Kingdom**.

## 5. Agglomeration benefits

The concentration of offices and other types of employment within the CAZ, NIOD and the other nationally significant office locations give rise to what are termed economies of 'agglomeration'. Agglomeration refers to the **concentration of economic activity** in a particular location or area.

Agglomeration **benefits** arise because firms increase their productivity levels by being located in close proximity to one another and by having access to a large pool of labour enabling businesses to attract and retain skilled labour. Clustering and agglomeration offer several other benefits including fostering collaboration and the transfer of knowledge, innovation and technology between business and sectors, and promoting competition which drives efficiency and London's global competitiveness.

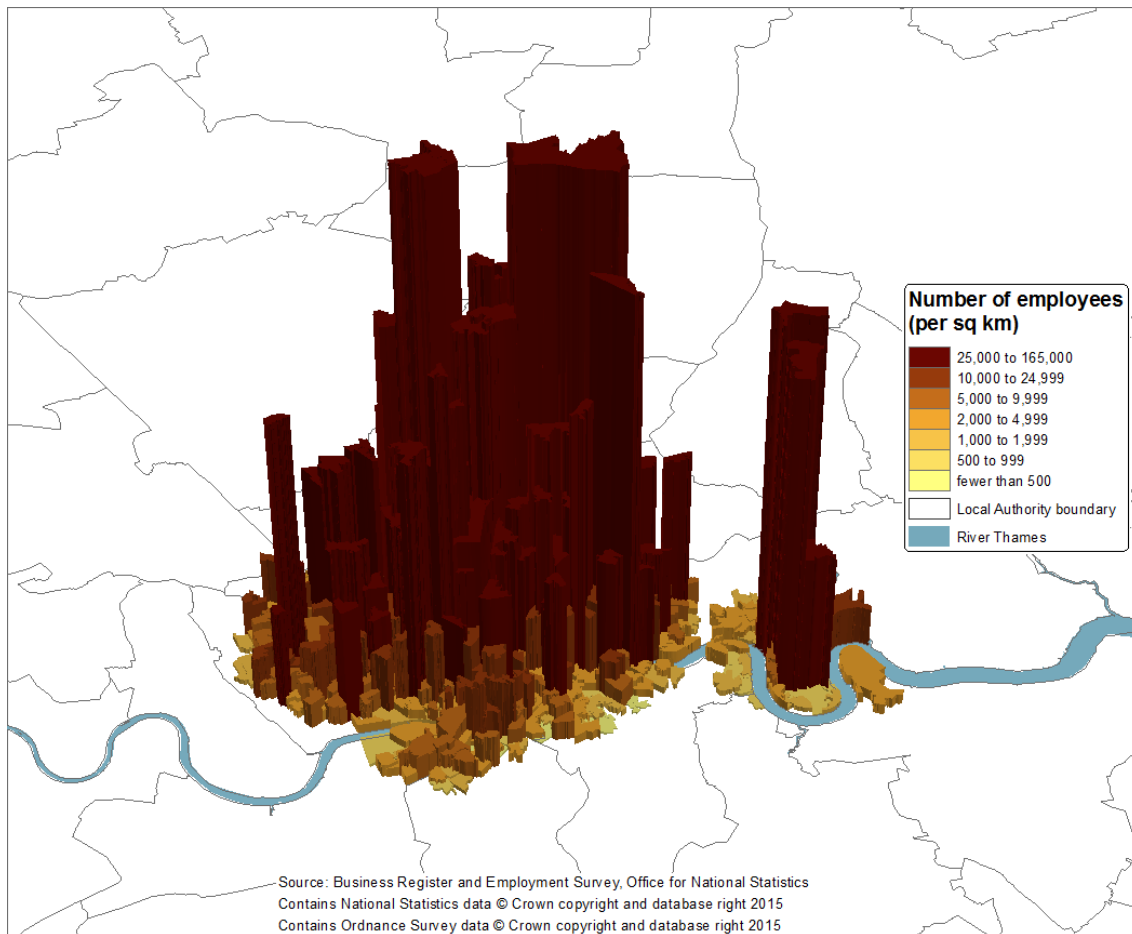
It is the significant concentration of **office-based activities** combined with its character and global reputation for business, shopping, culture, tourism and heritage that make the CAZ unique in a London, national and international context. The agglomeration of activities in the CAZ, NIOD and their surrounding areas is reflected in the large number of employees in these locations and illustrated in Figure 5.1 below.

The existing availability and connectivity of public transport in the CAZ is widespread, high frequency and high capacity. The **transport connectivity and capacity** provided by the rail network and TfL's tube, rail and DLR services play a primary role in facilitating employment in all of London's nationally significant office locations. These networks, complemented by active modes including cycling and walking, provide these concentrations of business activity with a huge labour market catchment across London and beyond. They also drive the agglomeration economics that benefit businesses there, allowing them to play a unique economic role within the UK. The connectivity and agglomeration benefits will be strengthened further with new infrastructure including, for example, the Elizabeth Line, Thameslink Programme, Northern Line Extension and the Underground investment programme. Further investment in strategic transport infrastructure is necessary to support the continued growth and success of the CAZ and in particular Crossrail 2 (see part 7 below).

<sup>11</sup> This figure has since been revised to £1,684,940 million, but the previous unrevised estimate is reported here for consistency.

<sup>12</sup> GVA per workforce job estimates for London and the UK, 1997 – 2015 (GLA Economics, 2017)

**Figure 5.1. Number of employees per square kilometre in the CAZ, NIOD and an approximately 1km fringe around them.**



Source: BRES/GLA Economics

## 6. Employment

Employment in the CAZ and NIOD combined stood at 2.2 million in 2016, a rise of 30 per cent on 2009, and accounted for around 35 per cent of London's employment<sup>13</sup>. The top five sectors of employment in this combined area in 2013 were Professional, scientific and technical; Financial & insurance; Information & communication; Business administration and support services; and Accommodation & food services<sup>14</sup>.

Employment is expected to continue to grow in the Central Activities Zone, NIOD, Kensington & Chelsea, Tech City and the Royal Docks. In the CAZ, total employment is projected to grow by 423,000 over the period 2016–2041 or 21 per cent<sup>15</sup> of which around 290,000 jobs are expected to be in offices<sup>16</sup>. In NIOD, total employment is projected to grow by around 86,000 over the period 2016–2041 or 58 per cent<sup>17</sup> with capacity for around 110,000 jobs in total<sup>18</sup>. A significant proportion of these jobs (85 to 90 per cent) are anticipated to be in offices.

<sup>13</sup> GLA Economics. London Labour Market Projections 2017, GLA August 2017

<sup>14</sup> GLA Economics. Working Paper 68: Work and life in the Central Activities Zone, the Northern Isle of Dogs and their fringes, GLA 2015

<sup>15</sup> GLA Economics. London Labour Market Projections 2017, GLA August 2017

<sup>16</sup> Ramidus Consulting/CAG. London Office Policy Review 2017, GLA June 2017

<sup>17</sup> GLA Economics. London Labour Market Projections 2017, GLA August 2017

<sup>18</sup> CAG. London Employment Sites Database, GLA 2017

In Kensington & Chelsea (of which a small part lies within CAZ) employment is projected to grow by 18,000 over the period 2016–2041 or 12 per cent, of which around 9,000 jobs are expected in offices. Employment projections are not available for the Tech City and Royal Docks Enterprise Zones. However recent capacity estimates<sup>19</sup> suggest that the City Fringe/Tech City area and the Royal Docks Opportunity Area have the potential to accommodate around 51,000 jobs and 55,000 jobs respectively over the period to 2041.

The realisation of these job estimates is contingent on the careful management of development capacity and the balance with alternative land uses including housing. This evidence supports the case for office to residential Article 4 Directions in the above areas that are currently exempt from these permitted development rights.

## 7. Contributions to strategic infrastructure

The Mayor's current Community Infrastructure Levy (MCIL1) was introduced in 2012 to help finance the Elizabeth Line (Crossrail), the major new rail link that will connect central London to Reading and Heathrow in the West and Shenfield and Abbey Wood in the East.

On 26 June 2017 the Mayor published for public consultation the Preliminary Draft Charging Schedule (PDCS) for an MCIL2<sup>20</sup>. It is intended that MCIL2 will be levied from April 2019, and will supersede MCIL1. MCIL2 will contribute to the funding of Crossrail 2.

Crossrail 2 is a proposed new railway serving London and the wider South East. It connects the National Rail networks in Surrey and Hertfordshire via a new tunnel and stations between Wimbledon, Tottenham Hale and New Southgate, linking in with London Underground, London Overground, the Elizabeth Line, and national and international rail services.

Like Crossrail, Crossrail 2 will address major emerging pressures on the transport network. Population and employment in London and the South East are forecast to grow strongly – by a further 20 per cent over the next 15 years. Without action to relieve crowding, boost connectivity and unlock new housing, London and the wider South East will struggle to grow sustainably in coming decades.

The intention is that from April 2019 MCIL2 will supersede the current Mayor's Community Infrastructure Levy (MCIL1) and the associated planning obligation/S.106 charge scheme applicable in central London and the Northern Isle of Dogs. MCIL1 and the S.106 scheme are being used to contribute to funding for Crossrail. MCIL2 will be used to contribute to funding for Crossrail 2.

The PDCS sets out the proposed charging rates:

- (1) for all development in Greater London (apart from the proposed rates for office, retail and hotel in Central London and the Isle of Dogs, and for health and education in all of Greater London) – in three bands comprising the administrative areas of the London boroughs and the Mayoral Development Corporations; and
- (2) for office, retail and hotel in Central London and Isle of Dogs.

<sup>19</sup> CAG. London Employment Sites Database, GLA 2017 and work on Opportunity Area Planning Frameworks

<sup>20</sup> Mayor of London Community Infrastructure Levy 2 Preliminary Draft Charging Schedule, GLA, June 2017



In addition to MCIL there is the flow of business rates to consider. Under the business rates retention scheme, funding from this source will play an important role in providing resources including for infrastructure related development. The loss of existing office space would likely reduce the flow of funding from this source.

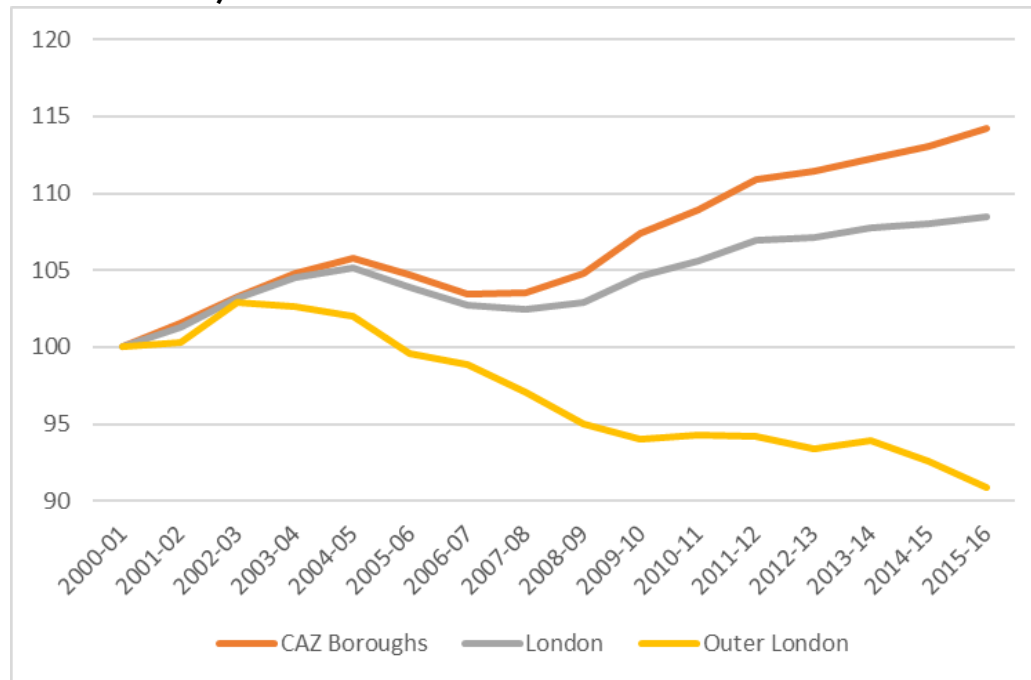
Given the scale of potential new office development in the CAZ, NIOD and the other nationally significant office locations (see section 3 above) the introduction of Article 4 Directions to remove office to residential permitted development rights in these areas would enable financial contributions towards the delivery of strategic transport infrastructure to be collected through conventional planning approvals. This essential infrastructure will support the agglomeration of business functions in these areas (see section 5 above). By contrast, if office to residential permitted development were to apply in these areas it could encourage the conversion of offices to residential rather than their redevelopment for new commercial space and undermine the potential contributions to support strategic infrastructure.

## 8. Central London office market trends

### Stock

According to data from the Valuation Office, the ten CAZ boroughs<sup>21</sup> (incorporating much of London's nationally significant office space) contained almost 20 million sq m of office floorspace in 2016. This equates to about three quarters of London's total office stock and over a fifth of the total in England & Wales. Figure 8.1 below illustrates the trends in the office stock in the CAZ boroughs compared to London as a whole and with outer London. It illustrates the fluctuating but generally growing trend in office floorspace in the CAZ boroughs over the period 2000 – 2016 compared to a declining trend in outer London.

**Figure 8.1. Trends in office floorspace stock in London, CAZ boroughs and outer London. Index Year 2000/01 = 100**



Source: VOA, GLA

<sup>21</sup> Camden, City of London, Hackney, Islington, Kensington & Chelsea, Lambeth, Southwark, Tower Hamlets, Wandsworth and Westminster

## Availability

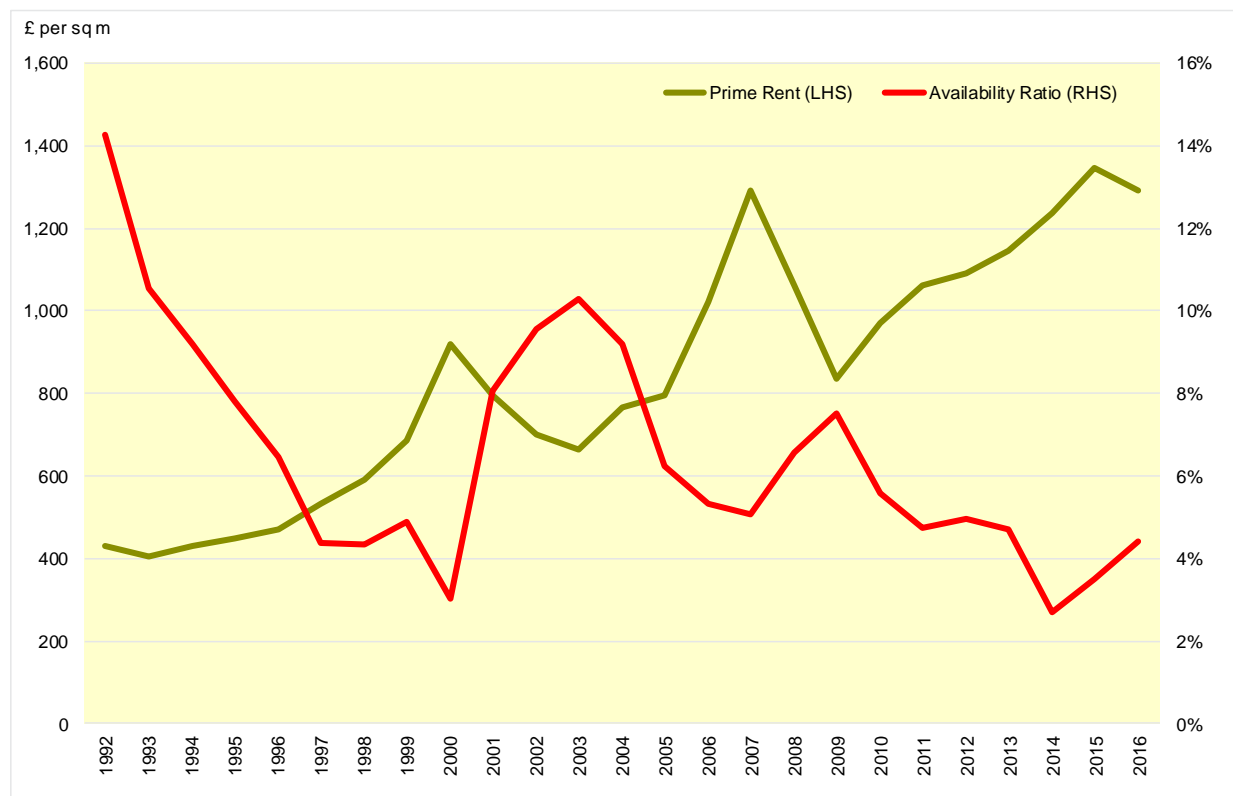
The overall Central London availability rate<sup>22</sup> rose from 6.2 per cent in 2006 to over 8 per cent in 2009 before steadily falling until late 2015 to around 2.5 per cent. Figures 8.2 and 8.3 indicate the long-term relationship between availability rates and rental change in the City and West End. At the end of 2016, availability rates were 5.2 per cent in the City and 4.4 per cent in the West End. Although these rates represented an increase on 2015 levels they remain at historically low levels. Typically, when availability rates fall below 8 per cent there is a narrowing of choice for occupiers and rents tend to rise as illustrated in Figures 8.2 and 8.3 below. The planning process provides an important mechanism to ensure that there is sufficient office capacity (through the existing stock and the planning pipeline) to maintain an appropriate level of choice for occupiers in terms of location, type of space and cost.

**Figure 8.2 City availability rate vs headline prime rent, 1986-2016**



Sources: Cushman & Wakefield, Ramidus Consulting

<sup>22</sup> Measured as available office space relative to stock

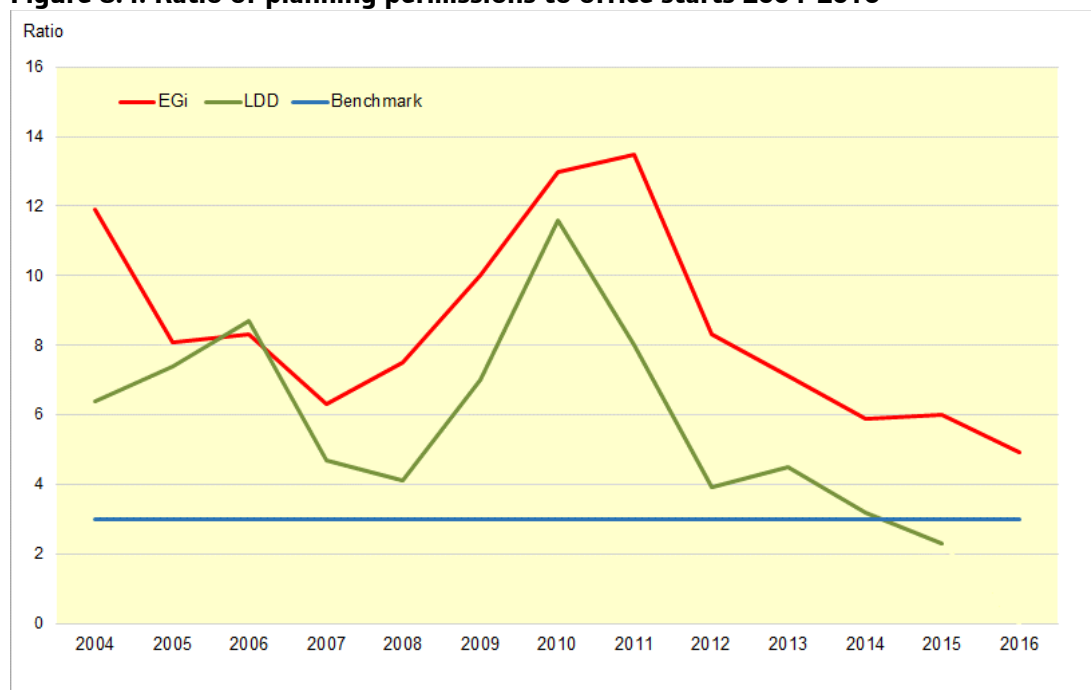
**Figure 8.3 West End availability rate vs headline prime rent, 1986-2016**

Sources: Cushman & Wakefield, Ramidus Consulting

### The development pipeline - ensuring sufficient capacity in the London office market

The London Plan contains a key performance indicator (KPI) to support the implementation of office policy to ensure sufficient capacity in the London office market. The KPI states that the stock of office planning permissions should be at least three times the average rate of starts. In the most recent London Plan Annual Monitoring Report (2017) this measure was showing an amber warning due to rising development intensity outstripping replenishment by new permissions. The ratio that is based upon data from the London Development Database (LDD) has decreased below the threshold ratio for the first time since monitoring began (see Figure 8.4 below). The trend in the ratio based on data from EGi has likewise declined to a point not seen since the early-2000s. Looking forward, the expected reduction in development starts can be expected to prompt an uplift in the ratio as long as fresh applications for planning permission continue to come forward.

The 2017 AMR report concluded that the current level of office permissions looks to be too low to provide adequate development supply, to judge by past performance. This suggests that policy attention should be directed to avoid an undue shortage of office capacity in the pipeline. It also reinforces the importance of the current exemption of London's nationally significant office locations from office to residential permitted development rights.

**Figure 8.4. Ratio of planning permissions to office starts 2004-2016**

Sources: EGi, LDD, Ramidus Consulting

In 2015 the GLA commissioned Ramidus Consulting to investigate the challenges faced by the small office market in and around CAZ. Figure 8.5 analyses the data to isolate the specific impact of residential schemes in contributing to the loss of office space. It shows the contribution of Canary Wharf in Tower Hamlets, and King's Cross in Camden, to expanding office supply outside the City of London, but generally only Westminster stands out for suffering large-scale, residential driven loss of office space. This is arguably to be expected – residential development chases the best value as with any other asset class and at the time of this report a great concern was so-called Prime Residential and its inflationary impact on residential values.

**Figure 8.5 Residential schemes given planning consent 2005-15, with a net gain or loss of B1 in CAZ boroughs**

Borough	No residential element		Residential element		All schemes	
	No. schemes	Net B1 gain/loss	No. schemes	Net B1 gain/loss	No. schemes	Net B1 gain/loss
Camden	479	-48,822	520	392,447	999	343,625
City of London	223	1,186,136	436	-209,997	659	976,139
Hackney	190	10,372	327	92,782	517	103,154
Islington	337	128,619	382	-57,496	719	71,123
RBKC	91	-27,506	139	-65,335	230	-92,841
Lambeth	163	28,509	243	-49,434	406	-20,925
Southwark	76	255,270	259	-68,418	335	186,852
Tower Hamlets	64	620,775	245	446,931	309	1,067,706
Wandsworth	46	-1,443	303	85,884	349	84,441
Westminster	252	19,567	2062	-846,446	2314	-826,879
<b>Total</b>	<b>1,921</b>	<b>2,171,477</b>	<b>4,916</b>	<b>-279,082</b>	<b>6,837</b>	<b>1,892,395</b>

Source: Ramidus Consulting (2015)

The 2017 London Office Policy Review notes that pervasive pressure for new residential development is unlikely to go away on any reasonably foreseeable time scale. The introduction of PDR has changed the landscape bringing housing land and employment land into much more direct conflict. By contrast, conventional planning approaches can ensure that both economic and housing objectives are achieved by encouraging and enabling higher density mixed use intensification.

## 9. Office and residential values

The difference between office and residential values in the currently exempted areas is such that office to residential permitted development rights would see significant loss of office stock and an irreversible change in the nature of the country's commercial hubs.

The fundamental dynamic underlying the Mayor's concerns over the potential impact of PDR is the relationship between the value of land in housing and office use, even within the nationally important office locations. While they are attractive as places to do business they are also very attractive places to live, particularly for high earning individuals. Striking the right balance, and avoiding the kind of market failure that leads to large-scale negative effects because of the cumulative impact of a number of uncontrolled individual conversions, is one of the main justifications for planning – and particularly vital in London's nationally significant office locations.

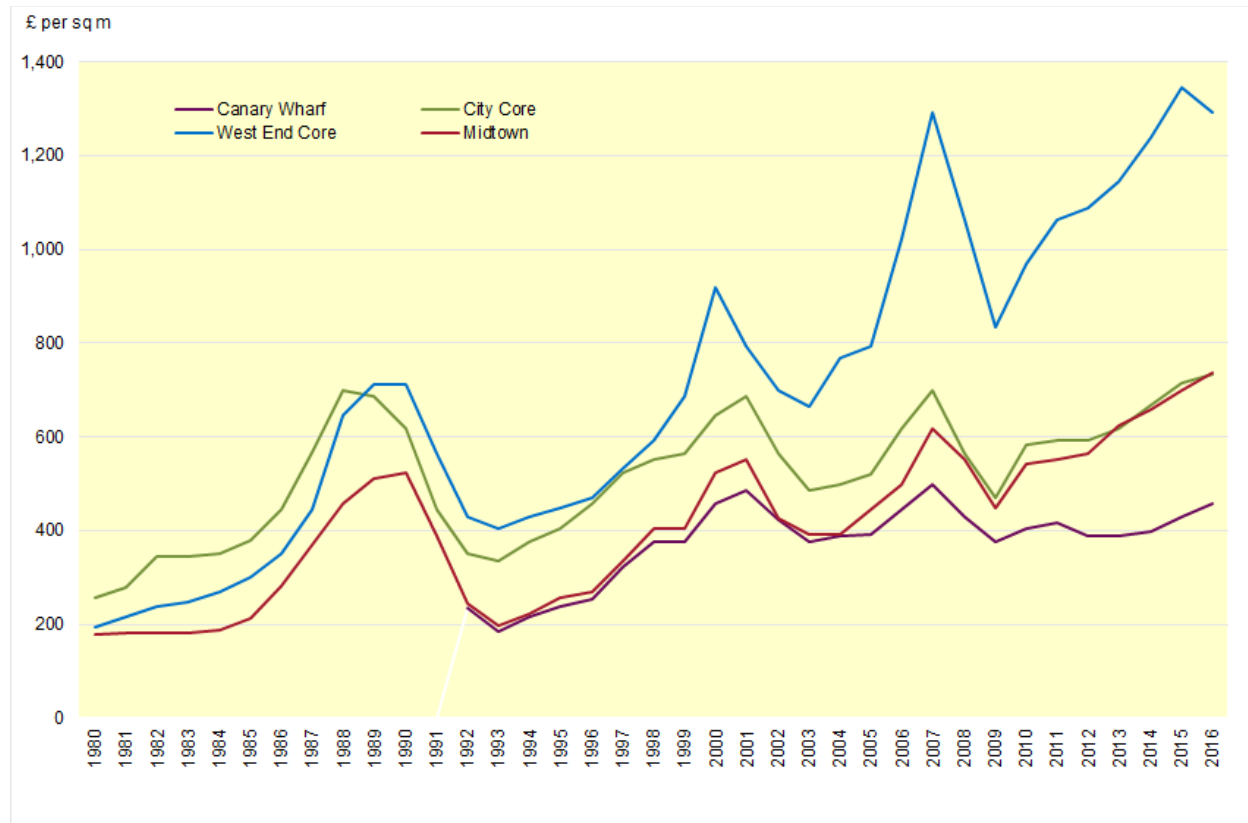
There is no shortage of evidence for the Mayor's concerns. Prior to the introduction of PDR Jones Lang Lasalle reported that in the City of London residential prices were likely to be stronger than offices in the economic conditions prevailing at that time<sup>23</sup>. JLL also found that in the particularly vibrant West End residential market, the differential against the office average was even greater<sup>24</sup> (even though office rents are significantly higher than in the City). They concluded that the price differential means that "if the potential to convert exists then such conversion to residential use will inevitably be a viable option for any property".

More recent evidence suggests that whilst office rental values have been growing in the City, West End and other Central London office sub-markets since 2011 (see Figure 9.1 below) the underlying trends are cyclical and the relative value of offices to residential can change over the business cycle. In the other nationally important office locations office rents tend to be lower than in the CAZ for example Northern Isle of Dogs £480 per sq m (£45 per sq ft) and the Royal Docks around £320 per sq m (£30 per sq ft) whereas average office rents in parts of Tech City and Southbank are now approaching City rents of £750 per sq m (£70 per sq ft). When converted to capital values, similar or greater differentials between residential and offices as those recorded in the City are likely to remain because of the attractiveness of these areas for housing.

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<sup>23</sup> Jones Lang Lasalle Potential impact of Use Classes Order relaxation for change of use from offices to housing on City office stock (City Corporation of London, 2011)

<sup>24</sup> Jones Lang Lasalle. Permitted development rights for change of use from commercial to residential (GLA, 2013)

**Figure 9.1. Prime rental growth in Central London sub-markets, 1980-2016**

Source: Cushman & Wakefield, Ramidus Consulting

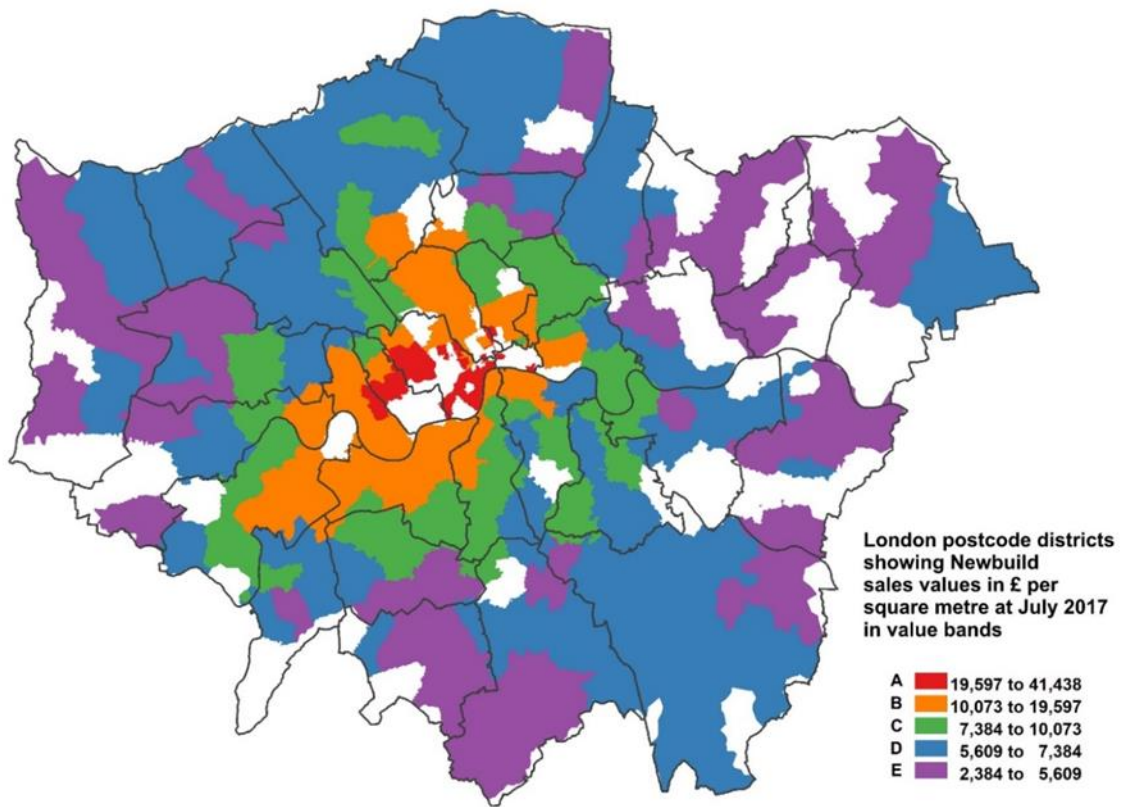
The London Plan Viability Study<sup>25</sup> provides further evidence on the relative values of office and residential in different parts of the capital. The assessment collated average values of new build residential and office development in various 'value bands' illustrated in Figure 9.2 and 9.3 below. Calculations of average capital values based upon a sample of recent transactions are provided in Figure 9.3 for each of the value bands. The residential values set out below are based upon the provision of 100 per cent market housing which is appropriate for comparative purposes here given that residential units created through office to residential PDR conversions do not have to provide affordable housing under the Government regulations<sup>26</sup>.

The data in Figure 9.4 is derived from average capital values used in the Viability Study. It suggests that in very broad terms, average residential values exceed average office values in most parts of London including substantial areas with the CAZ and the other nationally significant office locations. There are some localised exceptions where average office values appear to be on par with or exceed average residential values. However, as Figure 9.1 illustrates there is a degree of volatility in office rental values over time and across business cycles. It is very likely therefore that at different points on the business cycle, residential values could exceed office values in all parts of London, including within the CAZ.

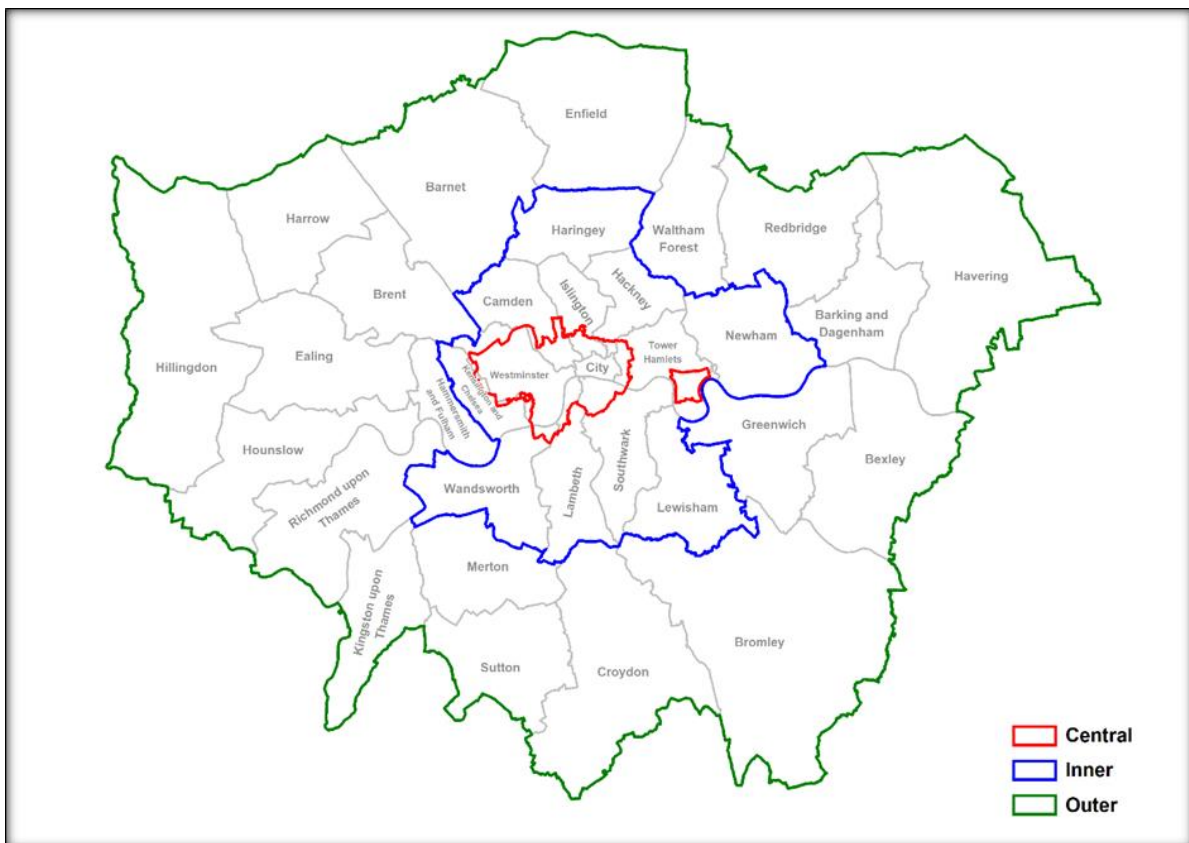
<sup>25</sup> Three Dragons et al. London Plan Viability Study, GLA 2017

<sup>26</sup> There is however a caveat that the values presented here are for new build residential and build costs for conversions may be less than those for new build.

**Figure 9.2 Value bands used in the London Plan viability study for residential**



**Figure 9.3 Value bands used in the London Plan viability study for non-residential (including offices)**



**Figure 9.4 Average capital values in residential and office use by value band**

Value Band	Band A	Band B	Band C	Band D	Band E
Resi £ psm	£20,000	£12,000	£8,250	£6,250	£4,250
Resi £ psf	£1,860	£1,110	£770	£580	£390

Value Band	Central	Inner	Outer
Office £ psm	£13,700	£8,200	£4,000
Office £ psf	£1,270	£760	£370

Source: Three Dragons using data from Land Registry and CoStar

Savills' land development index, which mostly covers central London, shows that since 2008 the price of residential land has grown at a faster pace than land for offices and hotel developments (see Figure 9.5). Land for residential development now exceeds its pre-financial crisis peak by more than 30 per cent. This further illustrates the increasing pressure on commercial space in central London areas as a result of rising residential land values<sup>27</sup>.

Ramidus Consulting also highlighted in LOPR 2017<sup>28</sup> that "...office rental growth has not, generally, kept pace with inflation. Its performance has been very different from the rise in residential values, which have consistently exceeded rising prices over the last 25 years". So notwithstanding the recent cooling in parts of London's housing market this suggests that there remains a real risk to office capacity in London's nationally significant office locations if they were to be subject to office to residential PDR.

**Figure 9.5 Savills land development index, prime London**

Source: Savills

<sup>27</sup> GLA Economics. Economic Evidence Base for London, GLA 2016

<sup>28</sup> Ramidus Consulting/CAG. London Office Policy Review 2017, GLA, June 2017

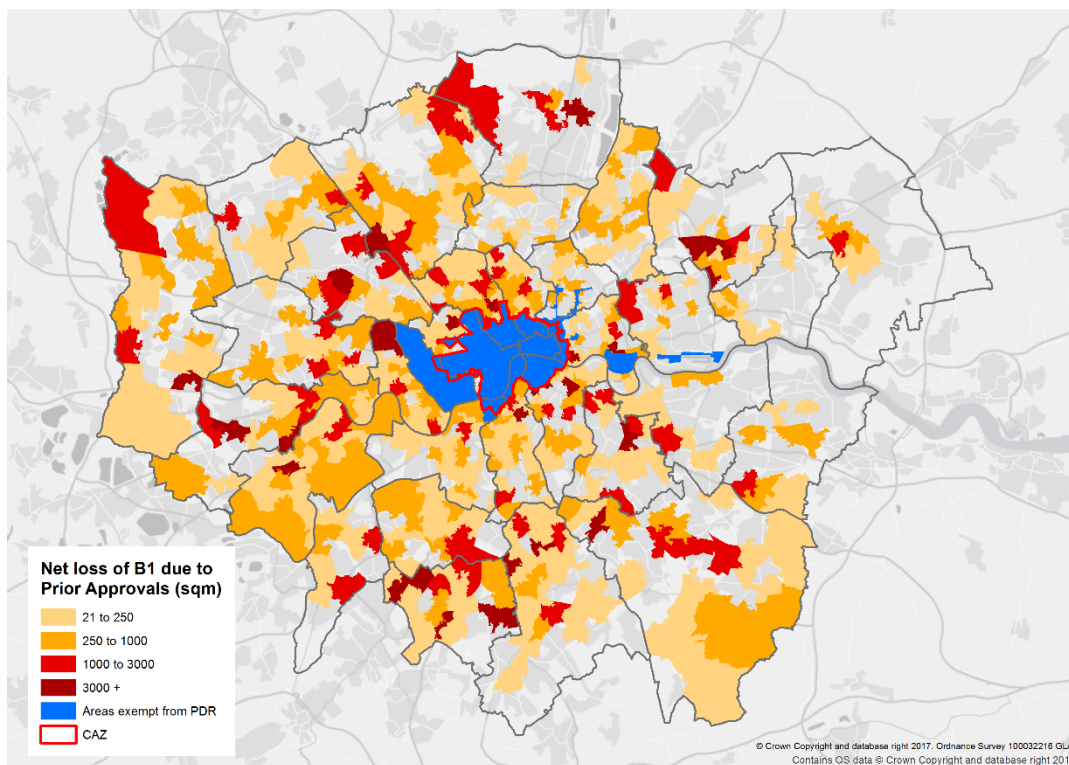


## 10. Impacts and unintended consequences of PDR

According to GLA and London borough monitoring, more than 1.6 million sq.m of office floorspace has prior approval for office to residential conversion via PDR, about 6 per cent of London's office stock<sup>29</sup>. Figure 10.1 below illustrates that the impact of PDR in terms of the potential loss of office floorspace has been greatest in locations in West and South London and around the exempted areas in Central London.

Drawing on evidence from the London Development Database, LOPR 2017 found that the impact of office-to-residential has not been uniform and it has had many unintended consequences including loss of occupied business space (55 per cent of office floorspace with office to residential PDR prior approval is either fully or partly occupied business space) and loss of secondary business space serving the needs of cost-conscious small and medium-sized enterprises (SMEs) and new start-up businesses.

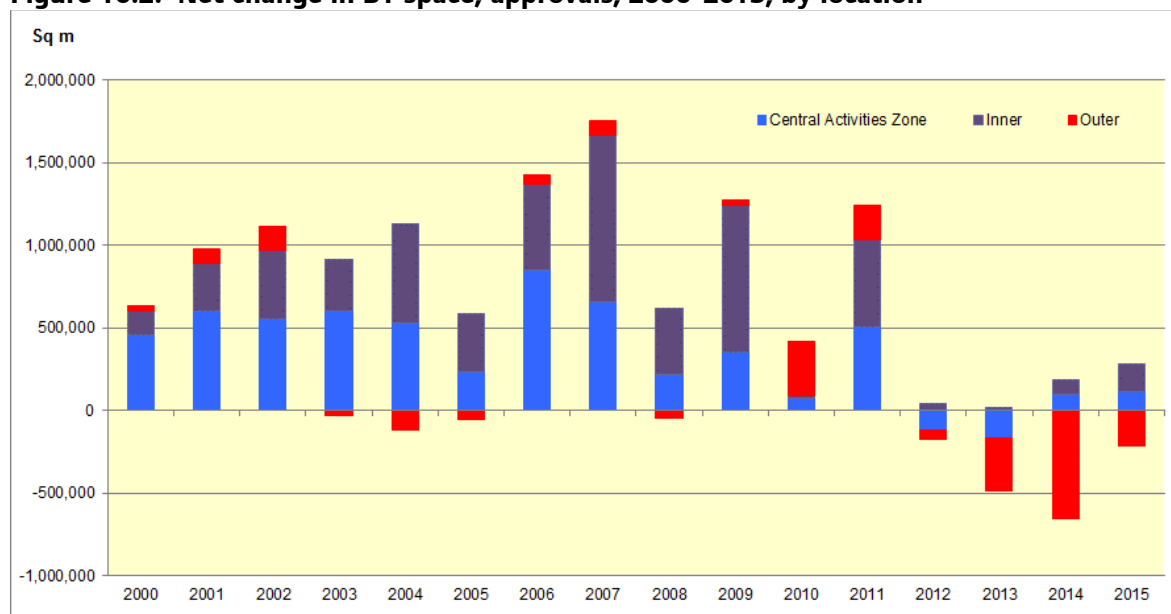
**Figure 10.1. Prior approvals under PDR, May 2013 to March 2016**



Source: GLA

Figure 10.2 below illustrates net change in office floorspace in planning approvals (including PDR prior approvals) over the period 2005-2015. Post 2013 it illustrates the notable impact of office to residential PDR in outer London where almost a quarter of the office floorspace stock could potentially be lost. Since 2013 net gains to stock in planning approvals in the CAZ have been modest, mainly because losses in Westminster have offset gains in other locations such as the City, Camden and Tower Hamlets. This reinforces the importance of Article 4 Directions to remove office to residential PDR in the CAZ, Northern Isle of Dogs and the other exempted areas when the exemptions expire in 2019.

<sup>29</sup> Ramidus Consulting. London Office Policy Review, GLA, 2017 – based on London Development Database monitoring.

**Figure 10.2. Net change in B1 space, approvals, 2000-2015, by location**

Source: London Development Database

## 11. Housing delivery

The lack of supply of the homes that Londoners need has played a significant role in London's housing crisis. The 2017 London Strategic Housing Market Assessment has identified a significant overall need for housing, and for affordable housing in particular.

London needs 66,000 new homes each year, for at least twenty years and evidence suggests that 43,500 of them should be genuinely affordable if the needs of Londoners are to be met, supporting a strategic target of 50 per cent of all new homes being genuinely affordable. 270,000 homes are in the planning pipeline, but delivery is not keeping pace.

The draft London Plan<sup>30</sup> looks across the city to plan for the housing needs of all Londoners, treating the London as single housing market in a way that is not possible at a local level. In partnership with boroughs, the Mayor has undertaken a Strategic Housing Land Availability Assessment to identify where the homes London needs can be delivered.

Ten-year housing targets have been established for every borough, alongside Opportunity Area plans for longer-term delivery where the potential for new homes is especially high. These targets have taken into account the need to strike an appropriate balance between new housing and the strategic office functions within the CAZ, NIOD and the other nationally significant office locations.

The draft London Housing Strategy sets out the Mayor's proposals for working with boroughs and other partners to deliver the step change in housing supply required, through:

- proactive intervention in London's land market to unlock and accelerate housing delivery, including on public land and through compulsory purchase and other forms of land assembly

<sup>30</sup> The London Plan. The Spatial Development Strategy for Greater London. Draft for public consultation (Mayor of London, 2017)

- increased and better-targeted investment to de-risk development and maximise opportunities from new transport infrastructure
- diversification of the housebuilding industry through increased Build to Rent development, more support for small and medium-sized builders, and more supply from councils and housing associations
- tackling the construction skills gap and modernising construction methods.

The introduction of office to residential Article 4 Directions by the relevant boroughs will promote and safeguard London's internationally and nationally significant office locations alongside the Mayor's draft London Plan policies and Housing Strategy which will drive up the complementary delivery of new, better quality and affordable housing across London as a whole. This will include housing within parts of the exempted areas which will be managed proactively through the London Plan and boroughs' Local Plans to ensure that new housing does not compromise the agglomerations of offices and other strategic functions within these nationally important business locations.

---

## **Appendix: References and source documents**

The strategic evidence to support the introduction of Article 4 Directions for London's nationally significant office locations is presented in detail in the following sources:

1. The London Plan. The Spatial Development Strategy for Greater London. Draft for public consultation (Mayor of London, 2017)
2. London Office Policy Review (Ramidus Consulting, 2017)
3. London Labour Market Projections (GLA Economics, 2017)
4. London Employment Sites Database (CAG, 2017)
5. London Development Database (GLA, 2017)
6. GVA per workforce job estimates for London and the UK, 1997 – 2015 (GLA Economics, 2017)
7. London Plan Viability Study (Three Dragons et al, 2017)
8. London Plan Annual Monitoring Report (GLA, 2017)
9. Mayor of London Community Infrastructure Levy 2 Preliminary Draft Charging Schedule (GLA, 2017)
10. London Strategic Housing Market Assessment (GLA, 2017)
11. London Strategic Housing Land Availability Assessment (GLA, 2017)
12. London Housing Strategy (GLA, 2017)
13. Valuation Office Agency (VOA) Business Floorspace Statistics (2016)
14. Economic Evidence Base for London (GLA Economics, 2016)
15. Work and life in the Central Activities Zone, the Northern Isle of Dogs and their fringes (GLA Economics, 2015)
16. Small offices and mixed use development in CAZ (Ramidus Consulting, 2015)
17. City Fringe Opportunity Area Planning Framework (GLA, 2015)
18. Permitted development rights for change of use from commercial to residential (Jones Lang Lasalle, 2013)
19. Potential impact of Use Classes Order relaxation for change of use from offices to housing on City office stock (Jones Lang Lasalle, 2011).

## Other formats and languages

For a large print, Braille, disc, sign language video or audio-tape version of this document, please contact us at the address below:

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### Vietnamese

Nếu bạn muốn có văn bản tài liệu này bằng ngôn ngữ của mình, hãy liên hệ theo số điện thoại hoặc địa chỉ dưới đây.

### Greek

Αν θέλετε να αποκτήσετε αντίγραφο του παρόντος εγγράφου στη δική σας γλώσσα, παρακαλείστε να επικοινωνήσετε τηλεφωνικά στον αριθμό αυτό ή ταχυδρομικά στην παρακάτω διεύθυνση.

### Turkish

Bu belgenin kendi dilinizde hazırlanmış bir nüshasını edinmek için, lütfen aşağıdaki telefon numarasını arayınız veya adrese başvurunuz.

### Punjabi

ਜੇ ਤੁਹਾਨੂੰ ਇਸ ਦਸਤਾਵੇਜ਼ ਦੀ ਕਾਪੀ ਤੁਹਾਡੀ ਆਪਣੀ ਭਾਸ਼ਾ ਵਿਚ ਚਾਹੀਦੀ ਹੈ, ਤਾਂ ਹੇਠ ਲਿਖੇ ਨੰਬਰ 'ਤੇ ਫ਼ੋਨ ਕਰੋ ਜਾਂ ਹੇਠ ਲਿਖੇ ਪਤੇ 'ਤੇ ਰਾਬਤਾ ਕਰੋ:

### Hindi

यदि आप इस दस्तावेज की प्रति अपनी भाषा में चाहते हैं, तो कृपया निम्नलिखित नंबर पर फोन करें अथवा नीचे दिये गये पते पर संपर्क करें

### Bengali

আপনি যদি আপনার ভাষায় এই দলিলের প্রতিলিপি (কপি) চান, তা হলে নীচের ফোন নম্বরে বা ঠিকানায় অনুগ্রহ করে যোগাযোগ করুন।

### Urdu

اگر آپ اس دستاویز کی نقل اپنی زبان میں چاہتے ہیں، تو براہ کرم نیچے دئے گئے نمبر پر فون کریں یا دیئے گئے پتے پر رابطہ کریں

### Arabic

إذا أردت نسخة من هذه الوثيقة بلغتك، يرجى الاتصال برقم الهاتف أو مراسلة العنوان أدناه

### Gujarati

જો તમને આ દસ્તાવેજની નકલ તમારી ભાષામાં જોઈતી હોય તો, કૃપા કરી આપેલ નંબર ઉપર ફોન કરો અથવા નીચેના સરનામે સંપર્ક સાધો.





## Article 4 Direction: Offices to residential in the Central Activities Zone (CAZ)

No.	Title
Appendix A	Draft Article 4 Direction to withdraw the Permitted Development Rights granted by Schedule 2, Part 3, Class O, of the Town and Country Planning (General Permitted Development) Order 2015 (as amended)
Appendix B	Map of the Central Activities Zone subject to proposed Article 4 Direction
Appendix C	Equalities analysis
Appendix D	Strategic evidence to support London borough Article 4 Directions in London's nationally significant office locations
Appendix E	Letters of support from Business Improvement Districts



Andrew Ruck  
 Southwark Council, Planning Policy Team  
 Southwark Town Hall  
 Tooley Street  
 London SE1

27 May 2018

Dear Andrew,

**Re: Support for Article 4 Direction on office to residential conversion**

This representation is submitted on behalf of WeAreWaterloo Business Improvement District. WeAreWaterloo is a Business Improvement District (BID) operating in the Waterloo area of central London. The BID area, covering parts of North Lambeth and North Southwark.

The BID carries out a number of projects and services for businesses in the Waterloo area, including environmental services such as graffiti removal and recycling, networking, business support, and promotion of the area and its businesses. It is also involved in the development of the Neighbourhood Plan for the South Bank & Waterloo area.

We are writing in support of Southwark Council's bid to introduce an Article 4 Direction across the Southwark Section of the Central Activities Zone (CAZ). The Waterloo BID is entirely within the CAZ and economic prospects of the neighbourhood are significantly associated with development policy.

[Recent figures](#) show that there is a shortage of office space in Waterloo and demonstrable unfulfilled demand. As a mayoral opportunity area in which 6,000 jobs are to be created, it is imperative that further office stock is not lost to residential accommodation, particularly given the highly favourable conditions for office markets to flourish, including transport accessibility.

Where three quarters of the office stock in London is contained within the 10 CAZ boroughs, the agglomeration benefits of concentrated office locations are to be maintained, and the consequences of conversion from office to residential seen in other office districts in London is to be avoided.

Yours sincerely



Ben Stephenson  
 CEO

**WeAreWaterloo**

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 T : [@wearewaterlooUK](https://twitter.com/wearewaterlooUK)

**Ruck, Andrew**

---

**From:** Valerie Beirne <[REDACTED]>  
**Sent:** 01 March 2018 15:22  
**To:** Ruck, Andrew  
**Cc:** Peter Williams; Wolff, Nick; Hills, Laura; Peter Williams  
**Subject:** RE: Central Activities Zone office to residential permitted development

Hi Andy

Apologies for the delay in replying. Please accept this e-mail as Better Bankside's support for your proposed Article 4 Direction.

If you need any further information from us please let us know.

All the best

Val

Regards

**Valerie Beirne**  
**Bankside Urban Forest Manager**

**Better Bankside**

Bankside Community Space  
 18 Great Guildford Street (junction with Zoar Street)  
 London SE1 0FD

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---

**From:** Ruck, Andrew [mailto:Andrew.Ruck@southwark.gov.uk]  
**Sent:** 26 February 2018 15:38  
**To:** Valerie Beirne <[REDACTED]>  
**Cc:** Peter Williams <[REDACTED].uk>; Wolff, Nick <Nick.Wolff@southwark.gov.uk>; Hills, Laura <Laura.Hills@southwark.gov.uk>  
**Subject:** Central Activities Zone office to residential permitted development

Hi Val

Hope you are well. Following up on my previous email, would Better Bankside support this Article 4 Direction?

In May 2019 the exemption will expire for permitted development rights for change of use from office to residential in the central activities zone (CAZ). Offices would then be able to convert to residential use without planning permission. We are looking at an Article 4 direction to replace the exemption for the part of the CAZ in Southwark so that planning permission would still be needed. I am preparing the report for planning committee this week.



When we successfully applied for the exemption in 2013 we received a letter of support from Team London Bridge and Better Bankside. If you would like to provide a similar letter this week I could reference your support in the committee report.

We have been working with the GLA and other CAZ boroughs to ensure the entire CAZ will be covered. These are the reasons in outline for maintaining planning controls over office to residential conversion:

- **Safeguarding the contributions of London’s nationally significant office locations to the London and national economy** - It is essential for London and the UK as a whole that these areas are not undermined.
- **Office floorspace stock** - The ten CAZ boroughs contain about three quarters of London’s total office stock and over a fifth of the total in England & Wales.
- **Agglomeration benefits** – These arise from the unique concentration of large numbers of businesses in London’s nationally significant offices locations.
- **Employment growth** –The introduction of Article 4 Directions will help to ensure that sufficient office capacity is provided to accommodate growth in projected employment.
- **Contributions to strategic infrastructure** - The introduction of Article 4 Directions would enable financial contributions to be collected through conventional planning approvals towards the delivery of strategic transport infrastructure.
- **Central London office market trends** - The current level of office permissions in London is too low to provide adequate development supply, and loss of office supply would exacerbate the shortfall.
- **Office and residential values** - The difference between office and residential values would see significant loss of office stock and an irreversible change in the nature of the country’s commercial hubs.
- **Unintended impacts and consequences of PDR** –In areas that are not exempt permitted development has allowed the conversion of occupied office stock converting to residential, impacting occupiers.
- **Delivery of housing** – The London Plan and New Southwark Plan have ambitious plans to deliver housing as well as business space that would be undermined by permitted development rights.

Many thanks

Andy Ruck  
Planning Policy Officer  
BSc(Hons) MPlan

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<b>Item No.</b> 7.	<b>Classification:</b> Open	<b>Date:</b> 21 March 2018	<b>Meeting Name:</b> Planning Committee
<b>Report title:</b>		Development Management	
<b>Ward(s) or groups affected:</b>		All	
<b>From:</b>		Proper Constitutional Officer	

### RECOMMENDATIONS

1. That the determination of planning applications, or formal observations and comments, the instigation of enforcement action and the receipt of the reports included in the attached items be considered.
2. That the decisions made on the planning applications be subject to the conditions and/or made for the reasons set out in the attached reports unless otherwise stated.
3. That where reasons for decisions or conditions are not included or not as included in the reports relating to an individual item, they be clearly specified.

### BACKGROUND INFORMATION

4. The council's powers to consider planning business are detailed in Part 3F which describes the role and functions of the planning committee and planning sub-committees. These were agreed by the annual meeting of the council on 23 May 2012. The matters reserved to the planning committee and planning sub-committees exercising planning functions are described in part 3F of the Southwark Council constitution.

### KEY ISSUES FOR CONSIDERATION

5. In respect of the attached planning committee items members are asked, where appropriate:
  - a. To determine those applications in respect of site(s) within the borough, subject where applicable, to the consent of the Secretary of State for Communities and Local Government and any directions made by the Mayor of London.
  - b. To give observations on applications in respect of which the council is not the planning authority in planning matters but which relate to site(s) within the borough, or where the site(s) is outside the borough but may affect the amenity of residents within the borough.
  - c. To receive for information any reports on the previous determination of applications, current activities on site, or other information relating to specific planning applications requested by members.

6. Each of the following items are preceded by a map showing the location of the land/property to which the report relates. Following the report, there is a draft decision notice detailing the officer's recommendation indicating approval or refusal. Where a refusal is recommended the draft decision notice will detail the reasons for such refusal.
7. Applicants have the right to appeal to Planning Inspector against a refusal of planning permission and against any condition imposed as part of permission. Costs are incurred in presenting the council's case at appeal which maybe substantial if the matter is dealt with at a public inquiry.
8. The sanctioning of enforcement action can also involve costs such as process serving, court costs and of legal representation.
9. Where either party is felt to have acted unreasonably in an appeal the inspector can make an award of costs against the offending party.
10. All legal/counsel fees and costs as well as awards of costs against the council are borne by the budget of the relevant department.

#### **Community impact statement**

11. Community impact considerations are contained within each item.

#### **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

##### **Director of Law and Democracy**

12. A resolution to grant planning permission shall mean that the director of planning is authorised to grant planning permission. The resolution does not itself constitute the permission and only the formal document authorised by the committee and issued under the signature of the director of planning shall constitute a planning permission. Any additional conditions required by the committee will be recorded in the minutes and the final planning permission issued will reflect the requirements of the planning committee.
13. A resolution to grant planning permission subject to legal agreement shall mean that the director of planning is authorised to issue a planning permission subject to the applicant and any other necessary party entering into a written agreement in a form of words prepared by the director of law and democracy, and which is satisfactory to the director of planning. Developers meet the council's legal costs of such agreements. Such an agreement shall be entered into under section 106 of the Town and Country Planning Act 1990 or under another appropriate enactment as shall be determined by the director of law and democracy. The planning permission will not be issued unless such an agreement is completed.
14. Section 70 of the Town and Country Planning Act 1990 as amended requires the council to have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations when dealing with applications for planning permission. Where there is any conflict with any policy contained in the development plan, the conflict must be resolved in favour of the policy which is

contained in the last document to be adopted, approved or published, as the case may be (s38(5) Planning and Compulsory Purchase Act 2004).

15. Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise. The development plan is currently Southwark's Core Strategy adopted by the council in April 2011, saved policies contained in the Southwark Plan 2007, the where there is any conflict with any policy contained in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published, as the case may be (s38(5) Planning and Compulsory Purchase Act 2004).
16. On 15 January 2012 section 143 of the Localism Act 2011 came into force which provides that local finance considerations (such as government grants and other financial assistance such as New Homes Bonus) and monies received through CIL (including the Mayoral CIL) are a material consideration to be taken into account in the determination of planning applications in England. However, the weight to be attached to such matters remains a matter for the decision-maker.
17. "Regulation 122 of the Community Infrastructure Levy regulations (CIL) 2010, provides that "a planning obligation may only constitute a reason for granting planning permission if the obligation is:
  - a. necessary to make the development acceptable in planning terms;
  - b. directly related to the development; and
  - c. fairly and reasonably related to the scale and kind to the development.

A planning obligation may only constitute a reason for granting planning permission if it complies with the above statutory tests."

18. The obligation must also be such as a reasonable planning authority, duly appreciating its statutory duties can properly impose i.e. it must not be so unreasonable that no reasonable authority could have imposed it. Before resolving to grant planning permission subject to a legal agreement members should therefore satisfy themselves that the subject matter of the proposed agreement will meet these tests.
19. The National Planning Policy Framework (NPPF) came into force on 27 March 2012. The NPPF replaces previous government guidance including all PPGs and PPSs. For the purpose of decision-taking policies in the Core Strategy (and the London Plan) should not be considered out of date simply because they were adopted prior to publication of the NPPF. For 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted in accordance with the Planning and Compulsory Purchase Act (PCPA) 2004 even if there is a limited degree of conflict with the NPPF.
20. In other cases and following and following the 12 month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. This is the approach to be taken when considering saved plan policies under the Southwark Plan 2007. The approach to be taken is that the closer the

policies in the Southwark Plan to the policies in the NPPF, the greater the weight that may be given.

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Council assembly agenda 23 May 2012	Constitutional Team 160 Tooley Street London SE1 2QH	020 7525 7240/7234
Each planning committee item has a separate planning case file	Development Management 160 Tooley Street London SE1 2QH	The named case officer as listed or the Planning Department 020 7525 5403

## APPENDICES

No.	Title
None	

## AUDIT TRAIL

<b>Lead Officer</b>	Chidi Agada, Head of Constitutional Services	
<b>Report Author</b>	Beverley Olamijulo, Constitutional Officer Jonathan Gorst, Head of Regeneration and Development	
<b>Version</b>	Final	
<b>Dated</b>	12 March 2018	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments sought</b>	<b>Comments included</b>
Director of Law and Democracy	Yes	Yes
Director of Planning	No	No
<b>Cabinet Member</b>	No	No
<b>Date final report sent to Constitutional Team</b>		12 March 2018

**ITEMS ON AGENDA OF THE PLANNING COMMITTEE**  
**on Wednesday 21 March 2018**

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**Appl. Type** Full Planning Application  
**Site** FORMER LESOCO CAMPUS, UFFORD STREET, LONDON SE1 8LE

**Reg. No.** 17-AP-4042  
**TP No.** TP/1232-B  
**Ward** Cathedrals  
**Officer** Patrick Cronin

**Recommendation** GRANT SUBJECT TO LEGAL AGREEMENT

## ***Item 7.1***

**Proposal**

Construction of a 274 room hotel in a building of up to seven storeys in height incorporating a restaurant at ground floor level (Class C1/A3) together with one further storey of hotel accommodation at basement level and rooftop plant. The development will include the creation of a new public realm, including a pedestrian route from The Cut to Ufford Street, with hard and soft landscaping and other associated works.

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**Appl. Type** Full Planning Application  
**Site** 180 ILDERTON ROAD, LONDON SE15 1NT

**Reg. No.** 17-AP-4546  
**TP No.** TP/2327-190  
**Ward** Livesey  
**Officer** Kiran Chauhan

**Recommendation** GRANT SUBJECT TO LEGAL AGREEMENT

## ***Item 7.2***

**Proposal**

Demolition of existing building and erection of a part 5, 8 and 9 storey plus basement mixed-use development (max height 29.98m) comprising 2,351 sqm (gia) of flexible workspace (Use Class B1) and 84 residential apartments (Use Class C3) with associated amenity space and ancillary infrastructure.

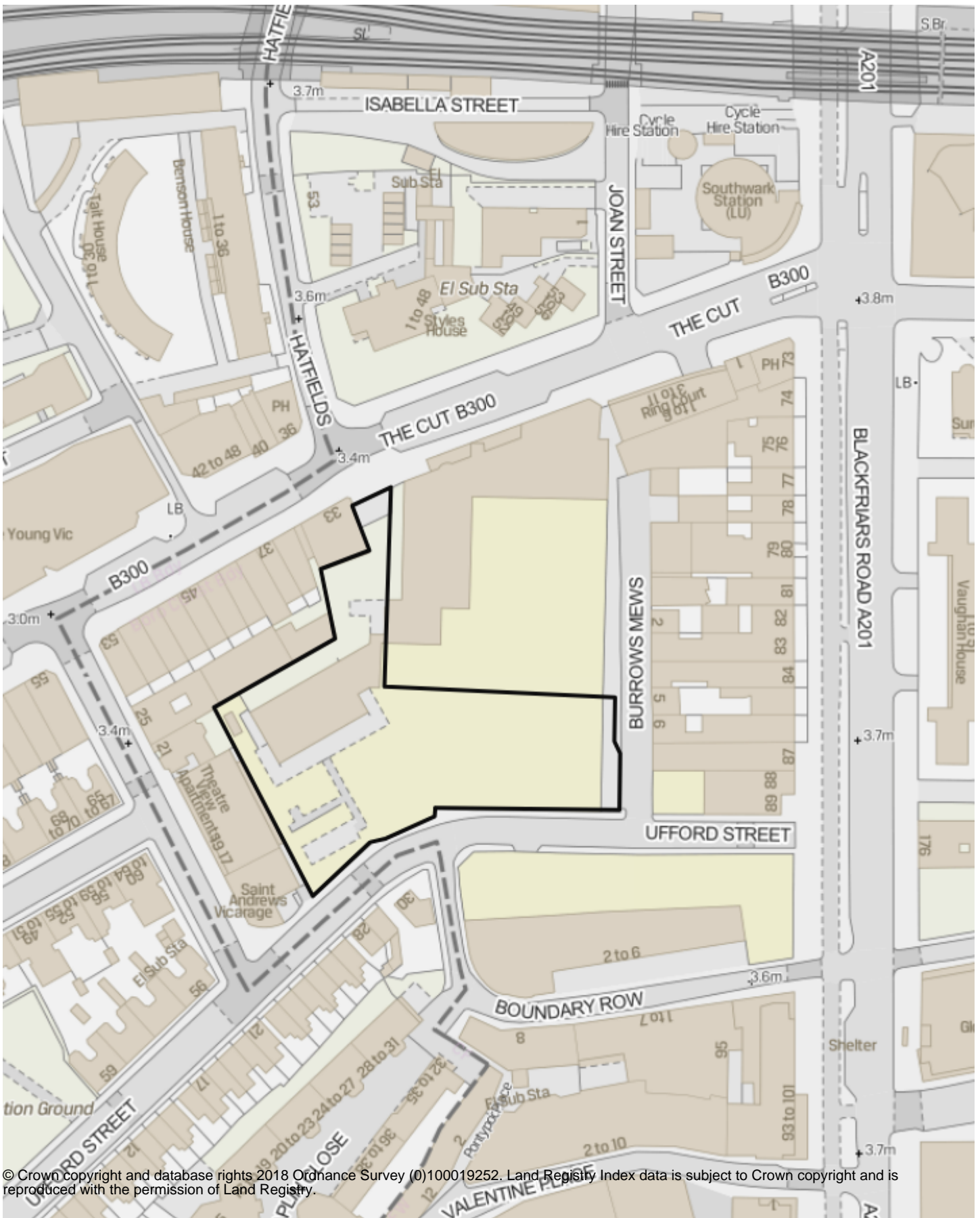
(This application represents a departure from strategic policy 10 'Jobs and businesses' of the Core Strategy (2011) and saved policy 1.2 'strategic and local preferred industrial locations' of the Southwark Plan (2007) by virtue of proposing to introduce residential accommodation in a preferred industrial location).

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# Agenda Item 7.1



## FORMER LESOCO CAMPUS, UFFORD STREET SE1 8LE



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<b>Item No.</b> 7.1	<b>Classification:</b> Open	<b>Date:</b> 21 March 2018	<b>Meeting Name:</b> Planning Committee
<b>Report title:</b>	<b>Development Management planning application:</b> Application 17/AP/4042 for: Full Planning Application  <b>Address:</b> FORMER LESOCO CAMPUS, UFFORD STREET, LONDON SE1 8LE  <b>Proposal:</b> Construction of a 274 room hotel in a building of up to seven storeys in height incorporating a restaurant at ground floor level (Class C1/A3) together with one further storey of hotel accommodation at basement level and rooftop plant. The development will include the creation of a new public realm, including a pedestrian route from The Cut to Ufford Street, with hard and soft landscaping and other associated works.		
<b>Ward(s) or groups affected:</b>	Cathedrals		
<b>From:</b>	Director of Planning		
<b>Application Start Date</b> 17/10/2017		<b>Application Expiry Date</b> 16/01/2018	
<b>Earliest Decision Date</b> 10/02/2018		<b>PPA Date</b> 18/12/2017	

## RECOMMENDATION

1. a) That planning permission be granted, subject to conditions and the applicant entering into a satisfactory legal agreement, and;
- b) That in the event that the legal agreement is not entered into by 28 May 2018 the director of planning be authorised to refuse planning permission if appropriate for the reasons set out in paragraph 183 of this report.

## BACKGROUND INFORMATION

### Site location and description

2. The application site is a 0.4 hectare plot of land located to the south and west of LeSoCo Further Education College, and fronting Ufford Street. It was formerly part of the college campus and retains a short frontage onto The Cut to the north as well as a return frontage onto Burrows Mews to the east. Although the site is presently vacant, up until relatively recently it contained two buildings ancillary to the further education college.





Figure 1: Site Location Plan

3. Apart from the further education college, neighbouring uses are a mixture of retail, commercial and residential. These surrounding buildings vary in height. Immediately to the north, the substantial new college building stands seven storeys tall at its highest point. To the east, the Burrows Mews properties are between two and four storeys, while the Blackfriars Road buildings immediately behind rise to up to five-and-a-half storeys. To the south, on Ufford Street, there are existing low rise cottages and a vacant plot of land where permission has been granted for a building which would step-up from six storeys to seven directly opposite the site. Three-, four- and five-storeyed properties enclose the site along its northwestern boundaries. This range of building heights reflects the changing nature of the site context.
4. The site is subject to the following designations:
  - Bankside, Borough and London Bridge Opportunity Area
  - Bankside and Borough District Town Centre
  - Central Activity Zone
  - Air Quality Management Area
  - Area covered by Blackfriars Road SPD
5. Southwark underground station and Waterloo East rail station are within 100 metres walking distance, and Waterloo main station is within 500 metres. The site is also well situated for regular bus services along Blackfriars Road and Waterloo Road. This results in an excellent PTAL rating of 6b.
6. The nearest A Roads are Blackfriars Road (part of the TLRN) and Waterloo Road. The Cut is a Classified B Road, while Ufford Street and Burrows Mews are Classified C Roads. The wider surrounding area is located within a Controlled Parking Zone.
7. The site is not within a conservation area but the Mitre Road and Ufford Street Conservation Area, which is located within Lambeth, partly faces the site to the south and encompasses the residential terraces along Ufford Street. Located further to the south is the Valentine Place Conservation Area (which, at its closest point is approximately 40 metres away), from which views towards the site along Boundary Row can be gained.
8. There are no listed buildings on the site but there are Grade II listed buildings nearby on

Blackfriars Road, as follows:

- no. 74 Blackfriars Road (Grade II)
  - nos. 75-78 Blackfriars Road, and attached railings (Grade II)
  - nos. 81, 82 and 83 Blackfriars Road, and attached railings (Grade II)
  - nos. 85 and 86, including railings (Grade II)
  - Former Sons of Temperance Friendly Society, no. 176 Blackfriars Road (Grade II).
9. The site is not subject to any tree preservation orders.
10. The borough boundary with Lambeth lies approximately 15 metres to the west of the site.

### **Details of proposal**

11. Full planning permission is sought for the construction of a hotel incorporating a restaurant with ancillary bar (C1/A3 use class), to be arranged as two blocks linked by a 'bridge' element. The block to be located in the eastern part of the site (Block B) would comprise seven storeys together with rooftop plant and one additional storey of accommodation at basement level. The maximum height of the block would be 23.20 metres above ground level. The block to be located in the western part of the site (Block A) would comprise five storeys together with plant and one additional storey of accommodation at basement level. At its maximum height, this block would be 15.50 metres above ground level.
12. The hotel would contain 274 en-suite rooms to be distributed across all floors including the basement. The restaurant and bar would be located at ground floor level, as would the hotel reception. Staff facilities, visitor conveniences and other storage areas ancillary to both the hotel and restaurant bar would be largely located at ground and basement levels.
13. The development would provide the following floorspace schedule:

<b>Use</b>	<b>Proposed GIA (square metres)</b>
Restaurant (A3 Use Class)	336
Hotel (C1 Use Class)	8805
Total	9141

14. The building would be faced predominantly in London stock brick, broken up in different places by textural brickwork and some 'feature' green brickwork. The upper storeys of the building would be finished in white brick and the rooftop plant would be enclosed in brass-effect perforated cladding. Doors and windows would be either frameless or have brass-effect frames. The 'bridge' linking the two blocks would be largely finished in frameless glazing with structural elements faced in brass-effect cladding.



*Figure 2: View eastwards along Ufford Street, showing Block A of the hotel in the foreground and Block B behind.*

15. The application proposes a new pedestrian route connecting The Cut with Ufford Street, off which would branch a shared public/vehicular yard linking the centre of the site to Burrows Mews. The proposed restaurant and bar would front onto the western side of the pedestrian route with a short return frontage onto Ufford Street. The hotel reception area would front onto the pedestrian route close to the point at which it meets Ufford Street. The proposals also include a landscaped public amenity space containing seating and sculptures, to be located adjacent to the restaurant and close to the site's entrance on The Cut.



*Figure 3: View from The Cut, looking southwestwards through the proposed New Marlborough Yard towards Block A of the hotel and the 'bridge' link.*

16. Servicing would take place within the proposed shared public/vehicular yard, entry to and exit from which would be via Burrows Mews. The majority of servicing vehicles would approach the site from Short Street and the Cut.
17. Where visitors arrive by taxi or coach, drop-off on The Cut and Blackfriars Road would be encouraged respectively. On-site cycle parking facilities would be provided for guests and employees of both the hotel and restaurant/bar. The development does not propose any on-site car parking.

### **Relevant planning history of the application site**

18. In 2014, outline planning permission was granted for the demolition of the existing college buildings on this site as part of the consolidation of the LeSoCo campus on the plot of land fronting The Cut. This outline permission established the acceptability in principle of releasing the application site from education use. A full planning permission for the redevelopment of the site for a residential-led scheme was approved in 2016, but

the permission has not been implemented and the site remains vacant.

19. A full detailed history of all relevant planning applications at this site follows below:

<p>Application reference number: 13/EQ/0171 Application type: Pre-Application Enquiry (ENQ)</p> <p><i>Demolition and redevelopment of part college campus for approximately up to 55 residential units B1 floorspace, space substations creating up to 10,400 sqm of D1 floorspace (4,500 sqm of additional floorspace), a sports roof, public footway and related ancillary works.</i></p> <p>Decision date: 28/01/2015 Decision: <b>Pre-application enquiry closed (EQC)</b></p>
<p>Application reference number: 13/AP/3534 Application type: Screening Opinion (EIA) (SCR)</p> <p><i>Request for a Screening Opinion to determine whether an Environmental Impact Assessment is required for the following development: Redevelopment of the Waterloo Campus site for new educational buildings accessed from The Cut and for up to 54 new residential units accessed from Ufford Street.</i></p> <p>Decision date: 20/12/2013 Decision: <b>Screening Opinion - EIA Regs (SCR)</b></p>
<p>Application reference number: 13/AP/4094 Application type: Outline Planning Permission (OUT)</p> <p><i>Outline application for: The demolition of existing college buildings and redevelopment of the site to provide up to 44 residential units in two blocks of two to four, and three to six storeys, up to 35sqms of B1/D1 floorspace, new street linking The Cut and Ufford Street, amenity space, landscaping and associated ancillary works.</i></p> <p>Decision date: 25/03/2014 Decision: <b>Granted with Legal Agreement (GWLA)</b></p>
<p>Application reference number: 14/EQ/0228 Application type: Pre-Application Enquiry (ENQ)</p> <p><i>Demolition of existing college buildings and redevelopment of site to provide 67 residential units in two blocks of one to five and three to seven storeys including basement which includes a new street linking The Cut and Ufford Street amenity space, Landscaping and associated ancillary works.</i></p> <p>Decision date: 11/05/2015 Decision: <b>Pre-application enquiry closed (EQC)</b></p>
<p>Application reference number: 15/AP/3024 Application type: Full Planning Permission (FUL)</p> <p><i>Demolition of existing college buildings and redevelopment of the site to provide 60 residential units (1 studio, 18x1 bed, 29x2 bed, 8x3 bed and 4x4 bed) in two blocks - being a part single to part five (plus basement) storey block, and a part four to part seven storey block; 852sqm of B1/A1/A2/D1 floorspace and a new street linking The Cut to Ufford Street, together with associated amenity space, landscaping and ancillary works.</i></p>

<p>Decision date: 25/03/2016 Decision: <b>Granted with Legal Agreement (GWLA)</b></p>
<p>Application reference number: 17/EQ/0059 Application type: Pre-Application Enquiry (ENQ)</p> <p><i>Proposed redevelopment of former college to create a 273 bedroom hotel arranged over basement, ground and five upper floors, with associated commercial uses at ground floor level; proposed creation of a public route through the site and landscaping improvements.</i></p> <p>Decision date: 23/08/2017 Decision: <b>Pre-application enquiry closed (EQC)</b></p>
<p>Application reference no.: 17/EQ/0239 Application type: Pre-Application Enquiry (ENQ)</p> <p><i>Proposed redevelopment of a former Lewisham and Southwark College to provide a hotel within two linked buildings with associated commercial use (Class A3). Proposed creation of a public route, landscaping improvements.</i></p> <p>Decision date 13/10/2017 Decision: <b>Pre-application enquiry closed (EQC)</b></p>
<p>Application reference number: 17/AP/3407 Application type: Prior Approval (PRAP)</p> <p><i>The demolition of the unused former college building</i></p> <p>Decision date: 26/09/2017 Decision: <b>Prior Approval not required (PANR)</b></p>

### Relevant planning history of adjoining and nearby sites

20. The following relevant planning history exists for adjoining and nearby sites:

<p><u>88-89 Blackfriars Road, SE1 (includes land fronting Ufford Street and Burrows Mews)</u></p> <p>Application reference no.: 11/AP/4138 Application type: Full Planning Permission (FUL)</p> <p><i>Rear extension at second to fourth floor level together with infill at first floor level, balconies and projecting glass bays to the Ufford Street elevation, and part change of use of B1 office space to provide 7 residential units (4no. one bed, 1no. two bed, 2no. three bed); small corner extension at the front of the unit to provide additional retail (A1) and office (B1) floorspace; and installation of 4no. air conditioning units.</i></p> <p>Decision date: 20/03/2012 Decision: <b>Granted with Unilateral Undertaking (GWUU)</b></p> <p>N.B. A minor material amendment was made to this consent in 2016 to make minor elevational changes and reposition the approved roof plant (ref: 16/AP/0875)</p>
<p><u>90-92 Blackfriars Road, SE1 (includes land fronting Ufford Street)</u></p> <p>Application reference no.: 12/AP/3558</p>

<p>Application type: Full Planning Permission (FUL)</p> <p><i>Demolition of existing buildings and erection of a replacement building of five to eight storeys in height (max height of 27.5m), plus basement, comprising 53 residential units, 633 sqms of retail floorspace (Use Class A1) and 767sqms of office floorspace (Use Class B1), disabled parking spaces and roof top landscaped amenity areas.</i></p> <p>Decision date: 04/06/2013 Decision: <b>Granted with Legal Agreement (GWLA)</b></p>
<p><u>LeSoCo, The Cut, SE1</u></p> <p>Application reference no.: 13/AP/4093 Application type: Full Planning Permission (FUL)</p> <p><i>Demolition of existing college buildings and the redevelopment of site to provide new college buildings of between two and six storeys in height (7779sqms of new floorspace), together with associated access and landscaping and ancillary facilities.</i></p> <p>Decision date: 04/04/2014 Decision: <b>Granted (GRA)</b></p>

## KEY ISSUES FOR CONSIDERATION

### Summary of main issues

21. The main issues to be considered in respect of this application are:
- a) Principle of the proposed development in terms of land use and conformity with strategic policies;
  - b) Environmental impact assessment;
  - c) Design;
  - d) Impact on heritage assets;
  - e) Accessibility for wheelchair users;
  - f) Impact of adjoining and nearby uses on occupiers and users of proposed development;
  - g) Impact on the amenity (excluding daylight, sunlight and overshadowing) of adjoining occupiers;
  - h) Daylight impacts;
  - i) Sunlight impacts;
  - j) Overshadowing;
  - k) Amenity impacts arising from the construction process;
  - l) Transport and highway matters;
  - m) Flood risk and sustainable urban drainage;
  - n) Trees, landscaping, public realm and biodiversity;
  - o) Environmental matters;
  - p) Sustainability;
  - q) Community engagement;
  - r) Planning obligations;
  - s) Consultation responses: Members of the public, and;
  - t) Consultation responses: Statutory consultees.

## Planning policy

### National Planning Policy Framework (the Framework)

22.

Section 1: Building a strong, competitive economy  
 Section 2: Ensuring the vitality of town centres  
 Section 4: Promoting sustainable development  
 Section 7: Requiring good design  
 Section 10: Meeting the challenge of climate change, flooding and coastal change  
 Section 11: Conserving and enhancing the natural environment  
 Section 12: Conserving and enhancing the historic environment

### The London Plan 2016

23.

Policy 2.5 - Sub-regions  
 Policy 2.10 - Central Activities Zone - strategic priorities  
 Policy 2.11 - Central Activities Zone - strategic functions  
 Policy 2.12 - Central Activities Zone - predominantly local activities  
 Policy 2.13 - Opportunity Areas and Intensification Areas  
 Policy 4.1 - Developing London's economy  
 Policy 4.5 - London's visitor infrastructure  
 Policy 4.7 - Retail and town centre development  
 Policy 5.1 - Climate change mitigation  
 Policy 5.2 - Minimising carbon dioxide emissions  
 Policy 5.3 - Sustainable design and construction  
 Policy 5.5 - Decentralised Energy Networks  
 Policy 5.6 - Decentralised Energy in Development Proposals  
 Policy 5.7 - Renewable energy  
 Policy 5.9 - Overheating and cooling  
 Policy 5.10 - Urban greening  
 Policy 5.11 - Green roofs and development site environs  
 Policy 5.12 - Flood risk management  
 Policy 5.13 - Sustainable drainage  
 Policy 5.15 - Water use and supplies  
 Policy 5.17 - Waste Capacity  
 Policy 5.18 - Construction, excavation and demolition waste  
 Policy 5.21 - Contaminated land  
 Policy 6.1 - Strategic approach (Transport)  
 Policy 6.3 - Assessing effects of development on transport capacity  
 Policy 6.5 - Funding Crossrail and other strategically important infrastructure  
 Policy 6.9 - Cycling  
 Policy 6.10 - Walking  
 Policy 6.11 - Smoothing traffic flow and tackling congestion  
 Policy 6.12 - Road network capacity  
 Policy 6.13 - Parking  
 Policy 7.1 - Building London's neighbourhoods and communities  
 Policy 7.2 - An inclusive environment  
 Policy 7.3 - Secured by design  
 Policy 7.4 - Local character  
 Policy 7.5 - Public realm  
 Policy 7.6 - Architecture  
 Policy 7.8 - Heritage assets and archaeology  
 Policy 7.14 - Improving air quality  
 Policy 7.15 - Reducing noise and enhancing soundscapes  
 Policy 7.18 - Protecting local natural space and addressing local deficiency  
 Policy 7.19 - Biodiversity and access to nature  
 Policy 7.21 - Trees and woodland

Policy 8.2 - Planning obligations  
 Policy 8.3 - Community infrastructure levy

Regional Supplementary Planning Documents/Guidance

24. Mayor of London: Accessible London: Achieving an Inclusive Environment (SPG, 2004)  
 Mayor of London: Sustainable Design and Construction (SPG, 2014)  
 Mayor of London: Shaping Neighbourhoods - Character and Context (SPG, 2014)  
 Mayor of London: Planning for Equality & Diversity in London (SPG, 2007)  
 Mayor of London: Transport Strategy (2010)  
 Mayor of London: Climate Change Mitigation and Energy Strategy (2010)  
 Mayor of London: Climate Change Adaptation Strategy (2011)  
 Mayor of London: Securing London's Water Future - Water Strategy (2011)  
 Mayor of London: Energy Strategy (2010)  
 Mayor of London: Economic Development Strategy (2010)  
 Mayor of London: Use of planning obligations and MCIL in funding Crossrail (2016)

Core Strategy 2011

25. Strategic Targets Policy 1 - Achieving growth  
 Strategic Targets Policy 2 - Improving places  
 Strategic Policy 1 - Sustainable development  
 Strategic Policy 2 - Sustainable transport  
 Strategic Policy 3 - Shopping, leisure and entertainment  
 Strategic Policy 10 - Jobs and businesses  
 Strategic Policy 11 - Open spaces and wildlife  
 Strategic Policy 12 - Design and conservation  
 Strategic Policy 13 - High environmental standards  
 Strategic Policy 14 - Implementation and Delivery

Southwark Plan 2007 (July) - saved policies

26. The council's cabinet on 19 March 2013, as required by para 215 of the NPPF, considered the issue of compliance of Southwark Planning Policy with the National Planning Policy Framework. All policies and proposals were reviewed and the Council satisfied itself that the policies and proposals in use were in conformity with the NPPF. The resolution was that with the exception of Policy 1.8 (location of retail outside town centres) in the Southwark Plan all Southwark Plan policies are saved. Therefore due weight should be given to relevant policies in existing plans in accordance to their degree of consistency with the NPPF.

Policy 1.1 - Access to employment opportunities  
 Policy 1.7 - Development within town and local centres  
 Policy 1.12 - Hotels and other visitor accommodation  
 Policy 2.3 - Enhancement of education establishments  
 Policy 2.5 - Planning obligations  
 Policy 3.1 - Environmental effects  
 Policy 3.2 - Protection of amenity  
 Policy 3.3 - Sustainability assessment  
 Policy 3.4 - Energy efficiency  
 Policy 3.6 - Air quality  
 Policy 3.7 - Waste reduction  
 Policy 3.9 - Water  
 Policy 3.11 - Efficient use of land  
 Policy 3.12 - Quality in design  
 Policy 3.13 - Urban design  
 Policy 3.14 - Designing out crime



Policy 3.18 - Setting of listed buildings, conservation areas and world heritage sites  
 Policy 3.19 - Archaeology  
 Policy 3.28 - Biodiversity  
 Policy 5.1 - Locating developments  
 Policy 5.2 - Transport impacts  
 Policy 5.3 - Walking and cycling  
 Policy 5.6 - Car parking  
 Policy 5.7 - Parking Standards for Disabled People and the Mobility Impaired

#### Southwark Supplementary Planning Documents (SPDs)

27. Sustainability Assessment (SPD, 2009)  
 Design and Access Statements (SPD, 2007)  
 Section 106 Planning Obligations / Community Infrastructure Levy (SPD, 2015)  
 Sustainability Assessment (SPD, 2009)  
 Sustainable Transport (SPD, 2010)  
 Sustainable Design and Construction (SPD, 2009)  
 Blackfriars Road (SPD, 2014)  
 2015 Technical Update to the Residential Design Standards (SPD, 2011)

#### **Principle of development**

##### Policy context

28. The application site is located within the Central Activities Zone (CAZ), Bankside, Borough and London Bridge Opportunity Area and Borough and Bankside District Town Centre. The site also falls within the area covered by the Blackfriars Road SPD.
29. The London Plan considers Opportunity Areas to be “the capital’s major reservoir of brownfield land with significant capacity to accommodate new housing, commercial and other developments linked to existing or potential improvements to public transport”. Within Opportunity Areas, Policy 2.13 (Opportunity Areas and Intensification) seeks to optimise residential and non-residential output and densities, provide social and other infrastructure to sustain growth, and where appropriate contain a mix of uses. Development proposals should contribute towards meeting the indicative estimates for employment capacity including supporting wider regeneration and integration of developments to the surrounding area. Policy 4.5 (London’s Visitor Infrastructure) expects strategically important hotel provision to be located in opportunity areas.
30. Table A1.1 (Annex 1) of the London Plan provides an indicative employment capacity of 25,000 new jobs to be delivered over the plan period to 2031 within the Bankside, Borough and London Bridge Opportunity Area.
31. Southwark’s Core Strategy reinforces the London Plan aspirations for development in the CAZ to support London as a world class city. The CAZ and Opportunity Areas are targeted as growth areas in the borough where development will be prioritised. The council will allow more intense development for a mix of uses in the growth areas and make sure development makes the most of a site’s potential and protects open space (Strategic Policy 1). Core Strategy Strategic Targets Policy 2 reflects the above London Plan targets for the opportunity areas.

##### Loss of education use

32. The lawful use of the application site is Class D1, owing to it most recently having formed part of the LeSoCo further education college campus. In 2014, permission was granted for the existing college buildings to be demolished and for modern education facilities to be provided within a single extended and refurbished building on the

northern part of the site, fronting The Cut. The higher density nature of these new facilities, which fully replaced the space lost of the application site, meant there was no conflict with Saved Policy 2.3 (Enhancement of educational establishments) of the Southwark Plan, which seeks to protect D class educational establishments. This, enabled the release of the remaining (southern) portion of the site for an alternative use. Granted concurrently with the full permission for the new college facilities was outline permission for up the construction of up to 44 residential units on the southern portion of the site. No reserved matters applications were thereafter submitted and the original permission has since lapsed. However a subsequent permission was granted in 2016 for residential use of the site, which again confirmed that there was no requirement to replace education floorspace on this site.

33. Given that there have been no material changes either to relevant policy or the character of the site in the interim, it stands that the change of the lawful D class use of the site presents no conflict with Saved Policy 2.3 (Enhancement of educational establishments) of the Southwark Plan.

#### Consented residential use of the site

34. As discussed above, planning permission was granted in 2016 for the redevelopment of the application site primarily for residential use. The permission is extant but the development has not been implemented. When assessing the acceptability of the current application, the existence of a permission for residential use would not in itself preclude permission being granted for any alternative use. It is noted that a number of representations have stressed the need for housing in the area, and a preference for the residential scheme. However, if it is concluded that a hotel use is in itself acceptable in policy terms, then the existence of a residential permission would not be a justifiable reason for not granting permission for the hotel scheme.

#### Hotel

35. Saved Policy 1.12 (Hotels and other visitor accommodation) of the Southwark Plan states that hotels will be encouraged in areas with high public transport accessibility, but that they will not be permitted where they would result in an over dominance of visitor accommodation in the locality. Strategic Policy 10 (Jobs and businesses) of the Core Strategy advises that hotels would be allowed in town centres, strategic cultural areas and places with good accessibility to public transport, provided no harm would be caused to local character.
36. Policy 4.5 (London's Visitor Infrastructure) of the London Plan aims to provide a net increase of 40,000 hotel bedrooms by 2031 and advises boroughs to focus strategically important new visitor provision within opportunity areas and within the Central Activities Zone (CAZ). The application site is located within both the CAZ and the Bankside, Borough and London Bridge Opportunity Area. It has a public transport accessibility level of 6b (the best possible accessibility level) and is within walking distance of Southwark, Blackfriars and Waterloo stations. Blackfriars Station provides a direct route to Gatwick Airport and several bus routes serve Blackfriars Road. The location, therefore, meets the requirement for high public transport accessibility.
37. Notwithstanding that a hotel on this site may be appropriately located, the requirement for the proposal to not result in an over dominance of visitor accommodation must be considered. There are a number of existing hotels which are located within close proximity of the application site and in the wider Bankside and Waterloo area. An over-concentration of hotels can detract from the vitality of the place, reduce the opportunity for a range of other services to be provided, and increase the transient population in an area. This can manifest itself in harm to the character and successful functioning of an area and can undermine the stability of a community.

38. The Bankside area has seen a strong growth in hotels and, while this development helps meet a demand, it is important to balance this against the aims of fostering a stable community and providing space for offices and other important facilities.
39. Within 750 metres of the application site the following hotels either exist or are under construction:

<b>Hotel name</b>	<b>No. of bedrooms</b>
<b>Within a 250 metre radius</b>	
Hampton by Hilton, 157 Waterloo Road	297
Novotel Blackfriars, 46 Blackfriars Road	182
Ibis Blackfriars, 49 Blackfriars Road	297
Travelodge London Central Southwark, 202-206 Union Street	202
<u>TOTAL</u>	<u>978</u>
<b>Within a 251-500 metre radius</b>	
Travelodge London Central Waterloo, 195-203 Waterloo Road	279
Holiday Inn Express, 103-109 Southwark Street	88
Premier Inn Southwark Tate Modern, Great Suffolk Street	122
Hilton London Bankside, Great Suffolk Street	292
The Wellington Hotel, 81-83 Waterloo Road	25
The Mad Hatter Hotel, 3-7 Stamford Street	30
H10 London Waterloo, 284-302 Waterloo Road	177
Wedge House Hotel <sup>***</sup> , 32-40 Blackfriars Road	192 <sup>***</sup>
<u>TOTAL</u>	<u>1205</u>
<b>Within a 501-750 metre radius</b>	
Mercure London Bridge, Southwark Street	144
Citizen M London Bankside Hotel, 20 Lavington Street	192
Mondrian Hotel in Sea Containers House, 20 Upper Ground	359
Park Plaza Westminster Bridge, 200 Westminster Bridge Road	1021
Park Plaza County Hall, 1 Addington Street	398
Park Plaza London Waterloo, 6 Hercules Road	494
Marlin Waterloo, 111 Westminster Bridge Road	236

Point A Hotel, 118-120 Westminster Bridge Road	75
Premier Inn London Waterloo, 85 York Road	235
The Bridge Hotel, 30 Borough Road	30
Bankside Hotel***, 2 Blackfriars Road	161***
<u>TOTAL</u>	<u>3345</u>

\*\*\*Indicates hotels which are under construction

40. There is also a planning application, the outcome of which is pending the applicant entering into a legal agreement and referral to the Mayor of London, which proposes to redevelop land at 18 Blackfriars Road for a scheme incorporating a 548-bedroom hotel. In the event that permission is granted and the scheme is implemented, this would bring the total number of hotel rooms within 750 metres of the application site to 6076.
41. The GLA's most recent working paper on future hotel demand, entitled *Understanding The Demand For And Supply Of Visitor Accommodation In London To 2036* (August 2013), indicates that by 2036 the number of additional hotel rooms required across London will be 42,900, of which 1,800 will be required in Southwark. Given the lengthy time frame, together with the number of hotels recently built and those that have consent, it is likely that this target will easily be reached. Despite this, the application site is considered to be well suited for hotel use given its excellent accessibility to public transport and close proximity to a number of major tourist attractions. The *Employment and Enterprise Background Paper* (2010) to the Core Strategy states that there are 58 visitor attractions in Southwark with the main destinations in the Bankside and London Bridge area; hence it would be reasonable to expect to see hotel accommodation provided in these parts of the borough. While there are a number of hotels in the locality, the surrounding land uses remain very mixed and include offices, residential, educational, cultural and retail. As such, there is not a dominance of hotels in this location to the point where it is preventing other uses from functioning successfully. Accordingly, and taking account of the weight of support London Plan Policy 4.5 (London's visitor infrastructure) gives to hotels in central London, the proposed hotel use is considered acceptable in principle. The issues relating to any potential impact on the amenity of neighbours is discussed later in this report.

#### Restaurant with ancillary bar

42. Saved Policy 1.7 of the Southwark Plan states that within town centre locations such as this, developments will be permitted providing a range of uses, including cultural, leisure and tourism. The policy requires uses such as the proposed restaurant to: be of a scale that is appropriate to the character and function of the town centre; not harm the vitality and viability of the centre; create active frontages, and; cause no harm to the amenity of nearby occupiers.
43. The restaurant (Class A3, with ancillary bar) would diversify and contribute to the mix of food and beverage options which can be found along The Cut. Offering 156 covers internally and further external seating in a landscaped public realm, the restaurant would be of an adequate size to serve the general public and hotel patrons without harming the viability of other nearby similar establishments.
44. The majority of the restaurant's frontage would be onto the proposed New Marlborough Yard which, owing to its location in the centre of the site, places it a good distance from

the nearest residential properties to the east, south and west. Although the restaurant would be in relatively close proximity to two residential properties to the north (nos. 33 and 35A The Cut), the pocket park would create a spatial buffer and fencing and planting are proposed to the boundary line to restrict overlooking. In the interests of protecting the amenity of all nearby occupiers, the hours of operation are limited to 07:00 to 00:00 Monday to Sunday, which is consistent with the opening times of other similar establishments in this location, and the outdoor dining space is to be vacated by 22:00 Monday to Sunday. As such, there is no risk of neighbouring occupiers experiencing significant additional noise or other forms of amenity disturbance as a result of the restaurant use.

45. In summary, the proposed restaurant with ancillary bar is in line with the objectives of Saved Policy 1.7 and is therefore welcomed.

### **Environmental impact assessment**

46. The European SEA Directive is transposed into UK law by the Town and Country Planning (Environmental Impact Assessment) (Amendment) Regulations 2015. The Regulations set out the circumstances under which development needs to be underpinned by an Environmental Impact Assessment (EIA). Schedule 1 of the Regulations set out a range of development, predominantly involving industrial operations, for which an EIA is mandatory. Schedule 2 lists a range of development for which an EIA might be required on the basis that it could give rise to significant environmental impacts. Schedule 3 sets out that the significance of any impact should include consideration of the characteristics of the development, the environmental sensitivity of the location and the nature of the development.
47. The development is not considered to constitute EIA development, based on a review of the scheme against both the EIA Regulations and the European Commission guidance.
48. Consideration should, however, still be given to: the scale, location or nature of development; cumulative impacts, and; whether these or anything else are likely to give rise to significant environmental impacts. The proposed application is the redevelopment of a site for the purposes of a hotel and restaurant with ancillary bar. Its scale is appropriate to its urban setting and it is unlikely to give rise to any significant environmental impacts.

### **Design**

#### Scale, bulk and site layout

49. In terms of bulk and scale as well as the attendant impact on townscape and street scene, the proposed development is very similar to the residential scheme previously approved for the site under 15/AP/3024. As with the previous scheme, two blocks are arranged around a central route on the historic line of New Marlborough Yard. The easternmost block (Block B) steps up towards the higher scale of buildings adjacent to Blackfriars Road, but is lower than the height of the LeSoCo building immediately to the north while the western block (Block A) steps down to the lower scale of buildings immediately behind. This is considered appropriate. The notable difference to the consented massing is the inclusion of a linking 'bridge' structure which unifies the two blocks into a more singular structure.
50. Due to incorporating a storey of accommodation at basement level, a number of lightwells are proposed of which those visible from the public realm would be on Ufford Street and 'East Mews'. All the lightwells are of an adequate size to ensure the basement-level hotel rooms are daylit to an acceptable level and benefit from a reasonable quality of outlook. Glazed balustrades of height 1.1 metres would provide

street-level enclosure to the lightwells. This choice of material would ensure the balustrades neither add to the apparent scale or bulk of the building nor detract from its overall design quality.

51. The publicly-accessible realm is logically arranged in relation to the surrounding buildings and existing pedestrian routes, and the re-establishment of New Marlborough Yard is a major benefit of the development.



Figure 4: Ground floor plan in context



Figure 5: Third floor plan in context

### Architecture and detailed design

53. The form, height and materials of the proposed development are very similar to the consented residential scheme. The main differences are the linking block, and that the proposed development has a more repetitive façade that does not incorporate balconies.

54. The applicants have responded to the challenge of introducing visual interest while ensuring the building sits comfortably in the streetscene by producing an Ufford Street façade that features projecting bays up to the building's five storey shoulder line. These are detailed with recessed brick panels separating the windows vertically while a decorative stoneband separates the ground and first floor levels. This alludes to the detailing on former warehouses in the vicinity, some of which are of a similar scale. A degree of further richness is added by a pattern of projecting bricks on the bays and by window and perforated metal panels set within each opening. The undulating plan form of the storeys above the shoulder line adds a degree of welcome complexity and contrast while lessening the building's apparent bulk; these storeys also more or less follow the same set-back and wavy form as the consented scheme while also incorporating similar light-coloured brickwork.



Figure 6: The proposed Ufford Street elevation. The glazed 'bridge' links Block A (on the left) to Block B (on the right)

55. The building's other façades are relatively restrained up to the shoulder height but with generous window openings complete with window and panel sets to add a degree of richness to the detailing. The vertical stack-bonded bands of brick between the floors are also welcome. The proportions of these façades are carefully considered and the treatment is particularly successful on Block A due to the lower height of the building.
56. With regard to the east elevation of Block B (which fronts onto Burrows Mews), this is relatively tall in the context of the adjacent mews properties. However, the elevation is not especially long and visual differentiation between the lower and upper storeys is offered by the use of dark brick below and white brick above the shoulder line, creating the effect of a 'heavy base' supporting a 'lightweight top'. The use of brick is also sympathetic to the more traditional townscape character of Burrows Mews. For these reasons, the architectural quality of the Burrows Mews elevation is considered satisfactory.
57. The north elevation of Block B—which faces towards the LeSoCo building and fronts onto the proposed 'East Mews'—is relatively plain. Despite careful landscaping, the scale and plainness of the building in combination with the restrained and equally tall LeSoCo building opposite will be such that East Mews will feel rather like a secondary space. However, given its lack of prominence in the overall townscape, its very short length as a connection between Burrows Mews and new Marlborough Yard, and the precedent of scale set by the consented scheme, the architectural resolution of this façade is regarded as acceptable.

58. The restaurant extends almost the entire ground floor length of the New Marlborough Yard façade of Block A, and the hotel reception forms a frontage to the part of Block B at the junction of New Marlborough Yard and Ufford Street. The more open glazed nature of these façades provides a welcome contrasting base to the building which will do much to animate the Yard and make it a successful place. The use of green glazed tiles on these parts of the elevations alludes to traditional pub fronts and will lend liveliness to the New Marlborough Yard and Ufford Street corners of the buildings.



Figure 7: Elevation of the east façade of Block A, which fronts onto the New Marlborough Yard.

59. A glazed bridge link is proposed between Blocks A and B across New Marlborough Yard from first level upwards to the full height of Block A. Although this will lessen the legibility of the through-route from Ufford Street to The Cut, the glazed link on all levels is critical to the successful functioning of the hotel. The link has also been set back from Ufford Street so that the entrance to the Yard remains readily perceptible to passers-by. Further mitigation can be achieved through careful detailing to ensure the construction is suitably lightweight and transparent; these details will be secured by condition.



Figure 8: View westwards along Ufford Street close to the junction with Burrows Mews. The proposal is shown in the context of the consented schemes at 88-89 Blackfriars Road (right) and 90-92 Blackfriars Road (left).

### Secured by design

60. Saved Policy 3.14 'Designing out Crime' of the Southwark Plan requires development in



both the private and public realm to be designed to improve community safety and reduce the risk of crime.

61. The applicant engaged with the Metropolitan Police in pre-application discussions and made a number of changes at their recommendation before submitting the formal planning application. The Metropolitan Police has assessed the final proposal and considers that the development is suitable to achieve Secured by Design accreditation. A condition will, therefore, be attached to this end.

#### **Impact on heritage assets**

62. In considering the impact of a proposal on a heritage asset, the Local Planning Authority must have regard to planning legislation in its determination of a planning application. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, when considering whether to grant planning permission for development which affects a heritage asset or its setting, the local planning authority shall have special regard to the desirability of preserving the asset or its setting, or any features of special architectural or historic interest which it possesses. In this context, "preserving", means doing no harm. The council's conservation policies echo the requirements of the National Planning Policy Framework (NPPF) and require all development to conserve or enhance the setting of heritage assets.
63. The NPPF states at paragraph 131 that in determining a planning application, the local planning authority should take account of:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
  - the desirability of new development making a positive contribution to local character and distinctiveness
64. Paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Similarly Saved Policy 3.15 (Conservation of the historic environment) requires development to preserve or enhance the special interest or historic character or appearance of buildings and areas of historical or architectural significance, and this is repeated in Strategic Policy 12. Saved Policy 3.18 (Setting of listed buildings, conservation areas and world heritage sites) states that permission will not be granted for developments that would not preserve or enhance the setting of a listed building or a conservation area.

#### Impact on the setting of the nearby conservation areas

65. The Mitre Road and Ufford Street Conservation Area partly faces the site to the south and encompasses the residential terraces along Ufford Street. 40 metres to the south of the site is the Valentine Place Conservation Area, from which views towards the site along Boundary Row can be gained. The intrinsic character of both Conservation Areas derives from the relatively enclosed townscape as well as the mix of high-quality residential and warehouse buildings which in the majority are either late Victorian or Edwardian.
66. It is recognised that the scheme will form a relatively assertive backdrop to parts of both Conservation Areas, but this scale has been established by the extant permission. Additionally, and for the reasons expanded upon in the earlier 'Architecture' section of this Report, the articulation (whereby the upper floors are stepped back), the contextually-sympathetic palette of materials and the well-considered fenestration and

detailing of the elevations will ensure the building sits comfortably within the street and wider townscape. As such, it is considered that the setting of these two nearby conservation areas would be preserved.

#### Impact on the setting of the nearby listed buildings

67. The nearest listed buildings line the western side of Blackfriars Road and back on to Burrows Mews. Those which can be seen within the same context as the site are nos. 86, 85, 83 and 74 Blackfriars Road. All are Grade II listed. It is also possible to see the site within views of the Former Sons of Temperance Friendly Society building, which is a Grade II listed building on Blackfriars Road opposite the entrance to Ufford Street.
68. The proposed development is considered to be of a scale, height and massing respectful of these nearby listed buildings. Furthermore, the tightness of the streetscape is such that the entire bulk of the proposed building would not be perceptible from any single vantage point. Presenting strong frontages to Burrows Mews and Ufford Street, the building would reinforce the tight-knit of the local urban grain, while the proposed materials, features and detailing show respect to the traditional character of these neighbouring designated heritage assets. In summary, the proposal would preserve the setting of these nearby listed buildings.

#### **Accessibility for wheelchair users**

69. London Plan policy 4.5 seeks to ensure that at least 10% of bedrooms in new hotels are wheelchair accessible. As set out in the Mayor's *Shaping Neighbourhoods Accessible London* SPG (2014), the delivery of 5% fully accessible rooms and 5% adaptable rooms is acceptable.
70. The planning application includes a schedule showing that 13 of the rooms would be accessible and 14 rooms would be easily adaptable. This provision would meet the requirements of London Plan Policy 4.5 and is therefore acceptable.
71. A condition is to be imposed requiring the 13 accessible rooms to be fitted out from first occupation and retained as such for as long as the building is in use. The condition will also require that the hotel adopts a monitoring programme so that the remaining rooms can be fitted out to 'accessible' standards as demand requires.

#### **Impact of adjoining and nearby uses on occupiers and users of proposed development**

72. The existing uses nearby include residential, commercial, educational and leisure. None of these uses would inhibit the successful functioning of the proposed hotel. Additionally, the proposal has been designed to ensure guests would be protected from undue overlooking, noise and other disturbance originating from adjoining premises.

#### **Impact on the amenity (excluding daylight, sunlight and overshadowing) of adjoining occupiers**

##### Overlooking

73. The Residential Design Standards SPD states that in order to prevent unnecessary problems of overlooking, development should achieve the following distances:
  - A minimum distance of 12 metres at the front of the building and any elevation that fronts onto a highway
  - A minimum distance of 21 metres at the rear of the building.

74. It should be noted, however, that these rules apply where the 'facing' buildings are both in residential use. A hotel is, despite providing an accommodation function, a commercial use. Therefore, while the separation distances are a useful guide, they can be applied with some degree of flexibility in this instance.
75. The proposed hotel would have highway-fronting elevations along its Ufford Street and Burrows Mews boundaries. The width of both highways is such that a separation distance of approximately 12 metres would be maintained with all adjacent properties. The requirements of the Residential Design Standards would, therefore, be met meaning these nearby dwellings would not experience any undue loss of privacy.
76. The southern wing of Block A would align with the windowless flank elevation of St Andrews Church and Vicarage. Thus, despite its proximity, the Vicarage would not be at risk of any overlooking.
77. The Theatre View apartments are located to the west of Block A. The rear elevation of the apartments sits directly on the site boundary, with flats on the first to fourth floors. It is important to note that there are no ground floor habitable room windows at the Theatre View apartments, meaning all affected windows are at first floor level or higher. Block A of the proposed hotel takes a U-shaped plan form, at the core of which terraced courtyard gardens (not accessible by hotel guests) are proposed. The separation distance across the courtyard would incrementally increase as follows:
- Ground floor of Theatre View to ground floor of hotel: 12.5 metres
  - First floor of Theatre View to first floor of hotel: 16.75 metres
  - Second floor of Theatre View to second floor of hotel: 16.75 metres
  - Third floor of Theatre View to third floor of hotel: 22.75 metres
78. At ground, first and second floors it is proposed to install angled etched glass privacy screens on the exterior of those hotel windows which face directly towards the Theatre View apartments to restrict outward views. The incorporation of these privacy screens would ensure no undue overlooking of the Theatre View apartments, thereby satisfactorily mitigating for the failure to achieve the 21 metre separation distance. It is also noted that the consented residential scheme included a communal garden at the rear of Block A, and residents using the garden would have had views up towards the Theatre View apartment balconies and windows. Whilst the separation distances set out in guidance refer to window-to-window overlooking, the absence of accessible space at the rear of the hotel block will remove any opportunity for overlooking directly at the rear of the Apartments.
79. The northwestern corner of the site is enclosed by nos. 21 and 25 Short Street and nos. 49-35 The Cut; these buildings are set back behind the two-storeyed English Touring Theatre Company. The northern wing of proposed Block A would introduce stepping-back short elevations opposite nos. 21 and 25 Short Street and a long elevation opposite the properties lining the southern side of The Cut at a distance of approximately 14 metres. The proposed short elevations would be windowless on all floors, meaning no overlooking towards nos. 21 and 25 The Cut would be possible. The proposed long elevation facing the properties on The Cut would incorporate a minimal number of windows and in each case an angled etched glass privacy screen would be fitted externally to preclude direct views outward towards these nearby properties. This satisfactorily mitigates for the failure to achieve the 21 metre separation distance.
80. Immediately to the east of the English Touring Theatre Company building and directly adjacent to the site boundary is no. 35A The Cut. It is this residential property which has habitable room windows nearest to the north elevation of Block A, being approximately 4 metres away. As explained above, the elevation of Block A towards which no. 35A

The Cut faces has been designed to incorporate as few windows as possible and all of these windows would be fitted with a privacy screen. As such, the occupiers of no. 35A The Cut would be protected from undue overlooking.

81. The windows in the remaining elevations of the hotel would face towards the new LeSoCo college building which, given its purely educational use, would be at no risk of invasive overlooking.
82. In summary, the hotel design has taken account of the sensitivity of the nearby residential premises by proposing mitigation measures where it has not been feasible to achieve the separation distances sought by the Residential Design Standards. As a result, and subject to the imposition of a condition stipulating the position and retention of the screens, no nearby occupiers would experience any undue overlooking.

#### Outlook and sense of enclosure

83. On Burrows Mews, the proposed hotel would have a similar parapet height at third and fourth floor levels to the consented residential scheme, but the overall length of the Burrows Mews elevation would be greater (19.5 metres as opposed to 13.5 metres) and the uppermost two-storeys (fifth and sixth floor levels) would not be as well set-back from Burrows Mews. While the proposed development would curtail the outlook from the Burrows Mews properties more so than the consented residential scheme, it must be recognised that the overall height and scale of the hotel is appropriate in this Central London context, where the townscape is characterised by multiple-storey buildings directly flanking the back of footways, creating a tightly-knit urban grain. It is also important to note there are no ground floor habitable rooms at any of the affected Burrows Mews properties, meaning only from first floor level upwards would any impact be experienced. Taking these factors into account in the round, and although it is recognised that the scheme would exhibit greater presence on Burrows Mews than the consented scheme, the comparative difference in bulk is not of such a magnitude that a harmful increased sense of enclosure or a significantly diminished quality of outlook would arise at any of the Burrows Mews properties.
84. There are existing residential properties on Ufford Street, and consented but as yet unbuilt dwellings on the no. 90-91 Blackfriars Road site. In comparison with the extant residential scheme, the proposed hotel would be no more bulky along the Ufford Street frontage and would therefore not inflict upon these properties any diminished sense of outlook in excess of that which has previously been considered acceptable on this site.
85. The extant residential scheme was set away from the first, second and third floor levels of the Theatre View apartments by 21.0 metres. In comparison, the proposed hotel would be 4.25 metres closer to Theatre View at first and second floor levels but 1.25 metres further away at third floor level. The increased proximity of the first and second floors to Theatre View must be balanced against the more generous set-back of the uppermost floor.. It is also important to note is that, due to being hard against the common boundary, the Theatre View apartments are inevitably going to experience some increased sense of enclosure from any reasonable form of development on the application site. On balance, and having given due regard to the precedent set by the extant residential scheme, it is considered that no unduly diminished quality of outlook or sense of openness would be caused to the occupiers of the Theatre View apartments.

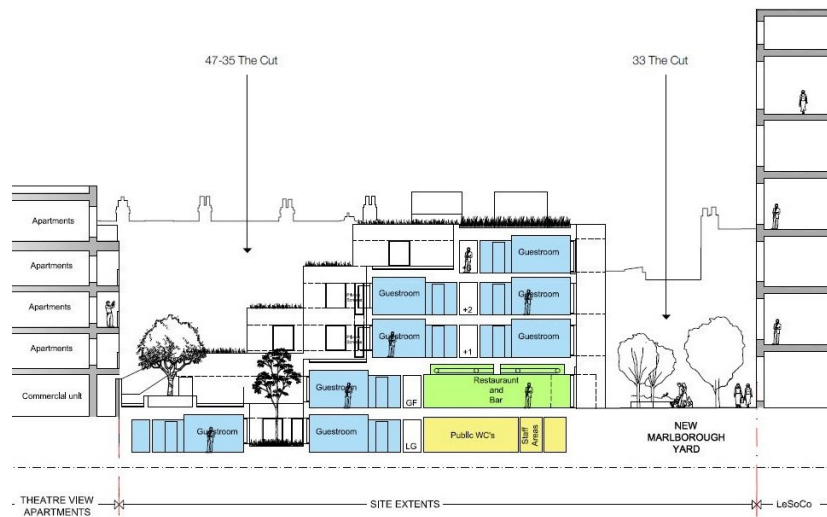


Figure 9: A section taken east-west through Block A, showing how the central wing would incrementally increase in height from one to four storeys above ground level in a stepped-back manner.

86. Nos. 21 and 25 Short Street and nos. 49-35 The Cut enclose the northern edge of the site, with the two-storeyed English Theatre Touring Company providing a separation gap. Block A has been designed to 'step down' in height towards the north-western corner of the site (where no. 25 Short Street and nos. 43-51 The Cut cluster), which is considered appropriate in the interests of ensuring a reasonable sense of outlook is preserved in this rather constrained corner. While the overall height of Block A rises to four storeys at the rear of nos. 35-41 The Cut, the separation distance is adequate not to create any issues of curtailed outlook or increased sense of enclosure.
87. No. 35A The Cut incorporates two boundary-edge clear-glazed windows. The proposed development would be set-away 4.5 metres from the windows and stand four storeys tall. In comparison with the existing situation -whereby the windows enjoy an uninterrupted outlook across the open application site- there would undoubtedly be a significant deterioration in outlook. However, and as with the Theatre View apartments, the sheer proximity of these windows to the application site means any reasonable form of development would lead to some increased sense of enclosure. It must also be recognised that directly to the east of no. 35A The Cut, a pocket park and the New Marlborough Yard through-route are proposed, meaning the other clear-glazed apertures at this dwellinghouse would benefit from a very pleasant and open outlook in the direction of these new public spaces. Thus, on balance, an acceptable quality of outlook and sense of openness would be preserved for the occupiers of no. 35A.
88. In summary, while the hotel proposal would introduce greater bulk to certain parts of the application site than the consented residential scheme, it must also be recognised that there would be comparatively less impact on some of the most sensitive nearby properties. The impact on all sensitive neighbouring properties has been assessed independently of the precedent set by the consented scheme and it is considered that there would be no significantly harmful increased sense of enclosure or curtailed outlook to any dwellings.

#### Noise disturbance

89. Neighbours have raised concerns about potential noise disturbance from the hotel once operational. The potential sources of noise cited by residents include delivery vehicle movements, taxi movements, extraction/ventilation equipment, air conditioning units, laundry facilities and plant.

90. It is understandable that servicing vehicles will generate some low-level noise, but is also reasonable that in the interests of residential amenity this activity be minimised certainly during night-time hours. As such, and in line with the request of the Council's Environmental Protection Team, a condition will be imposed to restrict hotel/restaurant deliveries to between the hours of 08:00 and 20:00 Monday to Friday and 10:00 and 16:00 on Saturdays, Sundays and Bank Holidays.
91. With regard to taxi movements, the hotel operator will be committed to encouraging guests to arrive via New Marlborough Yard's northern entrance (i.e. off The Cut) so as to limit any increase in traffic on the nearby residential side streets. As discussed in later parts of this report, depending on the availability of drop-off bays on The Cut, some taxis may need to set-down on Ufford Street; however, the hotel operator will implement a series of measures to minimise this number such that noise disturbance for nearby residents would be reduced as much as is reasonably possible.
92. A condition will be imposed requiring details of any extraction, ventilation and air conditioning equipment to be submitted at a later date. The same will also apply to the proposed plant. As part of these separate processes, the noise disturbance potential will be assessed and mitigation secured if necessary to protect neighbours' amenity.
93. The laundry facilities are in all cases enclosed internal spaces located a reasonable distance from the nearest properties. The facilities would not, therefore, generate operational noise injurious to residents' amenity.

#### Odour disturbance

94. The restaurant ductwork rises to the roof of Block A, but this level is lower than the roof of Block B. For this reason, a high level of odour control is required, and further full details of the system need to be submitted for approval in due course.

#### Light pollution

95. Neighbours have raised concerns that the proposed exterior lighting, specifically the lighting within the pocket park, may harm residential amenity. Further details of the exterior lighting will need to be submitted for approval in due course to ensure no surrounding properties suffer disturbance. However if this route is to remain open at all times of the day, then street lighting would be required to ensure pedestrian safety, and this would be reasonable in terms of lighting levels for an urban area.

#### Anti-social behaviour and crime

96. Neighbours have raised concerns that the publicly-accessible realm may, unless well-managed by the hotel operator, foster vandalism, loitering and rough sleeping. Similar concerns were raised during the consultation process for the previous application at this site.
97. In line with the obligations of the previous consented application, a Public Realm Impact Review will be secured through the Section 106 agreement. This obligation will require an Impact Review to be submitted within 4 weeks of the 9-and 18-month anniversaries of the completion of the publicly-accessible realm. Through this mechanism, remedial measures can be agreed where necessary.

#### **Daylight impacts**

98. A daylight and sunlight report has been submitted which assesses the scheme based on the Building Research Establishments (BRE) guidelines.

99. The BRE sets out the rationale for testing the daylight impacts of new development through various tests. The first is the Vertical Sky Component test (VSC), which is the most readily adopted. This test considers the potential for daylight by calculating the angle of vertical sky at the centre of each of the windows serving the residential buildings which look towards the site. The target figure for VSC recommended by the BRE is 27% which is considered to be a good level of daylight and the level recommended for habitable rooms with windows on principal elevations. The BRE have determined that the daylight can be reduced by about 20% of the original value before the loss is noticeable.
100. The second method is the No Sky Line (NSL) or Daylight Distribution (DD) method which assesses the proportion of the room where the sky is visible, and plots the change in the No Sky Line between the existing and proposed situation. It advises that if there is a reduction of more than 20% in the area of sky visibility, daylight may be affected.
101. Important to note is that the BRE guidelines should be applied flexibly particularly in dense urban locations where such standards can be difficult to achieve.

### VSC results

102. Assessed as part of the daylight and sunlight report due to their risk of VSC loss as a result of the works are:
- 2-6 Burrows Mews
  - 84, 85, 88-89 and 90-91 Blackfriars Road
  - 25, 26, 27, 28, 29 and 30 Ufford Street
  - Theatre View apartments
  - 21 and 25 Short Street
  - 33, 35, 35A, 37, 39, 41, 43, 45, 47, 49, 51 and 53 The Cut



Figure 10: Site Location Plan, with all nearby properties annotated

103. The table below sets out only the properties at which VSC losses of 20% or more would

be experienced for some windows, with the losses tallied by degree of adverse impact:

Property	Number of windows that would experience a VSC reduction (as a percentage of the baseline VSC value)			
	No loss or a loss of up to 20%	20% to 30% (minor adverse impact)	30% to 40% (moderate adverse impact)	40% or over (substantial adverse impact)
5 Burrows Mews				
This application	16	2	1	0
Extant consent	16	3	0	0
6 Burrows Mews				
This application	10	1	3	2
Extant consent	10	5	1	0
90-91 Blackfriars Road (consented but as yet unbuilt scheme)				
This application	149	9	10	13
Extant consent	148	10	11	12
88-89 Blackfriars Road (consented but as yet unbuilt scheme)				
This application	30	4	2	0
Extant consent	30	4	2	0
30 Ufford Street				
This application	7	3	0	0
Extant consent	4	5	1	0
Theatre View Apartments				
This application	17	6	2	3
Extant consent	18	3	4	3
25 Short Street				
This application	28	1	2	0
Extant consent	N/A	N/A	N/A	N/A
35 The Cut				
This application	6	0	1	0
Extant consent	7	0	0	0
35A The Cut				
This application	13	0	1	2
Extant consent	14	2	0	0



*Note: omitted from the table above are the VSC levels for windows which serve known non-habitable rooms*

104. There are twenty glazed windows serving seventeen rooms that would experience a loss of more than 40% VSC.
105. The greatest losses would be experienced at no. 35A The Cut, where one ground floor window and one first floor window would experience losses of 72.4% and 70.4% respectively. However, this is largely because both windows sit directly on the boundary line, meaning any reasonable development at the application site is going to result in derogations from BRE guidance; accordingly, a degree of flexibility should be applied in these circumstances. It should also be noted that these windows have not always enjoyed such an openness of aspect: up until relatively recently, college buildings of a scale not dissimilar to the proposed hotel stood a comparable distance away from these two windows.
106. The next greatest losses are at no. 90-91 Blackfriars Road (68% loss to one window) and at the Theatre View Apartments (54.4%, 54.0% and 49.8% at three windows). In each case, the VSC loss is less than that consented by the extant residential scheme on this site. It should also be noted that the VSC level of these affected windows is already low and as such any further reduction generates a significant percentage loss. For example, the worst affected window (at no. 90-91 Blackfriars Road) has an existing VSC level of 3.6% and the proposed VSC level would be 1.1%. This means the reduction in VSC is 68% even though the reduction in the VSC level itself is not significant.
107. In summary, while it is recognised that some windows would experience VSC losses in excess of those caused by the consented residential scheme, none of the losses would be substantially greater. Furthermore, the proposed hotel would afford a number of neighbouring windows a better VSC than the consented residential-led scheme. On balance, and taking account of the context within which the hotel would sit, it is considered that the VSC impacts are acceptable.

#### NSL results

108. Assessed as part of the daylight and sunlight report due to their risk of NSL loss as a result of the works are:
- Nos. 2-6 Burrows Mews
  - Nos. 84, 85, 88-89 and 90-91 Blackfriars Road
  - Nos. 25, 26, 27, 28, 29 and 30 Ufford Street
  - Theatre View apartments
  - Nos. 21 and 25 Short Street
  - Nos. 33, 35, 35A, 37, 39, 41, 43, 45, 47, 49, 51 and 53 The Cut
109. The table below sets out only the properties at which NSL losses of 20% or more would be experienced, with the losses tallied by degree of adverse impact:

Property	Number of rooms that would experience a NSL reduction (as a percentage of the baseline NSL value)			
	No loss or a loss of up to 20%	20% to 30% (minor adverse impact)	30% to 40% (moderate adverse impact)	40% or over (substantial adverse impact)
90-91 Blackfriars Road (consented but as yet unbuilt scheme)				
This application	98	1	1	3
Extant consent	95	3	3	2
30 Ufford Street				
This application	6	2	0	1
Extant consent	8	1	0	0
Theatre View Apartments				
This application	18	2	2	0
Extant consent	19	1	1	1
35 The Cut				
This application	5	0	1	0
Extant consent	6	0	0	0
35A The Cut				
This application	3	0	1	1
Extant consent	5	0	0	0

*Note: omitted from the table above are the NSL levels for windows which serve known non-habitable rooms*

110. As the results above show, of the total number of windows assessed, a relatively small proportion would experience a NSL loss of over 20%. On the whole, when compared with the consented residential scheme, there is not a significant difference in the number of windows where an NSL loss would be experienced.
111. The properties affected by the hotel proposal which were not affected at all by the consented residential scheme are nos. 35 and 35A The Cut. However, and as explained in previous parts of this report, the windows at these properties sit either on or very close to the boundary of the application site such that any reasonable development of the land will inevitably result in a worsened NSL. Some of the windows also serve bedrooms, a room type which the BRE guidance recognises as being less sensitive to daylight losses than living rooms or kitchens.
112. In summary, while it is recognised that some windows would experience NSL impacts in excess of those caused by the consented residential scheme, the hotel would cause comparatively less impact to other neighbouring windows. The windows most adversely affected (which in some cases serve bedrooms) sit directly on the boundary of the application site; in these circumstances, and as explained in greater detail in the preceding 'Daylight' section of this report, the BRE guidelines must be applied in a flexible manner giving regard to the Central London site context. As such, the relatively

small number of NSL deviations the proposed hotel would cause is considered acceptable.

### **Sunlight impacts**

113. All of the windows facing within 90 degrees of due south have been assessed with regards to impact on sunlight. The BRE guide states that nearby windows must be assessed to determine whether any of the following would be experienced:
- a reduction in sunlight to less than 25% Annual Probable Sunlight Hours (APSH), or;
  - a reduction in sunlight to less than 5% Winter Annual Probable Sunlight Hours (WAPSH) or;
  - both of the above.
114. Where any of the above occurs, if the window's resulting APSH is less than 0.8 times its former value, there may be an appreciable loss of sunlight.
115. Assessed as part of the Report due to their risk of sunlight loss are the south-facing windows at the following addresses:
- Nos. 84, 85, 88-89 and 90-91 Blackfriars Road;
  - Nos. 21 and 25 Short Street, and;
  - Nos. 35, 35A, 37, 39, 41, 43, 45, 47, 49, 51 and 53 The Cut.
116. It is only at no. 35A The Cut that the requirements of the BRE Guidelines would not be met. Three windows (those which sit directly on the common boundary) would be affected. Respectively, the windows would experience 0.27, 0.28 and 0.55 times their former APSH values as a result of the proposed development. While these losses are significant, two of the windows serve bedrooms (a use recognised by the guidelines as being less sensitive to sunlight losses) and the other one serves a dual aspect room. It must also be recognised that the property is located hard against the site boundary and currently benefits from an open outlook across the empty application site, which is highly unusual in a dense central London location such as this. Taking these factors into account in the round, together with the good quality of outlook no. 35A The Cut would continue to enjoy, it is considered that the sunlight losses are permissible in this instance.

### **Overshadowing**

117. By virtue of their orientation and relationship to the site, the only properties with amenity spaces susceptible to overshadowing are:
- Theatre View apartments,
  - Nos. 21 and 25 Short Street, and;
  - Nos. 35, 37, 39, 41, 43, 45, 47, 49, 51 and 53 The Cut.
118. An Overshadowing Assessment has not been submitted in support of the application, but this is reasonable given that no report was required for the previous (extant) application and the massing and form of Block A do not markedly differ from the consented scheme.
119. Block A wraps around a central terraced courtyard which flanks the majority of the site's western boundary. Together with the modest overall height and scale of the building, the openness created by the courtyard void would ensure no overshadowing is experienced to the balconies at the Theatre View apartments.

120. The ground level amenity spaces at nos. 21 and 25 Short Street would adjoin the northern wing of Block A. This is the lowest part of the proposed hotel building, from where each storey of the building would 'step up' gradually. The effect of these 'cascading' storeys is that light would be channelled into the gardens of the Short Street properties, thereby guarding against any undue overshadowing.
121. With the exception of no. 35A, all the properties on The Cut have small courtyards set a good distance away from the site, directly behind the two-storeyed English Theatre Touring Company, and thus would not be overshadowed any more so than at present. No. 35A is positioned adjacent to the part of the site where the pocket park is to be created, meaning the dwelling's amenity spaces would benefit from a good degree of openness such that any increased overshadowing would not be detrimental.
122. In summary, careful consideration has been given by the applicants to the separation, height, scale and massing of the proposed development in order that no excessive overshadowing of nearby gardens, balconies or terraces would occur.

### **Amenity impacts arising from the construction process**

123. Local residents have raised concerns that the construction phase will impact on their amenity, citing potential sources as noise, dust, dirt and diesel particulate pollution from construction vehicles. Local business owners have similarly raised concerns about how noise, scaffolding, obstructions etc. associated with the works may affect their operations.
124. With regard to noise, it is inevitable that there will be some disruption and disturbance during the works. It is also recognised that works of the kind proposed are likely to raise level of dust and particulate matter unless there are suitable control measures. These impacts would, however, be for a temporary period and must be balanced with the long-term benefit brought by the development.
125. In the interests of minimising impacts from noise, dust and emissions pollution it is recommended that a construction management plan be submitted and approved prior to commencement.
126. The Plan will also set out how working practices will uphold health and safety for local residents, ensuring the site is kept clean, well-maintained and free of obstacles.

### **Transport and highway matters**

#### Trip generation

127. The application site benefits from extremely good public transport accessibility. The transport assessment has carried out a robust trip generation assessment, the conclusion of which is that the vast majority of hotel guests and staff would arrive by public transport. The anticipated level of public transport trips would not have a detrimental impact on existing public transport services given the extensive provision of rail, underground and bus routes operating in the local vicinity.
128. Some of the trip generation would be from coach and taxi/private hire vehicles, the implications of which are discussed in subsequent parts of this report.
129. A detailed travel plan will be secured by condition to ensure that a long-term strategy is in place to facilitate and encourage sustainable modes of travel to the hotel.

Coach drop-offs

130. Coach drop-offs would take place from the existing coach bays located on Blackfriars Road; one bay is located to the south of Meymott Street on the western side of Blackfriars Road and the other bay is located outside Vaughan House on the eastern side of Blackfriars Road. Both are an approximate 3 minute walk from the proposed hotel entrance. The Meymott Street bay does not restrict dwell times but the Vaughan House bay is restricted to 2 minutes. Both bays can accommodate one large coach at any one time.
131. The applicants have provided a back-up strategy in the (albeit unlikely) event a coach of hotel guests being unable to set down in either bay because they are already occupied by another vehicle. The Transport Policy team have assessed this strategy and consider it to be robust.

Taxi drop-offs

132. The Transport Statement indicates that a total of 92 taxi/private hire movements per day are expected to be generated by the proposed hotel, with 6 (3 arrivals and 3 departures) happening within the AM peak of 9:00-10:00 and 14 (7 arrivals and 7 departures) in the PM peak of 18:00-19:00. The Transport Statement sets out that the majority taxi drop-offs are to take place on The Cut, which provides parking bays where taxi/private hire pick-up and drop-off activity is permitted.
133. The kerbside of The Cut is finite, with parking and delivery bays at high capacity. As such, and while it would be preferable for taxi drop-offs to take place on The Cut, there is a possibility that bays would not always be available; a taxi looking for an alternative set down would likely come to Ufford Street and potentially onto Burrows Mews. This issue was raised with the applicants.
134. In response, the hotel operator would implement a Taxi Management Plan, the aim of which would be to direct hotel taxi trips to The Cut. The Plan would require the hotel operator to sign up to a number of good practice principles. Other measures would include providing guests with travel information details highlighting the excellent public transport opportunities available within proximity of the hotel, the provision of 24 hour tube services operating from Southwark underground station and details of walking and cycling facilities such as nearby docking stations and the Cycle Superhighway on Blackfriars Road. Leaflets and the hotel website would provide key details of the opportunities to travel by public transport modes other than taxi.
135. Furthermore, the applicant has agreed to enter into a Bond agreement, whereby a £10,000 sum is secured through the Section 106 agreement for remedial works in the event the Taxi Management Plan is considered ineffective. This would be determined after monitoring the hotel's first year of operations. Should the Taxi Management Plan be considered successful, the sum would be returned.
136. In summary, the measures outlined above are considered sufficient to minimise the total number of taxi drop-offs and, where drop-offs would take place, to encourage the use of The Cut. Through the bond mechanism, the effectiveness of the taxi drop-off strategy during the hotel's first year of operation can be monitored and remedial highway works funded if necessary.

Car parking

137. The proposal is located within the Central Activities Zone (CAZ) and a Controlled Parking Zone (CPZ). Given the excellent accessibility to public transport, the car free nature of the development is appropriate. No on-site disabled parking would be

delivered, but the streets in the immediate vicinity (Ufford Street, Short Street or The Cut) have the capacity to accommodate blue badge holders.

#### Cycle parking

138. The proposals in their current format provide:
- 16 cycle parking spaces for long-term use, to be located in sheltered and secure storage towards the eastern end of East Mews, and;
  - 6 cycle parking spaces for short-stay visitors, in the form of Sheffield stands and to be located close to the hotel reception.
139. However, no cycle spaces for visitors to the restaurant have been provided, despite this being a requirement of the London Plan. A further ten short-stay space would be required for restaurant visitors. These can be easily accommodated within New Marlborough Yard, and this will be a condition requirement.

#### Servicing

140. There are expected to be between 5 and 6 deliveries (laundry, catering, mail etc.) per day associated with the hotel. These vehicles would drop off and collect from within the site, on the proposed East Mews 'shared space'. Tracking diagrams have been provided to show that smaller vehicles (box vans etc.) would have adequate room to manoeuvre on site such that they can enter and exit in forward gear. Larger vehicles (such as lorries and large refuse trucks) would reverse into the site from Burrows Mews, enabling an exit in forward gear to be made. Given that Burrows Mews is a no-through road, not highly-trafficked, and already used for servicing purposes, this strategy is considered acceptable.
141. The Transport Assessment proposes that vehicles would approach the site via The Cut, turning onto Short Street and thereafter onto Ufford Street in order to access East Mews from Burrows Mews. This routing was agreed upon through consultation with the Transport Policy team so that servicing vehicles would avoid Webber Street where a Quietway has recently been introduced. When exiting the site, vehicles would turn right out of Burrow Mews onto Ufford Street and then left onto Boundary Row. Boundary Row is a one-way street providing access onto the A201 Blackfriars Road. This routing strategy is considered satisfactory.

#### Refuse storage

142. A large refuse store room is proposed at basement level which would provide for the needs of both the restaurant and hotel. Separate storage facilities for general mixed waste, glass and food waste are proposed. Refuse collections would be conducted by a private refuse contractor on a daily basis from Monday to Friday. Prior to collection, staff would transfer the bins from the store room, up one storey (using the dedicated service lift) to the western end of East Mews.
143. The store room is adequate to meet the needs of the premises and the collection strategy is sound.

### **Flood risk and sustainable urban drainage**

#### Flood risk and flood resilience

144. The Environment Agency and Southwark Council's flood risk management team were both consulted on the application.

145. The flood risk management team raised objections to the proposal due to the site being within Flood Zone 3 and at risk under the 2100 year breach scenario. Ultimately, however, the team accepts that that management of fluvial/tidal flood risk associated with main rivers does not fall within their remit as a Lead Local Flood Authority, and that this is the responsibility of the Environment Agency. Accordingly, they recognise that the advice of the Environment Agency should be relied on.
146. The extant permission on this site (ref: 15/AP/3024) incorporated basement-level sleeping accommodation. Due to forming part of dwellings, this sleeping accommodation fell within the “more vulnerable” category of the nationally-prescribed flood risk vulnerability classification. A hotel use also falls within the “more vulnerable” category.
147. In comparison to dwellings, hotels hold a great deal more scope to be continuously and effectively monitored for flood risk. As such, the risk to life within hotel sleeping accommodation below the breach level is, where monitoring is in place, less than the risk to life within dwelling sleeping accommodation.
148. A detailed flood evacuation plan has been supplied by the applicant and has been updated a number of times in response to issues raised by the Environment Agency. The final hotel proposal incorporates a number of permanent and temporary measures designed to limit the risk of an inundation in the event of a breach of the River Thames.
149. The Environment Agency has ultimately resolved not to object to the proposal on flood risk grounds. The Local Planning Authority concurs that the proposal has made more than adequate efforts to incorporate flood resilience and minimise flood risk. As such, no concerns remain and a condition will be imposed to ensure the Flood Evacuation Plan is adhered to.

#### Sustainable urban drainage

150. The council’s flood and drainage team has recognised that not until landscaping and green roofs matters have been finalised can a full surface water drainage strategy be resolved. Accordingly, a drainage strategy will be secured by condition.

#### **Trees, landscaping, public realm and biodiversity**

##### Trees

151. The proposed development requires the removal of 15 trees (some of these have already been removed as part of the demolition works, which is acceptable as none are subject to TPOs). None of the 15 affected trees are particularly high quality. The trees to be lost can be more than adequately mitigated for by the proposed landscaping which includes planting within courtyards and on Ufford Street, as well as on the new avenue through the site.
152. Conditions are recommended to secure the new specimens are of an appropriate size and maturity.
153. While basement excavation work would be undertaken close to the retained street tree on Ufford Street, this has been fully assessed as a feasible retention. The imposition of conditions ensuring the protection of retained trees is recommended.

##### Landscaping and public realm

154. Landscaping and public realm would be delivered in the form of New Marlborough Yard, East Mews and the pocket park close to the northern entrance of the site. Additionally,

the proposed building line on Ufford Street has been set-back to create a more generous footway width than at present.

155. The proposed pocket park would contain lawn, border planting and retained trees together with outdoor seating and sculptures. This will make for a convivial and inviting public space. New Marlborough Yard and East Mews would be hard surfaced in concrete setts and granite banding strips, supplemented by soft landscaping in the form of border planting, numerous new trees and evergreen climbers.
156. The terraced courtyard space enclosed by Block A and the Theatre View apartments would comprise a series of green roofs. The lowest roof would contain wildflower and three trees, while the two upper roofs would be sedum. This would ensure that hotel guests and residents of the Theatre View apartments enjoy a pleasant outlook. Details of the planting regimes for these roofs are to be sought by condition, with a requirement that the species are evergreen, hard-weathering and require minimal maintenance.
157. A detailed scheme of landscaping will be secured by condition.

#### Biodiversity

158. The proposed planting and green roofs are welcomed as these will enhance ecology in the local area.
159. At the request of Southwark Council's ecologist, a condition will be imposed requiring the design to incorporate 10 bird boxes and 6 nesting brick/boxes.

#### **Environmental matters**

##### Land contamination

160. Gas protection measures are required in the new build, as well as clean imported soils to cover the made ground in any soft landscaped area. As such a full Remediation Report detailing the measures to be implemented and a Validation Report are to be secured by condition

##### Archaeology

161. The applicants have submitted a desk based assessment (DBA) and have also commissioned the carrying out of a programme of archaeological evaluation trenching and geo-archaeological borehole sampling on the site. This work is currently taking place on site and the results of the works are not yet known.
162. On the basis of the information available at this time, Southwark Council's Archaeologist has advised that three safeguarding conditions ('Archaeological Evaluation', 'Archaeological Mitigation' and 'Archaeological Reporting') be attached to any grant of consent.

#### **Sustainability**

##### Carbon emissions and renewable technologies

163. London Plan Policy 5.2 requires a reduction in carbon emissions of 35% below the Part L 2013 target; unlike with residential developments, there is no requirement for hotel developments to be carbon neutral.
164. A detailed energy assessment has been submitted as part of the application to demonstrate how the targets for carbon dioxide emissions reduction are to be met.



Overall, the development would achieve a carbon saving of 35.2%, thereby meeting the policy requirement. This has been achieved by proposing a site-wide Combined Heat and Power (CHP) network together with air source heat pumps. The energy strategy is, therefore, acceptable and it is recommended that a condition be imposed to secure the details for the development.

165. A condition will also be imposed to ensure that evidence is submitted to and approved by the Local Planning Authority to show that the proposal has been designed to allow for future connection into the district CHP network if/when this becomes feasible.

#### BREEAM

166. The works would be required to achieve an “excellent” rating. A BREEAM pre-assessment has been submitted as part of the application documents which demonstrate that achieving this rating is feasible.
167. Achieving “excellent” is to be a condition requirement. This will ensure the works take sufficient consideration of sustainability.

#### Air Quality

168. London Plan policy 7.14 states that development proposals should minimise exposure to poor air quality, being at least ‘air quality neutral’. This is particularly the case where developments are located within designated Air Quality Management Areas (AQMA) as is the case with this proposal. Southwark Plan policy 3.6 advises that planning permission will not be granted where a development leads to a reduction in air quality
169. The development would achieve air quality neutrality and therefore would not impact nearby sensitive receptors. The environmental protection team considered the submitted assessment to be acceptable. Notwithstanding, the team has requested that conditions be imposed to: ensure compliance with the air quality assessment; ensure that the CHP uses natural gas and meets the relevant standards for its size, and; require gas boilers to meet ‘ultra-low NOx’ criteria. Accordingly, these conditions will be imposed.

#### Employment benefits

170. Strategic Policy 10 of the core strategy aims to increase the number of jobs in Southwark and ensure that local people and businesses benefit from opportunities which are generated from development. A headline economic assessment was submitted by the agent in support of the application. The document predicts that the proposed development would generate a net direct employment (i.e. not including jobs that would have otherwise occurred elsewhere) of between 85 and 90 jobs. In this regard, the proposal makes a significant employment offer to the borough in accordance with the aims of Strategic Policy 10.
171. The development would be expected to deliver 19 sustained jobs to unemployed Southwark residents, 19 short courses, and take on 5 construction industry apprentices during the construction phase. In the event that the developer does not undertake to deliver the employment outputs themselves, an employment and training contribution of £92,050 (£81,700 against sustained jobs, £2,850 against short courses, and £7,500 against construction industry apprenticeships) would be required. This will be secured in the Section 106 Agreement, as will an employment, skills and business support plan.
172. The completed hotel would be expected to deliver 18 sustained jobs to unemployed Southwark residents. The maximum end use shortfall contribution would be £77,400 (based on £4,300 per job). This will be secured in the Section 106 Agreement, as will an

employment, skills and business support plan.

### **Community engagement**

173. The applicant's statement of community involvement details the consultation undertaken before the full application was submitted. These community engagement efforts included:
- Meeting local councillors;
  - Meeting local groups, BIDs, housing associations, community development groups and local trusts;
  - Holding meetings with the residents of properties which back on to the site;
  - Holding two separate public drop-in sessions at the St Andrews Church and Vicarage (invitations distributed locally beforehand to approximately 400 homes and businesses);
  - Holding a public drop-in session at the South Bank Forum, and;
  - Issuing press releases in 'SE1' and 'Southwark News' to publicise the public drop-in events.
174. The statement of community involvement lists the comments received from the pre-application consultation, and provides a response to each comment. The Statement of Community Involvement and the Design Access Statement describe how the design evolution was informed by the community consultation.
175. Notwithstanding that there are no statutory requirements in relation to Community Involvement, this is considered to be an adequate effort to engage with those affected by the proposals. As part of its statutory requirements, The Local Planning Authority, sent letters to all residents, displayed site notices in the vicinity, and issued a press notice publicising the planning application. Adequate efforts have, therefore, been made to ensure the community has been given the opportunity to participate in the planning process. The responses received are summarised later in this report.

### **Planning obligations and other financial contributions**

#### Crossrail

176. The site is within the Central London Crossrail S.106 contribution area. In this location, for every 1 square metre of new hotel floorspace a fee of £61 is levied and for every 1 square metre of new restaurant floorspace a fee of £90 applies. For this proposal, a total Crossrail contribution of £567,345 would be triggered, calculated on the following basis:

$$\begin{aligned}
 & (\text{£}90 \times 336 \text{ square metres of A3 floorspace}) = \text{£}30,240 \\
 & + (\text{£}61 \times 8805 \text{ square metres of C3 floorspace}) = \text{£}537,105 \\
 & \text{TOTAL} = \underline{\underline{\text{£}567,345}}
 \end{aligned}$$

177. This sum is subject to indexation, as per the provisions of Section 5 of the Crossrail Funding SPG (2016).

#### Mayoral and Southwark CIL

178. Section 143 of the Localism Act states that any financial contribution received as community infrastructure levy (CIL) is a material "local financial consideration" in planning decisions. The requirement for payment of the Mayoral or Southwark CIL is therefore a material consideration. However, the weight attached is determined by the decision maker. The Mayoral CIL is required to contribute towards strategic transport investments in London as a whole, primarily Crossrail, while Southwark's CIL will provide for infrastructure that supports growth in Southwark.

179. The following levies would apply:

- MCIL = 9,238 sqm x £35/sqm x 313/223 = £453,822 (indexed)
- SCIL (Zone 2 Hotel) = 9,238 sqm x £136/sqm x 313/280 = £1,404,440 (indexed)

180. To avoid double charging, pursuant to policy 4.17 of the Crossrail Funding SPG 2016, the Mayoral CIL amount is deducted from the Crossrail contribution (which itself is subject to indexation). A clause accounting for this will be included within the Section 106 agreement.

### Section 106

181. Saved Policy 2.5 'Planning Obligations' advises that planning obligations should be secured to overcome the negative impacts of a generally acceptable proposal. Saved Policy 2.5 is reinforced by the *Section 106 Planning Obligations and Community Infrastructure Levy (CIL) SPD*, which sets out in detail the type of development that qualifies for planning obligations.

182. In accordance with Southwark's *Section 106 Planning Obligations and Community Infrastructure Levy (CIL) SPD*, the following contributions have been agreed with the applicant, in order to mitigate the impacts of the development:

<b>Planning obligation</b>	<b>Mitigation</b>	<b>Applicant's position</b>
LOCAL ECONOMY: CONSTRUCTION PHASE JOB/CONTRIBUTIONS	Development to: <ul style="list-style-type: none"> <li>• Deliver 19 sustained jobs to unemployed Southwark residents,</li> <li>• Deliver 19 short courses, and;</li> <li>• Take on 5 construction industry apprentices during the construction phase.</li> </ul> Or make the pro-rata Employment and Training Contribution which, at maximum, would be £92,050: <ul style="list-style-type: none"> <li>• £81,700 against sustained jobs;</li> <li>• £2,850 against short courses, and;</li> <li>• £7,500 against construction industry apprenticeships.</li> </ul>	Agreed
LOCAL ECONOMY: CONSTRUCTION PHASE EMPLOYMENT, SKILLS AND BUSINESS SUPPORT PLAN	The Plan would be expected to detail: <ul style="list-style-type: none"> <li>• Methodology of training, skills, support etc.</li> <li>• Targets for construction skills and employment outputs</li> <li>• Methodology for delivering apprenticeships</li> <li>• Local supply chain activity methodology</li> </ul>	Agreed
LOCAL ECONOMY: 'END USE' JOBS/CONTRIBUTIONS	Hotel to: <ul style="list-style-type: none"> <li>• Deliver 18 sustained jobs for unemployed Southwark Residents at the end phase,</li> </ul> Or meet any shortfall through the Employment in the End Use Shortfall Contribution on a pro-rata basis which, at maximum, would be £77,400 (based of £4300 per job).	Agreed
LOCAL ECONOMY:	The Plan would be expected to detail:	Agreed

'END USE' EMPLOYMENT, SKILLS AND BUSINESS SUPPORT PLAN	<ul style="list-style-type: none"> <li>• The 'Sustainable Employment Opportunities and apprenticeships' delivery mechanism</li> <li>• Key milestones for filling the employment opportunities and apprenticeships</li> <li>• Skills and training gaps</li> <li>• How to encourage applications from unemployed Borough residents.</li> </ul>	
HIGHWAY WORKS	<p>Prior to implementation, the Developer is to submit for approval the s278 specification and estimated costs.</p> <p>Prior to commencement of highway works, the Developer is to enter into a Highway Agreement for the purposes authorising the works etc.</p> <p>Prior to construction, the following is to be submitted for consideration by the Structures Team:</p> <ul style="list-style-type: none"> <li>• An AIP (because the proposed basement adjoins a public highway).</li> </ul> <p>The works, as listed below, are to be completed in accordance with the Highway agreement:</p> <ul style="list-style-type: none"> <li>• Repave the footway on Ufford Street, Burrows Mews and The Cut with silver grey natural stone granite slabs and 300mm wide silver grey natural granite kerbs as per SSDM specifications</li> <li>• Widen the footway on Burrows Mews to 3.0 metres</li> <li>• Install a raised entry table on the junction of Ufford Street and Burrows Mews</li> </ul>	Agreed
HIGHWAYS BOND AGREEMENT	During the first year of hotel operation the highways impacts shall be monitored at the end of which the sum of £10,000 is either retained (if remedial works are necessary) or returned (if the management strategy has proved effective).	Agreed
DELIVERY AND MANAGEMENT OF PUBLICLY-ACCESSIBLE REALM	<p>Publicly-accessible realm is to be designed to incorporate principles of Secured by Design</p> <p>Development not to be implemented until publicly-accessible realm and landscaping has been agreed with the council</p> <p>Publicly-accessible realm to be designed to an adoptable standard.</p> <p>Certificate to be served on the Council upon completion of the layout out, construction and/or planting of those parts of the public realm which are to be managed and maintained by the Developer.</p> <p>Any defects reported within 12 months are to be rectified.</p> <p>Developer covenants to manage, maintain and allow public access except for a limited period in</p>	Agreed

	<p>certain circumstances (fire, flood, carrying of essential maintenance etc.) and shall close the route (with prior notification to members of the public) for up to one day per year so as to prevent public rights of way being obtained.</p> <p>Impact Review to be submitted within 4 weeks of the 9-and 18-month anniversaries of the completion of the publicly-accessible realm. Remedial measures to be agreed if necessary.</p>	
FUTUREPROOFING FOR CONNECTION TO DISTRICT CHP	Prior to occupation, a CHP Energy Strategy must be approved setting out how the development will be designed and built so that it will be capable of connecting to the District CHP in the future.	Agreed
CROSSRAIL CONTRIBUTION	As detailed above, the Crossrail Contribution would be £567,345 in total (subject to indexation).	Agree with calculation in principle, noting that this calculation is subject to indexation.
Administration fee	<p>Payment to cover the costs of monitoring these necessary planning obligations calculated as 2% of total sum.</p> <p>As such, the administration fee would be 2% of the difference between MCIL and Crossrail which, without the benefit of indexation, would be:  [(£567,345.00- £453,822)  = <b>£2,630.46</b></p>	Agreed in principle. Agent requests that this is only 2% net of deducting MCIL from the Crossrail SPG, which the LPA accepts.

183. These obligations are necessary to make the development acceptable in planning terms, mitigating for its adverse impacts. In the event that a satisfactory legal agreement has not been entered into by 28 May 2018 it is recommended that the director of planning refuses planning permission, if appropriate, for the following reason:

*“The proposal, by failing to provide for appropriate planning obligations secured through the completion of a Section 106 agreement, fails to ensure adequate provision of mitigation against the adverse impacts of the development through projects or contributions in accordance with saved policy 2.5 'Planning obligations' of the Southwark Plan (2007), strategic policy 14 'Delivery and implementation' of the Core Strategy (2011), policy 8.2 'Planning obligations' of the London Plan (2016), and Southwark Council's Planning Obligations and Community Infrastructure Levy SPD (2015).”*

#### Consultation responses: Members of the public

Total number of representations:	<b>36</b>				
In favour:	9	Against:	22	Neutral:	5
Petitions in favour:	0	Petitions against:	0		

184. The material planning considerations raised by the consultation responses are as

follows.

185. Principle of development:

- The proposed development would result in an overconcentration of hotels in the surrounding area.
- The proposed development would not contribute to sustaining and supporting the local community.
- A more appropriate use of this site would be for residential development.

186. Design quality and site layout:

- The overall height is excessive.
- The proportions of the proposed east elevation (fronting onto Burrows Mews) are excessive.
- The fencing enclosing the proposed pocket park is prison-like.
- The outdoor dining tables extend too far northwards towards the residential properties located on The Cut.

*NOTE: The agent has supplied a plan showing that the outdoor dining space would extend no further to the north than the extent of the restaurant frontage, and a condition is recommended requiring that outdoor dining space be contained within this zone for the lifetime of the hotel.*

187. Neighbour amenity impacts during the construction phase:

- Disturbance to nearby occupiers due to an increase in noise, dust, dirt and diesel particulate pollution from construction vehicles.
- Noise disturbance to the English Touring Theatre company.  
*Note: There is nothing to suggest that the works would take an overly long period of time to carry out and the contractor will be required to carry out work within Southwark Council's Core Working Hours. Although noise impacts would occur, these would be for a temporary period and must be balanced with the long-term benefit brought by the redevelopment. The Developer will be required to submit for approval prior to commencement a Construction Management Plan which will detail, among other things, how amenity impacts on local residents will be minimised.*
- Impact on local businesses during construction period (scaffolding, noise, access obstructions etc.)

188. Neighbour amenity impacts from the hotel (i.e. post-construction):

- Loss of daylight and sunlight to nearby properties.
- Overshadowing of outdoor amenity spaces at nearby properties.
- Increased sense of enclosure and diminished quality of outlook for nearby properties from the proposed hotel building and the fence bordering the proposed pocket park.
- Overlooking of neighbouring properties from the hotel bedrooms.
- Overlooking of neighbouring properties if hotel visitors are allowed access to the terraced rooftop gardens.
- Noise disturbance from guests, delivery vehicles, extraction/ventilation, air conditioning of rooms, laundry facilities, plant etc.
- Smells from any extraction/ventilation equipment.
- Smell disturbance may arise if bins are to be stored in the accessway adjacent to the properties which front onto the Cut.

*NOTE: The agent has confirmed that all bin storage associated with the restaurant would be within the dedicated storage room, not on the accessway.*

- The proposed emergency access door directly opposite the boundary-edge windows at no. 35 The Cut would be unneighbourly.  
*NOTE: The design of the proposal was amended to directly address this concern.*
- Increased light disturbance for nearby occupiers if the lighting in the pocket park is not oriented downwards.

189. Transport, highways, deliveries and servicing matters:

- The provision for taxi drop-offs is inadequate.
- Ufford Street, Short Street and Burrows Mews are too narrow to enable servicing and delivery vehicles to manoeuvre safely and with ease.
- Hours between which deliveries and servicing can take should be restricted.
- Routing delivery and servicing vehicles along the Cut would result in further unwelcomed congestion.
- Increased vehicle trips as a result of the development may result in damage to street trees and street furniture.

190. Security and prevention of anti-social behaviour:

- Better demonstration of how the lighting strategy for the public space and pocket park would discourage vandalism, loitering etc. is needed.
- The application does not indicate how the publicly-accessible space and pocket park will be managed by the hotel operator.
- The design of the furniture within the pocket park may encourage homeless sleepers.

191. Environmental matters:

- The development would result in a loss of biodiversity.

192. Other matters

- The development description lacks precision and could potentially allow for an additional storey to be constructed above that which the drawings suggest.
- The application drawings do not depict in a suitable level of detail the size and positioning of rooftop plant.

193. All of these matters have been addressed in the assessment parts of this Report.

194. Although a number of other matters were raised by members of the public, such as anticipated loss of property value and the developer's financial motivations, these do not constitute material planning considerations and thus cannot be taken into consideration.

195. Of those representations received in support, the following positive aspects of the proposal were highlighted:

- The development would bring more trade to the area.
- The site is well located in relation to public transport.
- The development would contribute to and consolidate the tourism offer of the area
- The proposal shows compliance with the intent of the Southwark and Waterloo Neighbourhood Plan.

**Consultation responses: statutory consultees**Environment Agency

196. No objection, but with the following comments (summarised):

- The 2017 Tidal Thames Breach Inundation Modelling shows that the basement level could experience a potential flood depth of 3.28m AOD.
- The basement and ground level have provision of several internal staircases to communal safe havens above the breach level, which is a positive aspect.
- The evacuation plan would need to be approved by the Local Planning Authority's Emergency Planning Department.
- The hotel operator should register with the Environment Agency's flood warning service, 'FloodLine' to prepare themselves in case of a flood event.

Historic England

197. Do not consider that it is necessary for this application to be notified to Historic England.

Metropolitan Police

198. No objection, but with the following comments (summarised):

- The development could achieve the security requirements of Secured by Design.
- A 'Secured by Design' condition for the whole development should be attached to any grant of permission

Natural England

199. No objection, no comments.

Transport for London

200. No objection, but with the following comments (summarised):

- No showers and lockers are proposed to be installed for the use of cycling staff. The proposal must ensure the provision of these facilities for staff members and this should be secured by condition.
- The short-stay cycle storage doesn't meet the minimum requirements. Ensuring adequate provision should be secured by condition.
- An alternative should be devised in the event of taxi and private hire drop-offs and pick-ups not being possible on The Cut due to parking bays being unavailable.
- A management plan should be put in place which considers the eventuality of coaches being unable to set down on the Blackfriars Road bays and consideration should be given to having a no coach policy.
- A PERS audit should be undertaken to confirm that routes to bus stops and the station are suitable for those with less mobility (including those with luggage as well as disabled people).
- A Construction Logistics Plan should be secured by condition
- A full Transport Plan should be secured by condition.

Thames Water

201. No objections, but conditions recommended:



- Impact studies of the existing water supply infrastructure are to be submitted to and approved in writing by the local planning authority
- No piling is to take place until a Piling Method Statement has been submitted to an approved in writing by the local planning authority.

### **Community impact statement**

202. In line with the council's community impact statement the impact of this application has been assessed as part of the application process with regard to local people in respect of their age, disability, faith/religion, gender, race and ethnicity and sexual orientation. Consultation with the community has been undertaken as part of the application process.

a) The impact on local people is set out above.

b) Issues relevant to particular communities/groups likely to be affected by the proposal have, where applicable, been identified in earlier parts of this report.

c) The likely adverse or less good implications for any particular communities/groups have also been discussed above, along with specific actions necessary to ameliorate these implications.

### **Consultations**

203. Details of consultation and any re-consultation undertaken in respect of this application are set out in Appendix 1.

### **Human rights implications**

204. 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.

205. This application has the legitimate aim of providing a hotel and restaurant with ancillary bar. 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.

### **Conclusion on planning issues**

206. The proposal would be acceptable in land use terms and would support the tourism offer of this part of the borough, which benefits from the highest possible public transport accessibility and is within both the Central Activities Zone and an Opportunity Area. The development would not result in an overconcentration of hotels to the exclusion of other land uses and would maintain the vibrant and mixed-use character of the surrounding area.

207. The proposal would achieve an acceptable quality of design and cause no substantial harm to the setting of the nearby Conservation Areas and listed buildings. Incorporating robust and good quality materials and elevational details, the building would relate satisfactorily to both the historic context and the emerging character of new buildings at LeSoCo and on Blackfriars Road.

208. The hotel has been oriented towards The Cut in an effort to minimise the impact on Ufford Street, which is of a much quieter character, while the building's size, scale and

streetscene impact would not be dissimilar to the extant residential-led permission granted in 2016. The proposal would introduce a new 'discoverable' public route connecting Ufford Street to The Cut, and a new landscaped pocket park in this densely developed area.

209. It is acknowledged that there would be an adverse impact on daylight and sunlight to a small number of nearby properties. However, with the exception of one dwelling which has windows directly on the boundary line of the application site, the losses are similar to those incurred by the consented residential scheme and are not untypical for a central London location such as this. On balance, while recognising the impacts, it is concluded that the merits of the scheme, and the context within which it would sit, would not justify the refusal of planning permission.
210. The application raises no other neighbour amenity concerns, and while a number of objections were received about the risk of increased noise and disturbance resulting from the construction phase and day-to-day operations of the completed hotel, it is considered that the impacts can be mitigated through the imposition of conditions.
211. The trip generation, servicing arrangements and travel plan principles are all acceptable, while cycle storage provision can be increased to meet London Plan standards through the subsequent 'approval of conditions' stage. As a precautionary measure, a bond will be secured so that highways impacts can be monitored over the course of the first year of hotel operation to allow for remedial works if necessary.
212. In line with the requirements of the NPPF, the council has applied the presumption in favour of sustainable development. The proposed development would accord with sustainable principles and would make efficient use of the land to deliver a high quality development that is in accordance with the council's aspirations for the area. It is therefore recommended that Members grant permission, subject to conditions as set out in the attached draft decision notice, and the timely completion of a Section 106 Agreement.

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/1232-B Application file: 17/AP/4042 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 5535 Council website: www.southwark.gov.uk

## APPENDICES

No.	Title
Appendix 1	Consultation undertaken
Appendix 2	Consultation responses received
Appendix 3	Recommendation

**AUDIT TRAIL**

<b>Lead Officer</b>	Simon Bevan, Director of Planning	
<b>Report Author</b>	Patrick Cronin, Planner	
<b>Version</b>	Final	
<b>Dated</b>	7 March 2018	
<b>Key Decision</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Strategic Director of Finance and Governance	No	No
Strategic Director of Environment and Social Regeneration	No	No
Strategic Director of Housing and Modernisation	No	No
Director of Regeneration	No	No
<b>Date final report sent to Constitutional Team</b>		8 March 2018

**APPENDIX 1****Consultation undertaken****Site notice date:** 10/11/2017**Press notice date:** 18/01/2018**Case officer site visit date:** 08/12/2017**Neighbour consultation letters sent:** 09/11/2017**Internal services consulted:**

Ecology Officer  
 Economic Development Team  
 Environmental Protection Team Formal Consultation [Noise / Air Quality / Land Contamination / Ventilation]  
 Flood and Drainage Team  
 Highway Licencing  
 Highway Development Management  
 Housing Regeneration Initiatives  
 Waste Management

**Statutory and non-statutory organisations consulted:**

EDF Energy  
 Environment Agency  
 Historic England  
 London Fire & Emergency Planning Authority  
 London Underground Limited  
 Metropolitan Police Service (Designing out Crime)  
 Natural England - London Region & South East Region  
 Network Rail (Planning)  
 Thames Water - Development Planning  
 Transport for London (referable & non-referable app notifications and pre-apps)

**Neighbour and local groups consulted:**

66 The Cut Lambeth SE1	Flat 7 84 Blackfriars Road SE1 8HA
80 The Cut Lambeth SE1	Flat 6 84 Blackfriars Road SE1 8HA
82 The Cut Lambeth SE1	Basement Flat 77 Blackfriars Road SE1 8HA
84 The Cut Lambeth SE1	Fourth Floor Flat 1 The Cut SE1 8JZ
86 The Cut Lambeth SE1	Flat D 33 The Cut SE1 8LF
65 Mitre Road Lambeth SE1	Basement Flat 81 Blackfriars Road SE1 8HA
66 Mitre Road Lambeth SE1	Flat 1c 1 The Cut SE1 8JZ
67 Mitre Road Lambeth SE1	Flat 1b 1 The Cut SE1 8JZ
68 Mitre Road Lambeth SE1	Flat 1 84 Blackfriars Road SE1 8HA
69 Mitre Road Lambeth SE1	Flat 2 84 Blackfriars Road SE1 8HA
70 Mitre Road Lambeth SE1	Flat 5 84 Blackfriars Road SE1 8HA
72 Mitre Road Lambeth SE1	Flat 4 84 Blackfriars Road SE1 8HA
74 Mitre Road Lambeth SE1	Flat 3 84 Blackfriars Road SE1 8HA
76 Mitre Road Lambeth SE1	St Andrews Church Hall 4-15 Short Street SE1 8LJ
80 Mitre Road Lambeth SE1	8 Boundary Row London SE1 8HP
82 Mitre Road Lambeth SE1	Basement And Part Ground Floor 88-89 Blackfriars Road SE1 8HA
84 Mitre Road Lambeth SE1	Basement And Rear Of 25 Short Street SE1 8LJ
86 Mitre Road Lambeth SE1	First Floor 33 The Cut SE1 8LF
88 Mitre Road Lambeth SE1	Basement And Ground Floor 33 The Cut SE1 8LF
90 Mitre Road Lambeth SE1	Ground Floor 25 Short Street SE1 8LJ

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 30 Ufford Street SE1  
 10 Chaplin Close SE1  
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 13 Chaplin Close SE1  
 14 Chaplin Close SE1  
 15 Chaplin Close SE1  
 16 Chaplin Close SE1  
 17 Chaplin Close SE1  
 18 Chaplin Close SE1  
 Third Floor Flat 81 Blackfriars Road SE1 8HA  
 Second Floor Flat 81 Blackfriars Road SE1 8HA  
 Ground Floor Flat 81 Blackfriars Road SE1 8HA  
 7 Ring Court The Cut SE1 8LB  
 Ground Floor 74 Blackfriars Road SE1 8HA  
 9 Ring Court The Cut SE1 8LB  
 8 Ring Court The Cut SE1 8LB  
 First Floor Flat 81 Blackfriars Road SE1 8HA  
 41 The Cut London SE1 8LF  
 3-11 The Cut London SE1 8JZ  
 2 Burrows Mews London SE1 8LD  
 2-6 Boundary Row London SE1 8HP  
 1 The Cut London SE1 8JZ  
 37 The Cut London SE1 8LF  
 87 Blackfriars Road London SE1 8HA  
 Company Wine Bar 53 The Cut SE1 8LF  
 47 The Cut London SE1 8LF  
 39 The Cut London SE1 8LF  
 51 The Cut London SE1 8LF  
 Flat C 33 The Cut SE1 8LF  
 Third Floor Flat 77 Blackfriars Road SE1 8HA  
 Ground Floor Flat 77 Blackfriars Road SE1 8HA  
 First Floor Flat 1 The Cut SE1 8JZ  
 Second Floor Flat 77 Blackfriars Road SE1 8HA  
 First Floor Flat 77 Blackfriars Road SE1 8HA  
 53c The Cut London SE1 8LF  
 53b The Cut London SE1 8LF  
 53a The Cut London SE1 8LF  
 1 Burrows Mews London SE1 8LD  
 Flat B 33 The Cut SE1 8LF  
 Flat A 33 The Cut SE1 8LF  
 Flat 38 Styles House SE1 8DF  
 Flat 7 Theatre View Apartments SE1 8LJ  
 Flat 6 Theatre View Apartments SE1 8LJ  
 Flat 5 Theatre View Apartments SE1 8LJ  
 Flat 8 Theatre View Apartments SE1 8LJ  
 Flat 11 Theatre View Apartments SE1 8LJ  
 Flat 10 Theatre View Apartments SE1 8LJ  
 Flat 9 Theatre View Apartments SE1 8LJ  
 Flat A 1c Burrows Mews SE1 8LD  
 Flat D 1c Burrows Mews SE1 8LD  
 Flat C 1c Burrows Mews SE1 8LD  
 Flat 1 Theatre View Apartments SE1 8LJ  
 Flat 4 Theatre View Apartments SE1 8LJ  
 Flat 3 Theatre View Apartments SE1 8LJ  
 Flat 2 Theatre View Apartments SE1 8LJ  
 First Floor Front 82-83 Blackfriars Road SE1 8HA  
 Third Floor 82-83 Blackfriars Road SE1 8HA  
 Second Floor 82-83 Blackfriars Road SE1 8HA  
 Ground Floor 82-83 Blackfriars Road SE1 8HA  
 Flat 37 The Cut SE1 8LF  
 Flat 6 6 Burrows Mews SE1 8LD  
 2a Burrows Mews London SE1 8LD  
 Flat 14 Theatre View Apartments SE1 8LJ  
 Flat 13 Theatre View Apartments SE1 8LJ  
 Flat 12 Theatre View Apartments SE1 8LJ  
 5 Burrows Mews London SE1 8LD  
 First Floor Rear 82-83 Blackfriars Road SE1 8HA  
 Fourth Floor 82-83 Blackfriars Road SE1 8HA  
 Basement 82-83 Blackfriars Road SE1 8HA  
 Flat B 1c Burrows Mews SE1 8LD  
 Flat C 35a The Cut SE1 8LF  
 Flat D 35a The Cut SE1 8LF  
 Flat 3 Garrett House SE1 8LD  
 Flat 1 75-76 Blackfriars Road SE1 8HA  
 Flat 4 75-76 Blackfriars Road SE1 8HA  
 Flat 3 75-76 Blackfriars Road SE1 8HA  
 Flat 2 75-76 Blackfriars Road SE1 8HA  
 35b The Cut London SE1 8LF  
 Ground Floor 85 Blackfriars Road SE1 8HA  
 Basement 75-76 Blackfriars Road SE1 8HA  
 School House Southwark College SE1 8LE  
 Flat 2 Garrett House SE1 8LD  
 Flat 1 Garrett House SE1 8LD  
 Flat 4 Garrett House SE1 8LD  
 Flat 1 86 Blackfriars Road SE1 8HA  
 First Floor Second Floor And Third Floor Flat 74 Blackfriars Road SE1 8HA  
 Flat 5 6 Burrows Mews SE1 8LD  
 Flat 2 86 Blackfriars Road SE1 8HA

19 Chaplin Close SE1  
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 42 The Cut SE1  
 44 The Cut SE1  
 46 The Cut SE1  
 48 The Cut SE1  
 40 The Cut SE1  
 42 The Cut SE1  
 38 The Cut SE1  
 36 The Cut SE1  
 21 Ufford Street London se18qd  
 Flat 10, Stopher House Webber Street SE1 0RE  
 41a The Cut London SE1 8LF  
 39a The Cut London SE1 8LF  
 51c The Cut London SE1 8LF  
 41b The Cut London SE1 8LF  
 45a The Cut London SE1 8LF  
 43b The Cut London SE1 8LF  
 43a The Cut London SE1 8LF  
 41c The Cut London SE1 8LF  
 St Andrews Vicarage Short Street SE1 8LJ  
 Flat 3 Milton House SE1 8LH  
 43c The Cut London SE1 8LF  
 49c The Cut London SE1 8LF  
 47c The Cut London SE1 8LF  
 45c The Cut London SE1 8LF  
 3 Ring Court The Cut SE1 8LB  
 2 Ring Court The Cut SE1 8LB  
 1 Ring Court The Cut SE1 8LB  
 4 Ring Court The Cut SE1 8LB  
 79-80 Blackfriars Road London SE1 8HA  
 6 Ring Court The Cut SE1 8LB  
 5 Ring Court The Cut SE1 8LB  
 47b The Cut London SE1 8LF  
 47a The Cut London SE1 8LF  
 45b The Cut London SE1 8LF  
 49a The Cut London SE1 8LF  
 51b The Cut London SE1 8LF  
 51a The Cut London SE1 8LF  
 49b The Cut London SE1 8LF  
 Flat 2 Milton House SE1 8LH  
 Flat 47 Styles House SE1 8DF  
 Flat 46 Styles House SE1 8DF  
 Flat 45 Styles House SE1 8DF  
 Flat 48 Styles House SE1 8DF  
 Flat 50 Styles House SE1 8DF  
 Flat 5 Styles House SE1 8DF  
 Flat 49 Styles House SE1 8DF  
 Flat 40 Styles House SE1 8DF  
 Flat 4 Styles House SE1 8DF  
 Flat 39 Styles House SE1 8DF  
 Flat 41 Styles House SE1 8DF  
 Flat 44 Styles House SE1 8DF  
 Flat 43 Styles House SE1 8DF  
 Flat 42 Styles House SE1 8DF  
 Flat 9 Styles House SE1 8DF  
 Flat 8 Styles House SE1 8DF  
 Flat 7 Styles House SE1 8DF  
 Flat 1 Milton House SE1 8LH  
 49 The Cut London SE1 8LF  
 Flat 5 86 Blackfriars Road SE1 8HA  
 Flat 4 86 Blackfriars Road SE1 8HA  
 Flat 3 86 Blackfriars Road SE1 8HA  
 Ground Floor 17 Short Street SE1 8LJ  
 1c Burrows Mews London SE1 8LD  
 Flat 5 75-76 Blackfriars Road SE1 8HA  
 Flat 1 6 Burrows Mews SE1 8LD  
 Flat 4 6 Burrows Mews SE1 8LD  
 Flat 3 6 Burrows Mews SE1 8LD  
 Flat 2 6 Burrows Mews SE1 8LD  
 Flat 20 Styles House SE1 8DF  
 Flat 2 Styles House SE1 8DF  
 Flat 19 Styles House SE1 8DF  
 Flat 21 Styles House SE1 8DF  
 Flat 24 Styles House SE1 8DF  
 Flat 23 Styles House SE1 8DF  
 Flat 22 Styles House SE1 8DF  
 Flat 14 Styles House SE1 8DF  
 Flat 13 Styles House SE1 8DF  
 Flat 12 Styles House SE1 8DF  
 Flat 15 Styles House SE1 8DF  
 Flat 18 Styles House SE1 8DF  
 Flat 17 Styles House SE1 8DF  
 Flat 16 Styles House SE1 8DF  
 Flat 33 Styles House SE1 8DF  
 Flat 32 Styles House SE1 8DF  
 Flat 31 Styles House SE1 8DF  
 Flat 34 Styles House SE1 8DF  
 Flat 37 Styles House SE1 8DF  
 Flat 36 Styles House SE1 8DF  
 Flat 35 Styles House SE1 8DF  
 Flat 27 Styles House SE1 8DF  
 Flat 26 Styles House SE1 8DF  
 Flat 25 Styles House SE1 8DF  
 Flat 28 Styles House SE1 8DF  
 Flat 30 Styles House SE1 8DF  
 Flat 3 Styles House SE1 8DF  
 Flat 29 Styles House SE1 8DF  
 Flat 11 Styles House SE1 8DF  
 First Floor 88-89 Blackfriars Road SE1 8HA  
 Studio Flat Ground Floor 77 Blackfriars Road SE1 8HA  
 92 Blackfriars Road London SE1 8HW  
 Second Floor 88-89 Blackfriars Road SE1 8HA  
 Ground Floor Flat 86 Blackfriars Road SE1 8HA  
 Fourth Floor 88-89 Blackfriars Road SE1 8HA  
 Third Floor 88-89 Blackfriars Road SE1 8HA  
 Ground Floor 19 Short Street SE1 8LJ  
 Part 2 35 The Cut SE1 8LF  
 Part 1 35 The Cut SE1 8LF  
 Part First Floor And Part Second Floor St Andrews Church Hall SE1 8LJ  
 Living Accommodation 72 Blackfriars Road SE1 8HA  
 Part Second Floor St Andrews Church Hall SE1 8LJ  
 Part First Floor St Andrews Church Hall SE1 8LJ  
 85 Blackfriars Road London SE1 8HA  
 90 Blackfriars Road London SE1 8HW  
 Flat 10 Styles House SE1 8DF  
 Flat 1 Styles House SE1 8DF  
 21 Short Street London SE1 8LJ  
 78 Blackfriars Road London SE1 8HF  
 25 The Cut London SE1 8LF  
 The Ring 72 Blackfriars Road SE1 8HA  
 33c The Cut London SE1 8LF  
 35a The Cut London SE1 8LF  
 Theatre View Short Street SE1 8LJ  
 5 Burrows Mews London SE18LD  
 By Email  
 53 The Cut London SE1 8LF  
 Styles House London SE18DF  
 36 Santley House Frazier Street SE17RD  
 19 Short Street Flat 3 SE1 8YH  
 37a The Cut London SE18LF  
 37a The Cut London SE1 8LF  
 8 Styles House Hatfield SE18DF  
 9 Guthrie Court Morley Street SE1 7QQ  
 18 Abbots Park Sw2 3qd  
 Tas Restaurant 33 The Cut SE1 8LF  
 27 Wootton Street London SE1 8Tg  
 94-95 Isabella Street London SE1 8dd  
 10 Overy House London SE1 8QX

Flat 53 Styles House SE1 8DF  
Flat 52 Styles House SE1 8DF  
Flat 51 Styles House SE1 8DF  
Flat 54 Styles House SE1 8DF  
Flat 6 Styles House SE1 8DF  
Flat 56 Styles House SE1 8DF  
Flat 55 Styles House SE1 8DF  
Flat 8 84 Blackfriars Road SE1 8HA

Short Street London SE1 8LJ  
19 Short Street London SE1 8LJ  
204 Union Street London  
229 Union Street Arch 24 SE1 0LR  
The Laughing Gravy 154 Blackfriars Road Se1 8en  
Theatre View Apartments 19 Short Street SE1 8LJ  
25 Short Street London SE1 8LJ  
Flat 7 Theatre View Apartments SE1 8LJ  
19 Short Street London SE1 8LJ

**Re-consultation:** n/a

**APPENDIX 2****Consultation responses received****Internal services**

None

**Statutory and non-statutory organisations**

Metropolitan Police Service (Designing out Crime)  
 Natural England - London Region & South East Region  
 Thames Water - Development Planning

**Neighbours and local groups**

Flat 11 Theatre View Apartments SE1 8LJ  
 Flat 13 Theatre View Apartments SE1 8LJ  
 Flat 44 Styles House SE1 8DF  
 Flat 6 84 Blackfriars Road SE1 8HA  
 Flat 7 Theatre View Apartments SE1 8LJ  
 Flat 8 Theatre View Apartments SE1 8LJ  
 Short Street London SE1 8LJ  
 Styles House London SE18DF  
 Tas Restaurant 33 The Cut SE1 8LF  
 The Laughing Gravy 154 Blackfriars Road Se1 8en  
 Theatre View Apartments 19 Short Street SE1 8LJ  
 10 Overy House London SE1 8QX  
 18 Abbots Park Sw2 3qd  
 19 Short Street Flat 3 SE1 8YH  
 19 Short Street London SE1 8LJ  
 19 Short Street London SE1 8LJ  
 2 Ring Court The Cut SE1 8LB  
 204 Union Street London  
 21 Short Street London SE1 8LJ  
 21 Ufford Street London se18qd  
 229 Union Street Arch 24 SE1 0LR  
 25 Short Street London SE1 8LJ  
 27 Wootton Street London SE1 8Tg  
 3-11 The Cut London SE1 8JZ  
 33c The Cut London SE1 8LF  
 35a The Cut London SE1 8LF  
 35a The Cut London SE1 8LF  
 36 Santley House Frazier Street SE17RD  
 37a The Cut London SE1 8LF  
 37a The Cut London SE18LF  
 47a The Cut London SE1 8LF  
 5 Burrows Mews London SE1 8LD  
 5 Burrows Mews London SE1 8LD  
 53 The Cut London SE1 8LF  
 8 Styles House Hatfield SE18DF  
 85 Blackfriars Road London SE1 8HA  
 9 Guthrie Court Morley Street SE1 7QQ  
 94-95 Isabella Street London SE1 8dd



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## RECOMMENDATION LDD MONITORING FORM REQUIRED

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This document shows the case officer's recommended decision for the application referred to below.  
This document is not a decision notice for this application.

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<b>Applicant</b>	FREP 3 Ufford Ltd	<b>Reg. Number</b>	17/AP/4042
<b>Application Type</b>	Full Planning Application	<b>Case Number</b>	TP/1232-B
<b>Recommendation</b>	Grant subject to Legal Agreement		

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### Draft of Decision Notice

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#### Planning Permission was **GRANTED** for the following development:

Construction of a 274 room hotel in a building of up to seven storeys in height incorporating a restaurant at ground floor level (Class C1/A3) together with one further storey of hotel accommodation at basement level and rooftop plant. The development will include the creation of a new public realm, including a pedestrian route from The Cut to Ufford Street, with hard and soft landscaping and other associated works.

**At:** FORMER LESOCO CAMPUS, UFFORD STREET, LONDON SE1 8LE

**In accordance with application received on 16/10/2017**

#### and Applicant's Drawing Nos.

##### Existing plans

- A-000-001 - Rev. P0 - Location Plan
- A-000-002 - Rev. P0 - Proposed Site Plan

##### Proposed plans, elevations and sections

- A-000-000 - Rev. P4 - Proposed Site plan
- A-100-099 - Rev. P4 - Proposed Lower Ground floor
- A-100-100 - Rev. P4 - Proposed Ground floor
- A-100-101 - Rev. P4 - Proposed First floor
- A-100-102 - Rev. P4 - Proposed Second floor
- A-100-103 - Rev. P4 - Proposed Third floor
- A-100-104 - Rev. P4 - Proposed Fourth floor
- A-100-105 - Rev. P4 - Proposed Fifth floor
- A-100-106 - Rev. P4 - Proposed Sixth floor
- A-110-100 - Rev. P2 - Elevation 01
- A-110-101 - Rev. P2 - Elevation 02
- A-110-102 - Rev. P2 - Elevation 03
- A-110-103 - Rev. P2 - Elevation 04
- A-110-104 - Rev. P2 - Elevation 05
- A-110-105 - Rev. P2 - Elevation 06
- A-120-001 - Rev. P4 - Section 01
- A-120-002 - Rev. P4 - Section 02
- UFFORD HOTEL - HOTE RESTAURANT OUTDOOR TERRACE

##### Design, heritage, trees and archaeological documentation

- DESIGN & ACCESS STATEMENT (produced by 'Dexter Moren Associates' and dated October 2017)
- SUPPLEMENT TO DESIGN & ACCESS STATEMENT - Page 100 - COLLABORATION AND INVOLVEMENT
- SUPPLEMENT TO DESIGN & ACCESS STATEMENT - Page 101 - COLLABORATION AND INVOLVEMENT
- Heritage and townscape statement (produced by 'KM Heritage' and dated October 2017)
- 1379 New Marlborough Yard - Rev. P1 - accessible and Easy accessible/adaptable room locations
- Tree Survey, Arboricultural Impact Assessment Arboricultural Method Statement & Tree Protection Plan In Accordance with BS 5837:2012 (produced by Hayden's and dated 24/11/2017)
- 6423-D - Rev. A - TS & AIA
- ARCHAEOLOGICAL DESK BASED ASSESSMENT (produced by 'CgMs Heritage' and dated September 2017)

##### Environmental and sustainability information

- Daylight & Sunlight Report (produced by 'CHP Surveyors Ltd' and dated 12th October 2017)
- ENVIRONMENTAL NOISE IMPACT ASSESSMENT - ADT 2552/ENS (produced by 'Acoustic Design Technology' and dated 06 October 2017)
- Preliminary Ecological Appraisal - OXF10728\_871 (produced by 'RPS' and dated October 2017)
- Sustainability Statement (produced by 'Applied ENERGY' and dated Oct 17)
- Energy Strategy Report - Revision A (produced by 'Applied ENERGY' and dated Oct 2017)
- Basement Impact Assessment - XL04447 (produced by 'Clarke Bond' and dated 13/10/2017)
- Geoenvironmental Investigation - XL04447 (produced by Clarke Bond' and dated 13/10/2017)
- Ventilation and Kitchen Extract Report (produced by 'Applied ENERGY' and dated Oct 17)
- Planning Statement Air Quality Assessment (produced by 'eight associates' and dated 18/12/2017)

#### Flood risk and drainage documentation

- A-180-100 - Rev. F0 - Proposed Ground floor Flood risk strategy
- A-180-099 - Rev. F0 - Proposed Lower Ground floor Flood risk Evacuation Strategy
- Flood Risk Assessment and Drainage Strategy - XL04447-FR01 (Stage 3) - Version 6 (produced by 'Clarke Bond' and dated 05/03/2018)
- FLOOD EVACUATION PLAN - XLO4447/FP01 (Stage 3) - Version 6 (produced by 'Clarke Bond' and dated 23/02/18)
- DESIGN NOTE: FLOOD PREVENTION (produced by 'Dexter Moren Associates' and received 26/02/2018)
- SUPPLEMENT TO DESIGN & ACCESS STATEMENT - Page 124 - Location and details of flood protection measures

#### Transport documentation

- Transport Assessment (produced by 'ttp consulting' and dated October 2017)
- Delivery and Servicing Plan (produced by 'ttp consulting' and dated December 2017)

#### Other documentation

- Planning Statement (produced by 'Gerald Eve' and dated October 2017)
- EMAIL FROM AGENT, DATED 26/02/2017, DETAILING STRATEGY FOR MANAGING COACH AND TAXI MOVEMENTS
- STATEMENT OF COMMUNITY INVOLVEMENT (produced by 'Curtin & Co' and dated October 2017)
- HEADLINE NOTE (produced by Volterra and received 23/10/2017)

#### **Subject to the following forty-one conditions:**

#### **Time limit for implementing this permission and the approved plans**

##### 1 DEVELOPMENT TO BE CARRIED OUT IN ACCORDANCE WITH APPROVED PLANS

The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans:

A-000-000 - Rev. P4 - Proposed Site plan  
 A-100-099 - Rev. P4 - Proposed Lower Ground floor  
 A-100-100 - Rev. P4 - Proposed Ground floor  
 A-100-101 - Rev. P4 - Proposed First floor  
 A-100-102 - Rev. P4 - Proposed Second floor  
 A-100-103 - Rev. P4 - Proposed Third floor  
 A-100-104 - Rev. P4 - Proposed Fourth floor  
 A-100-105 - Rev. P4 - Proposed Fifth floor  
 A-100-106 - Rev. P4 - Proposed Sixth floor  
 A-110-100 - Rev. P2 - Elevation 01  
 A-110-101 - Rev. P2 - Elevation 02  
 A-110-102 - Rev. P2 - Elevation 03  
 A-110-103 - Rev. P2 - Elevation 04  
 A-110-104 - Rev. P2 - Elevation 05  
 A-110-105 - Rev. P2 - Elevation 06  
 A-120-001 - Rev. P4 - Section 01  
 A-120-002 - Rev. P4 - Section 02  
 A-170-100 - Rev. F0 - Proposed Ground floor Flood risk strategy  
 A-180-100 - Rev. F0 - Proposed Ground floor Flood risk strategy  
 UFFORD HOTEL - HOTE RESTAURANT OUTDOOR TERRACE

Reason:

For the avoidance of doubt and in the interests of proper planning.

##### 2 TIME LIMIT FOR IMPLEMENTING THIS PERMISSION

The development hereby permitted shall be begun before the end of three years from the date of this permission.

Reason:

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

**Pre-commencement condition(s)** - the details required to be submitted for approval by the condition(s) listed below must be submitted to and approved by the council before any work in connection with implementing this permission is commenced.

### 3 BAT AND BIRD NESTING FEATURES

Details of six bat nesting bricks/boxes and ten bird boxes to be incorporated into the building design shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the hotel and restaurant premises hereby granted permission.

A total of no less than six nesting bricks/boxes and ten bird boxes shall be provided and the details shall include the exact location, specification and design of the habitats. The bricks and/or boxes shall be installed with the development prior to the first occupation of the development in which they are contained.

The bricks and/or boxes shall be installed 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 bricks and/or boxes, together with mapped locations, and Southwark Council agreeing the submitted plans, and once the features are installed in full in accordance to the agreed plans. A post completion assessment will be required to confirm the features have been installed 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 5.10 (Urban Greening) and 7.19 (Biodiversity and Access to Nature) of the London Plan 2016; Strategic Policy 11 (Open Spaces and Wildlife) of the Core Strategy 2011, and; Saved Policy 3.28 (Biodiversity) of the Southwark Plan 2007.

### 4 PILING METHOD STATEMENT

No impact 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 and the Environment Agency. 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 impact on local underground sewerage utility infrastructure. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the details of the piling method statement.

### 5 WATER SUPPLY INFRASTRUCTURE IMPACT ASSESSMENT

Development should not be commenced until impact studies of the existing water supply infrastructure have been submitted to, and approved in writing by, the Local Planning Authority (in consultation with Thames Water). The studies shall determine the magnitude of any new additional capacity required in the system and a suitable connection point.

Reason:

To ensure that the water supply infrastructure has sufficient capacity to cope with the additional demand.

### 6 SITE CONTAMINATION - REMEDIATION AND VALIDATION REPORTS

Prior to the commencement of any development, a detailed remediation strategy (following on from the Clarkebond 'Geoenvironmental Investigation' report, ref: XL04447/R1, dated: 13 Oct 2017) to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be prepared and submitted to the Local Planning Authority for approval in writing. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme shall be carried out in accordance with its terms prior to the commencement of development, other than works required to carry out remediation, unless otherwise agreed in writing by the Local

Planning Authority.

The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.

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 shall be submitted to and approved in writing by the Local Planning Authority.

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, in accordance with a-c above.

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: The National Planning Policy Framework 2012; Strategic Policies 13 (High Environmental Standards) of the Core Strategy 2011, and; Saved Policy 3.2 (Protection of Amenity) of the Southwark Plan 2007.

## 7 CONSTRUCTION LOGISTICS PLAN

No construction works shall begin until a Construction Logistics Plan to manage all freight vehicle movements to and from the site has been submitted to and approved by the Local Planning Authority. The Construction Logistics Plan shall identify all efficiency and sustainability measures that will be taken during construction of this development. The development shall not be carried out otherwise than in accordance Construction Logistics Plan or any amendments thereto.

Further information and guidance is available at <http://content.tfl.gov.uk/construction-logistics-plan-guidance-for-developers.pdf>

Reason:

To ensure that construction works do not have an adverse impact on the transport network in accordance with London Plan Policy 6.14 (Freight) and to minimise the impact of construction activities on local air quality in accordance with London Plan Policy 7.14 (Improving Air Quality).

## 8 ARCHAEOLOGICAL MITIGATION

Before any work hereby authorised begins, excluding demolition, the applicant shall submit a written scheme of investigation for a programme of archaeological recording, which shall be approved in writing by the Local Planning Authority and implemented and shall not be carried out other than in accordance with any such approval given.

Reason:

In order that the details of the programme of archaeological excavation and recording works are suitable with regard to the impacts of the proposed development and the nature and extent of archaeological remains on site in accordance with Chapter 12, paragraph 141 of the National Planning Policy Framework, policy 12 of the Core Strategy 2011 and saved policy 3.19 of the Southwark Plan 2007.

## 9 ARCHAEOLOGICAL EVALUATION

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

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 Chapter 12, paragraph 141 of the National Planning Policy Framework, Policy 12 of the Core Strategy 2011 and Saved Policy 3.19 of the Southwark Plan 2007.

## 10 TREE PLANTING

Prior to works commencing, full details of all proposed planting of 5 trees on Ufford Street and 34 trees within the site shall be submitted to and approved in writing by the Local Planning Authority. This will include tree pit cross sections, planting and maintenance specifications, use of guards or other protective measures and confirmation of

location, species, sizes, nursery stock type, supplier and defect period. All tree planting shall be carried out in accordance with those details and at those times. Planting shall comply with BS5837: Trees in relation to demolition, design and construction (2012) and BS: 4428 Code of practice for general landscaping operations.

If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place in the first suitable planting season, unless the local planning authority gives its written consent to any variation.

Reason:

To ensure the proposed development will preserve and enhance the visual amenities of the locality and is designed for the maximum benefit of local biodiversity, in addition to the attenuation of surface water runoff in accordance with: Parts 7, 8, 11 and 12 of the National Planning Policy Framework 2012; Strategic Policies 11 (Open Spaces and Wildlife), 12 (Design and Conservation), 13 (High Environmental Standards) of the Core Strategy 2011, and; Saved Policies 3.2 (Protection of amenity), 3.12 (Quality in Design), 13 (Urban Design) and 3.28 (Biodiversity) of the Southwark Plan 2007.

## 11 ARBORICULTURAL METHOD STATEMENT

Prior to works commencing, including any demolition, an Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority.

a) A pre-commencement meeting shall be arranged, the details of which shall be notified to the Local Planning Authority for agreement in writing prior to the meeting and prior to works commencing on site, including any demolition, changes to ground levels, pruning or tree removal.

b) A detailed Arboricultural Method Statement showing the means by which any retained trees on or directly adjacent to the site are to be protected from damage by demolition works, excavation, vehicles, stored or stacked building supplies, waste or other materials, and building plant, scaffolding or other equipment, shall then be submitted to and approved in writing by the Local Planning Authority. The method statements shall include details of facilitative pruning specifications and a supervision schedule overseen by an accredited arboricultural consultant.

c) Cross sections shall be provided to show surface and other changes to levels, special engineering or construction details and any proposed activity within root protection areas required in order to facilitate demolition, construction and excavation.

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 method statement. Following the pre-commencement meeting 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: Parts 7, 8, 11 and 12 of the National Planning Policy Framework 2012; Strategic Policies 11 (Open Spaces and Wildlife), 12 (Design and Conservation), 13 (High Environmental Standards) of the Core Strategy 2011, and; Saved Policies 3.2 (Protection of amenity), 3.12 (Quality in Design), 13 (Urban Design) and 3.28 (Biodiversity) of the Southwark Plan 2007.

**Commencement of works above grade** - the details required to be submitted for approval by the condition(s) listed below must be submitted to and approved by the council before any work above grade is commenced. The term 'above grade' here means any works above ground level.

## 12 BREEAM CERTIFICATION

Before above ground work relating to the development hereby authorised begins, an independently verified BREEAM report to achieve a minimum BREEAM 'Excellent' rating in accordance with the requirements of the BREEAM Guide (or such national measure of sustainability that replaces that scheme) shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in

accordance with any such approval given;

Before the first occupation of the development hereby permitted, a certified Post Construction Review (or other verification process agreed with the local planning authority) shall be submitted to and approved in writing by the Local Planning Authority, confirming that the agreed standards at (a) have been met.

Reason:

To ensure the proposal complies with: The National Planning Policy Framework 2012; Strategic Policy 13 (High Environmental Standards) of The Core Strategy 2011, and; Saved Policies 3.3 (Sustainability) and 3.4 (Energy Efficiency) of the Southwark Plan 2007.

### 13 MATERIALS SAMPLES

Samples of all external facing materials to be used in the carrying out of this permission, including the privacy screens to be fixed externally to some of the bedroom windows, shall be supplied to the Local Planning Authority and approved in writing prior to the commencement of above grade works; 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 that these samples will make an acceptable contextual response in terms of materials to be used, and achieve a quality of design and detailing in accordance with: Saved Policies 3.12 (Quality in Design), 3.13 (Urban Design) and Policy 3.18 (Setting of Listed Buildings, Conservation Areas and World Heritage Sites) of The Southwark Plan 2007.

### 14 WHEELCHAIR ACCESSIBLE HOTEL ROOMS

Of the 274 hotel bedrooms hereby approved, 9.9% (a minimum of 27 rooms) shall be wheelchair accessible and be provided in the locations shown on the following approved drawings:

- A-100-100 - Rev. P4 - Proposed Ground floor
- A-100-101 - Rev. P4 - Proposed First floor
- A-100-102 - Rev. P4 - Proposed Second floor
- A-100-103 - Rev. P4 - Proposed Third floor
- A-100-104 - Rev. P4 - Proposed Fourth floor

The structural requirements for delivering accommodation capable of meeting wheelchair accessible standards shall be provided upon implementation of the hotel use. Of the total number of hotel bedrooms hereby approved, 4.8% (a minimum of 13 rooms) shall be fully fitted-out to wheelchair accessible standards and made available from first occupation, and retained as such for as long as the building is in use. A monitoring programme shall be conducted by the hotel operator to allow for future fit-out of the remaining rooms (5.1% of the total number of hotel rooms, equating to a minimum of 14 rooms) as demand requires.

Reason:

To ensure the provision of adequate means of access to the building for people with disabilities in accordance with: Policy 7.2 (An Inclusive Environment) of the London Plan 2016, and; Saved Policies 3.11 (Efficient Use of Land) and 3.11 (Urban Design) of the Southwark Plan 2007.

### 15 SECURED BY DESIGN

Before any above grade work hereby authorised begins, details of security measures for the development, including all routes and spaces, 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 seek to achieve the "Secured by Design" accreditation award from the Metropolitan Police.

Reason:

In pursuance of the Local Planning Authority's duty under section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in exercising its planning functions and to improve community safety and crime prevention, in accordance with: The National Planning Policy Framework 2012; Strategic Policy 12 (Design and Conservation) of the Core Strategy 2011, and; Saved Policy 3.14 (Designing Out Crime) of the Southwark Plan 2007.

### 16 CYCLE STORAGE DETAILS

Before any above grade work hereby authorised begins details (1:50 scale drawings) of the facilities to be provided for the secure and covered storage of cycles shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the cycle parking facilities provided shall be retained and the space used for no other purpose and the development shall not be carried out otherwise in accordance with any such approval given. The information submitted shall include details of the location and design of ten additional short-stay spaces

to serve visitors to the permitted restaurant use.

Reason:

In order to ensure that satisfactory safe and secure cycle parking facilities, of an adequate quantity to serve the likely number of long- and short-stay visitors/users, are provided and retained 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: the National Planning Policy Framework 2012; Strategic Policy 2 (Sustainable Transport) of The Core Strategy, and; Saved Policy 5.3 (Walking and Cycling) of the Southwark Plan 2007.

## 17 DETAILED DRAWINGS

Notwithstanding the drawings hereby approved, 1:5 or 1:10 (as appropriate) section details through:

- the facades;
- entrances;
- heads, cills, jambs and reveals of all openings;
- parapets;
- roof edges;

to be used in the carrying out of this permission shall be submitted to and approved in writing by the Local Planning Authority before any works above grade in connection with this permission are carried out; the development shall not be carried out otherwise than in accordance with any such approval given.

For the modelling of the facades to be successful, the reveal details shall show that the reveals will be sufficiently deep (approximately 215mm in total), with brick panels recessed by 100mm.

Reason:

In order that the Local Planning Authority may be satisfied as to the design and details in the interest of the special architectural or historic qualities of the listed building in accordance with: the National Planning Policy Framework 2012; Strategic Policy 12 (Design & Conservation) of the Core Strategy 2011, and; Saved Policies 3.12 (Quality in Design), 3.13 (Urban Design) of the Southwark Plan 2007.

## 18 HARD AND SOFT LANDSCAPING DETAILS

Before any above grade work hereby authorised begins, 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 parking, access, or pathways layouts, materials and edge details), shall be submitted to and approved in writing by the Local Planning Authority.

The details shall demonstrate that the species to be planted the non-accessible roofs adjacent to the Theatre View apartments are suitably hard-weathering and require limited maintenance. A maintenance programme explaining how the landscaping within these non-accessible spaces are to remain well tended-to and irrigated by the hotel operator shall also be supplied.

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: Parts 7, 8, 11 and 12 of the National Planning Policy Framework 2012; Strategic Policies 11 (Open Spaces and Wildlife), 12 (Design and Conservation), 13 (High Environmental Standards) of the Core Strategy 2011, and; Saved Policies 3.2 (Protection of amenity), 3.12 (Quality in Design), 13 (Urban Design) and 3.28 (Biodiversity) of the Southwark Plan 2007.

## 19 BIODIVERSITY ROOFS

Before any above grade work hereby authorised begins, details of the biodiversity green 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, and once the green roof(s) are completed in full in accordance to the agreed 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: Strategic Policy 11 (Open Spaces and Wildlife) of the Core Strategy 2011; Policies 2.18 (Green Infrastructure), 5.3 (Sustainable Design and Construction), 5.10 (Urban Greening), and 5.11 (Green Roofs and Development Site Environs) of the London Plan 2016, and; Saved Policy 3.28 (Biodiversity) of the Southwark Plan.

**Pre-occupation condition(s)** - the details required to be submitted for approval by the condition(s) listed below must be submitted to and approved by the council before the building(s) hereby permitted are occupied or the use hereby permitted is commenced.

## 20 PROVISION AND RETENTION OF THE REFUSE STORAGE FACILITIES

Before the first occupation of the building hereby permitted, the refuse storage arrangements shown on the approved drawings shall be provided and made available for use by the occupiers of the premises and the facilities provided 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 2012; Strategic Policy 13 (High Environmental Standards) of the Core Strategy 2011, and; Saved Policies 3.2 (Protection of Amenity) and 3.7 (Waste Reduction) of The Southwark Plan 2007.

## 21 TRAVEL PLAN

Before the first occupation of the building hereby permitted commences the applicant shall submit in writing and obtain the written approval of the Local Planning Authority to a Travel Plan setting out the proposed measures to be taken to encourage the use of modes of transport other than the car by all users of the building, including staff and visitors. The Travel Plan shall detail the measures the hotel operator will adopt to encourage taxi drop-offs on The Cut.

At the start of the second year of operation of the approved Travel Plan a detailed survey showing the methods of transport used by all those users of the building to and from the site and how this compares with the proposed measures and any additional measures to be taken to encourage the use of public transport, walking and cycling to the site shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise in accordance with any such approval given.

Reason:

In order that the use of non-car based travel is encouraged in accordance with: The National Planning Policy Framework 2012; Strategic Policy 2 (Sustainable Transport) of The Core Strategy 2011, and; Saved Policies 5.2 (Transport Impacts), 5.3 (Walking and Cycling) and 5.6 (Car Parking) of the Southwark Plan 2007.

## 22 COMMERCIAL KITCHEN EXTRACT VENTILATION

The kitchen extract system shall be designed and operated in accordance with DEFRA's 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems' (2005), accessible from:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/69280/pb10527-kitchen-exhaust-0105.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69280/pb10527-kitchen-exhaust-0105.pdf).

Prior to the commencement of use, full particulars and details of a scheme for the ventilation of the kitchen (as per Annex B of aforementioned document) shall be submitted to and approved by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any approval given.

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 2012; Strategic Policy 13 (High Environmental Standards) of The Core Strategy 2011, and; Saved Policy 3.2 (Protection of Amenity) of The Southwark Plan 2007.

**Compliance condition(s)** - the following condition(s) impose restrictions and/or other requirements that must be complied with at all times once the permission has been implemented.

#### 23 INTERNAL NOISE LEVELS OF HOTEL ROOMS

The hotel rooms 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 rooms- 35dB LAeq T #
- Dining room - 40 dB LAeq T #

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

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

A report shall be submitted in writing to and approved by the LPA. The approved scheme shall be implemented prior to the commencement of the use hereby permitted and shall be permanently maintained thereafter. The development shall be carried out in accordance with the approval given. Following completion of the development and prior to occupation, a validation test shall be carried out on a relevant sample of premises. The results shall be submitted to the LPA for approval in writing.

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: the National Planning Policy Framework 2012; Strategic Policy 13 (High Environmental Standards) of the Core Strategy 2011, and; Saved Policies 3.2 (Protection of amenity) and 4.2 (Quality of Residential Accommodation) of the Southwark Plan 2007.

#### 24 SPECIFICATION OF DOMESTIC GAS BOILERS

Any domestic gas boilers shall meet 'ultra-low NOx' criteria such that the dry NOx emission rate does not exceed 40mg/kWh.

Reason:

To minimise the impact of the development on local air quality within the designated Air Quality Management Area in accordance with policy 7.14 (Improving Air Quality) of the London Plan.

#### 25 COMPLIANCE WITH AIR QUALITY ASSESSMENT

Prior to occupation this development shall achieve full compliance with the air quality assessment mitigation measures as detailed in Eight Associates 'Air Quality Assessment' (ref: 2728-Ufford St Air Quality Assessment-1712-18jep.doc, dated: 18/12/2017).

Reason:

To protect future occupiers from poor external air quality in accordance with: The National Planning Policy Framework 2012; Strategic Policy 13 (High Environmental Standards) of the Core Strategy 2011, and; Saved Policy 3.6 (Air Quality) of the Southwark Plan 2007.

#### 26 RESTRICTION ON THE INSTATEMENT OF TELECOMMUNICATIONS EQUIPMENT

Notwithstanding the provisions of Parts 24 and 25 The Town & Country Planning [General Permitted Development] Order 1995 [as amended or re-enacted] no external telecommunications equipment or structures shall be placed on the roof or any other part of a building hereby permitted.

Reason:

In order to ensure that no telecommunications plant or equipment which might be detrimental to the design and appearance of the building and visual amenity of the area is installed on the roof of the building in accordance with: The National Planning Policy Framework 2012; Strategic Policy 12 (Design and Conservation) of The Core Strategy 2011, and; Saved Policies 3.2 (Protection of Amenity) and 3.13 (Urban Design) of the Southwark Plan 2007.

#### 27 RESTRICTION ON THE INSTATEMENT OF ROOF PLANT AND OTHER ROOF STRUCTURES

No roof plant, equipment or other structures, other than as shown on the plans hereby approved or approved

pursuant to a condition of this permission, shall be placed on the roof or be permitted to project above the roofline of any part of the building[s] as shown on elevational drawings or shall be permitted to extend outside of the roof plant enclosure[s] of any building[s] hereby permitted.

Reason:

In order to ensure that no additional plant is placed on the roof of the building in the interest of the appearance and design of the building and the visual amenity of the area, in accordance with: The National Planning Policy Framework 2012; Strategic Policy 12 (Design and Conservation) of The Core Strategy 2011, and; Saved Policies 3.2 (Protection of Amenity) and 3.13 (Urban Design) of the Southwark Plan 2007.

## 28 RESTRICTION ON THE INSTATEMENT OF APPURTENANCES

No meter boxes, flues, vents or pipes [other than rainwater pipes] or other appurtenances not shown on the approved drawings shall be fixed or installed on the elevations of the buildings.

Reason

To ensure such works do not detract from the appearance of the buildings in accordance with The National Planning Policy Framework 2012, Strategic Policy 12 - Design and Conservation of The Core Strategy 2011 and Saved Policies 3.12 Quality in Design and 3.13 Urban Design of The Southwark Plan 2007.

## 29 SERVICING HOURS

Any deliveries, unloading and loading to the hotel and restaurant premises shall only take place between the following hours: 08:00 and 20:00 Monday to Friday, and; 10:00 and 16:00 on Saturdays, Sundays and Bank Holidays.

Reason:

To ensure that and occupiers of the development and occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance in accordance with: The National Planning Policy Framework 2012; Strategic Policy 13 (High Environmental Standards) of the Core Strategy 2011, and; Saved Policy 3.2 (Protection of Amenity) of The Southwark Plan 2007.

## 30 HOURS OF USE OF THE OUTDOOR DINING SPACE ASSOCIATED WITH THE RESTAURANT AND BAR

The tables and chairs used within the external dining area associated with the restaurant and ancillary bar use shall be vacated no later than 22:00hrs (10pm) each day, and occupied no earlier than 07:00hrs (7am) the following day.

Reason:

In order to protect the amenities of nearby residential occupiers from noise or disturbance from any activities associated with the use or mis-use of this furniture during the late evening and night-time in accordance with: the National Planning Policy Framework 2012; Policy 7.15 (Reducing and Managing Noise, etc) of the London Plan 2016; Strategic Policy 13 (High Environmental Standards) of the Southwark Core Strategy 2011, and; Saved Policy 3.2 (Protection of Amenity) of the Southwark Plan 2007.

## 31 EXTENT OF THE OUTDOOR DINING SPACE ASSOCIATED WITH THE RESTAURANT AND BAR

All items of outdoor dining furniture (tables, chairs etc.) associated with the restaurant use hereby approved shall not at any time be placed outside of the zone edged in red and blue and described as "Extents of outdoor terrace" on approved drawing 'Ufford Hotel - Hotel Restaurant and Outdoor Terrace'.

Reason:

To ensure that occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance or other disturbance in accordance with: the National Planning Policy Framework 2012; Strategic Policy 13 (High Environmental Standards) of the Core Strategy 2011, and; Saved Policy 3.2 (Protection of Amenity) of the Southwark Plan 2007.

## 32 PRIVACY SCREENS

Prior to first occupation of the building hereby permitted, and not before the screen material has been approved as part of the separate 'details of materials' condition listed elsewhere on this decision notice, all the privacy screens shown on the following approved drawings:

- A-110-102 - Rev P2 - Elevation 03
- A-110-103 - Rev P2 - Elevation 04
- A-100-099 - Rev P4 - Proposed Lower Ground floor
- A-100-100 - Rev P4 - Proposed Ground floor
- A-100-101 - Rev P4 - Proposed First floor

- A-100-102 - Rev P4 - Proposed Second floor
- A-100-103 - Rev P4 - Proposed Third floor

shall be fitted externally to the affected windows at the angle shown (approximately 30 degrees from the plane of the host wall) and retained as such for the duration of building occupation, and replaced only with material of the same specification, opaqueness and appearance.

Reason:

To ensure that occupiers of neighbouring premises do not suffer a loss of amenity by reason of overlooking in accordance with: Strategic Policy 13 (High Environmental Standards) of the Core Strategy 2011, and; Saved Policy 3.2 (Protection of Amenity) of the Southwark Plan 2007. and the National Planning Policy Framework 2012.

### 33 FLOOD RISK ASSESSMENT AND DRAINAGE STRATEGY

The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment and Drainage Strategy (reference: XL04447-FR01 (Stage 3) - Version 5) produced by Clarke Bond and dated 23/02/2018.

Reason:

To ensure the development is designed safely in reference to flood risk in accordance with: The National Planning Policy Framework 2012; Strategic Policy 13 (High Environmental Standards) of the Core Strategy 2011, and; Saved Policy 3.9 (Water) of the Southwark Plan 2007.

### 34 HOURS OF USE OF THE RESTAURANT AND BAR

The restaurant and ancillary bar use hereby permitted shall not be carried on outside of the hours 07:00 to 00:00 on Monday to Sunday, including Bank Holidays.

Reason:

To safeguard the amenities of neighbouring residential properties in accordance with: The National Planning Policy Framework 2012; Strategic Policy 13 (High Environmental Standards) of The Core Strategy 2011, and; Saved Policy 3.2 (Protection of Amenity) of The Southwark Plan 2007.

### 35 FLOOD EMERGENCY AND EVACUATION PLAN

Comprising the following documents:

- Flood Risk Assessment and Drainage Strategy - XL04447-FR01 (Stage 3) - Version 5 - produced by Clarke Bond and dated 23/02/2018)
- FLOOD EVACUATION PLAN - XLO4447/FP01 (Stage 3) - Version 6 (produced by Clarke Bond and dated 23/02/18)
- DESIGN NOTE: FLOOD PREVENTION (produced by Dexter Moran Associates and received 26/02/2018)
- A-180-100 - Rev. F0 - Proposed Ground floor Flood risk strategy
- A-180-099 - Rev. F0 - Proposed Lower Ground floor Flood risk Evacuation Strategy
- SUPPLEMENT TO DESIGN & ACCESS STATEMENT - Page 124 - Location and details of flood protection measures

the Flood Emergency and Evacuation Plan shall be implemented on first occupation of the premises hereby approved and carried out in accordance with the approved details for the lifetime of the development.

Reason:

To ensure future users and occupiers are made aware of and are protected as much as is reasonably possible from the flooding risk to this site, which is located within Flood Zone 3, in accordance with: The National Planning Policy Framework 2012; Strategic Policy 13 (High Environmental Standards) of the Core Strategy 2011, and; Saved Policy 3.9 (Water) of the Southwark Plan 2007.

### 36 ENERGY STRATEGY COMPLIANCE

The development hereby permitted shall be carried out in accordance with the Energy Strategy Report (Revision A) prepared by 'Applied ENERGY' and dated Oct 17, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To reduce carbon dioxide emissions as required by: the National Planning Policy Framework 2012; Strategic Policy 13 (High Environmental Standards) of the Core Strategy 2011; Policy 5.15 of the London Plan 2015 (Minimising Carbon Dioxide Emissions), and; Saved Policies 3.3 (Sustainability and Energy Efficiency) of the Southwark Plan.

### 37 CHP EMISSIONS

The CHP plant shall use natural gas and meet the relevant standard for its size as stated in Appendix 7 of the London Mayor's Supplementary Planning Guidance on Sustainable Design and Construction.

Reason:

To ensure the proposal minimises its impact on air quality in accordance with: The National Planning Policy Framework 2012; Strategic Policy 13 (High Environmental Standards) of the Core Strategy 2011, and; Saved Policies 3.3 (Sustainability Assessment), 3.4 (Energy Efficiency) and 3.6 (Air Quality) of the Southwark Plan 2007.

### 38 ROOFTOP AREAS NOT BE USED AS OUTDOOR AMENITY SPACE

The rooftop areas at ground, first floor, second floor, third floor and fourth floor levels of approved Block A (the block positioned on the western part of the site and which adjoins the Theatre View Apartments) shall not be used as outdoor amenity space by the occupiers or users of the premises hereby permitted. The roof areas shall be used for no purpose other than maintenance, repair or means of escape.

Reason:

To ensure that occupiers of neighbouring premises do not suffer a loss of amenity by reason of overlooking and noise nuisance in accordance with: Strategic Policy 13 (High Environmental Standards) of the Core Strategy 2011, and; Saved Policy 3.2 (Protection of Amenity) of the Southwark Plan 2007. and the National Planning Policy Framework 2012.

**Other condition(s)** - the following condition(s) are to be complied with and discharged in accordance with the individual requirements specified in the condition(s).

### 39 EXTERNAL LIGHTING

Any external lighting system installed at the development shall comply with the Institute of Lighting Professionals (ILE) Guidance for the Reduction of Obtrusive Light (January 2012).

Details of any external lighting (including: design; power and position of luminaries; light intensity contours) of all affected external areas (including areas beyond the boundary of the development) shall be submitted to and approved by the Local Planning Authority in writing before any such lighting is installed. The development shall not be carried out otherwise in accordance with any such approval given.

Prior to the external lighting being commissioned for use a validation report shall be submitted to the LPA for approval in writing.

Reason:

In order that the Council may be satisfied as to the details of the development in the interest of the visual amenity of the area, the amenity and privacy of adjoining occupiers, and their protection from light nuisance, in accordance with: The National Planning Policy Framework 2012; Strategic Policy 12 (Design and Conservation) and Strategic Policy 13 (High Environmental Standards) of The Core Strategy 2011, and; Saved Policies 3.2 (Protection of Amenity) and 3.14 (Designing Out Crime) of the Southwark Plan 2007.

### 40 RESTRICTION ON PLANT NOISE LEVELS, AND PRE-COMMISSIONING SUBMISSION OF VALIDATION TEST RESULTS

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. Prior to the plant being commissioned a validation test shall be carried out following completion of the development. The results shall be submitted to the LPA for approval in writing. The plant and equipment shall be installed and constructed in accordance with the approval given and shall be permanently maintained thereafter.

Reason:

To ensure that occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance or the local environment from noise creep due to plant and machinery, in accordance with: the National Planning Policy Framework 2012; Strategic Policy 13 (High Environmental Standards) of the Core Strategy 2011, and; Saved Policy 3.2 (Protection of Amenity) of the Southwark Plan 2007.

### 41 ARCHAEOLOGICAL REPORTING

Within six months of the completion of archaeological site works, an assessment report detailing the proposals for

post-excavation works, publication of the site and preparation of the archive shall be submitted to and approved in writing by the Local Planning Authority and that the works detailed in this assessment report shall not be carried out otherwise than in accordance with any such approval given.

Reason:

In order that the archaeological interests of the site are 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 Chapter 12, paragraph 141 of the National Planning Policy Framework, policy 12 of the Core Strategy 2011 and saved policy 3.19 of the Southwark Plan 2007.

**Statement of positive and proactive action in dealing with the application**

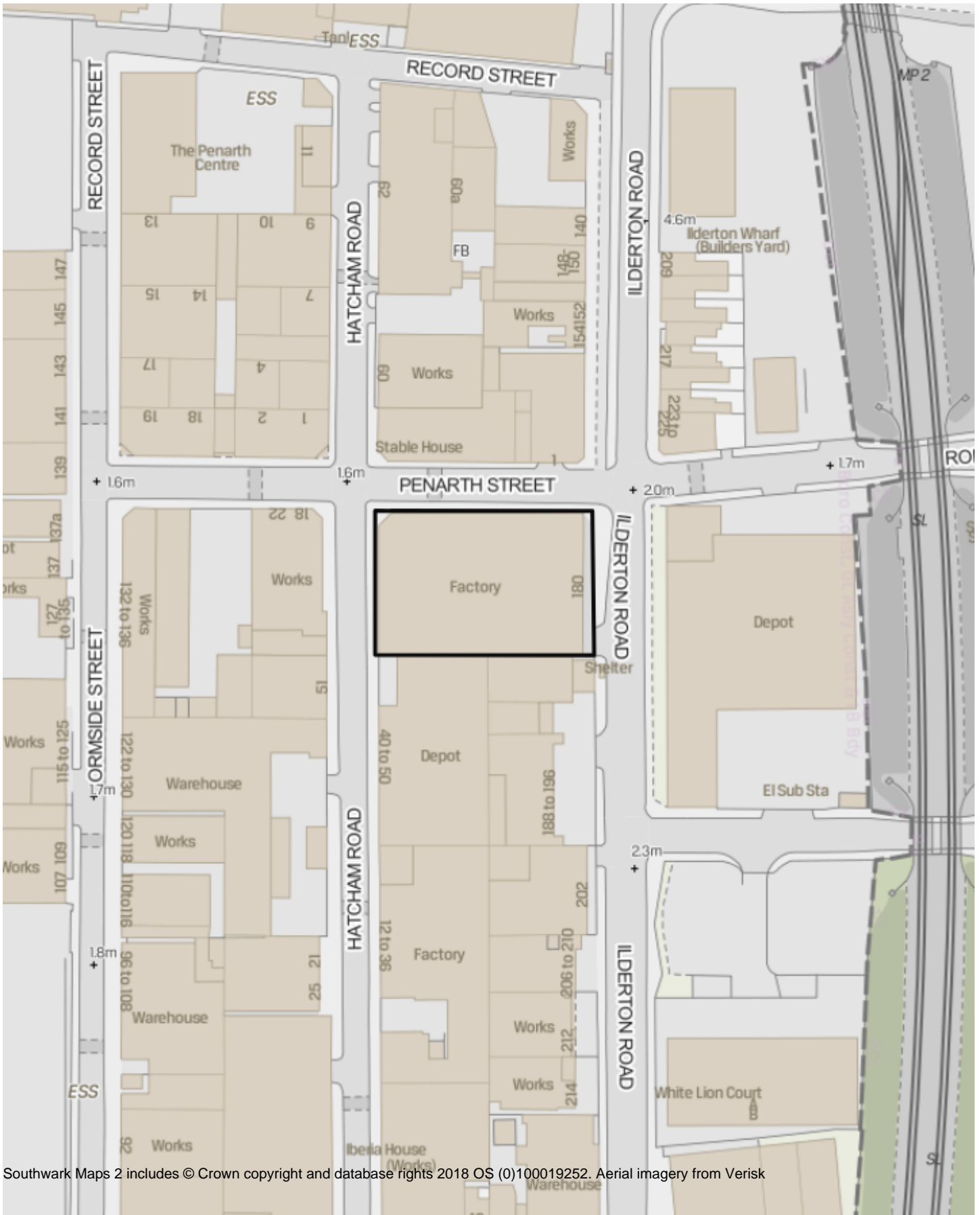
The Council has published its development plan and core strategy on its website together with advice about how applications are considered and the information that needs to be submitted to ensure timely consideration of an application. Applicants are advised that planning law requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

The pre-application service was used for this application and the advice given has been followed in part.

The applicant was advised of amendments needed to make the proposed development acceptable. These amendments were submitted enabling the application to be granted permission.

The application was validated promptly.

The application was subject to a planning performance agreement and was determined with the agreed (amended) timescale.



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<b>Item No.</b> 7.2	<b>Classification:</b> Open	<b>Date:</b> 21 March 2018	<b>Meeting Name:</b> Planning Committee
<b>Report title:</b>	<b>Development Management planning application:</b> Application 17/AP/4546 for: Full Planning Application  <b>Address:</b> 180 ILBERTON ROAD, LONDON SE15 1NT  <b>Proposal:</b> Demolition of existing building and erection of a part 5, 8 and 9 storey plus basement mixed-use development (max height 29.98m) comprising 2,351 sqm (GIA) of flexible workspace (Use Class B1) and 84 residential apartments (Use Class C3) with associated amenity space and ancillary infrastructure.  (This application represents a departure from strategic policy 10 'Jobs and businesses' of the Core Strategy (2011) and saved policy 1.2 'strategic and local preferred industrial locations' of the Southwark Plan (2007) by virtue of proposing to introduce residential accommodation in a preferred industrial location).		
<b>Ward(s) or groups affected:</b>	Livesey		
<b>From:</b>	Director of Planning		
<b>Application Start Date</b> 20/12/2017		<b>Application Expiry Date</b> 21/03/2018	
<b>Earliest Decision Date</b> 04/02/2018			

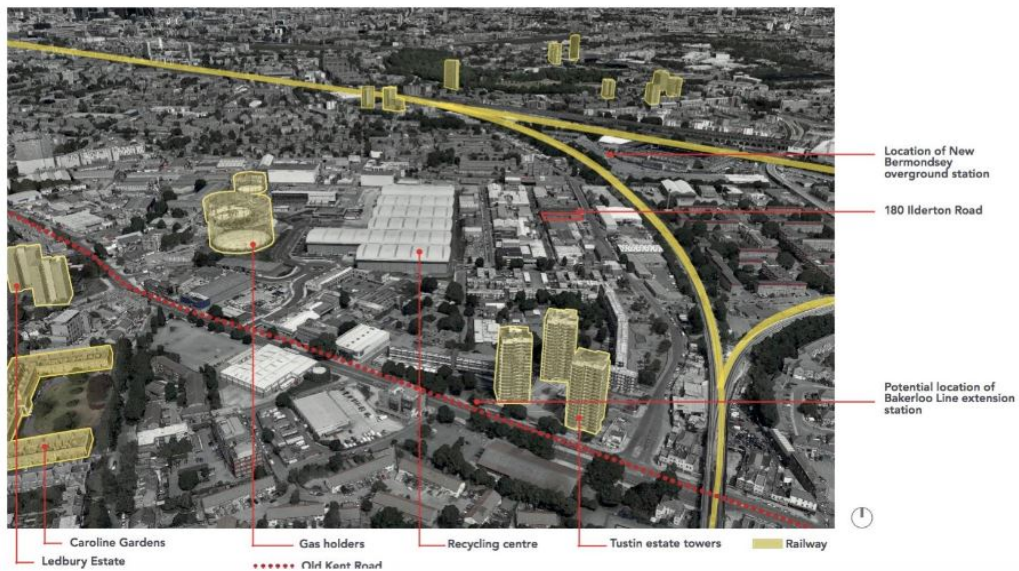
## RECOMMENDATIONS

1. That planning permission be granted, subject to conditions and following the completion of a s106 agreement.
2. In the event that the s106 agreement is not completed 30 September 2018, that the director of planning be authorised to refuse planning permission, if appropriate, for the reasons set out in paragraph 96 of this report.

## BACKGROUND INFORMATION

### Site location and description

3. The site is a rectangular shaped plot of land which fronts onto Hatcham Road to the east, Penarth Street to the north and Ilderton Road to the west. It comprises of a two storey brick building formerly used as a coffee packing factory but since 2015 has been used as artists' studios and creative workspaces, managed by V22 as the head tenant who are workspace providers. Entrances to the building are from Penarth Street and Hatcham Road. Servicing is currently taken from Hatcham Road.



4. The surrounding area comprises a mix of commercial uses within a range of low rise industrial buildings and yards of a similar scale to the application site. Directly to the south of the site are industrial units of a similar size and scale comprising some light industrial use as well as artists' studios and workshops.



5. There are four trees located on the Penarth Street and Hatcham Road frontages. The site is not located within a Conservation Area, nor is it within the setting of a Listed Building.

#### Details of proposal

6. The proposals involve demolition of the existing commercial building containing



artists' studios and workshop spaces to allow for a mixed use building with employment and residential uses. The employment uses would be provided at basement, ground and first floor levels in the form of workspaces capable of use by small to medium sized enterprises, start up and creative type businesses. There would be a reduction in the employment re-provision when compared to the existing provision as detailed below.

Table - employment provision

	Existing	Proposed	Difference
Class B1 (GIA)	3,328	2,351	-977

7. There would be 84 new residential units. 35% of these (measured by habitable room) would be affordable with 72% social rented and 28% intermediate.
8. The building would rise to a total of five storeys on Penarth Street (north), eight storeys on Hatcham Road (west) and nine storeys along Ilderton Road (east). A podium at first floor level would be provided.



9. Amenity space would be provided in the form of projecting private balconies, communal amenity space and children's play space.
10. The proposal would be car free apart from three accessible blue badge bays which would be introduced on Penarth Street.
11. A commercial service route would be provided along the southern boundary, capable of forming a future service road when the southern neighbouring site comes forward for redevelopment. Servicing for the residential would be from a new loading bay on Penarth Street.
12. Enhancements to the public realm are proposed in the form of new tree planting and widening existing pavements.
13. Additional supporting information was submitted during the course of the application in relation to affordable workspace and a plan for existing businesses to be retained on the site following the redevelopment. Additional viability information was also submitted to support the delivery of 35% affordable housing.

### **Planning history**

14. There is no relevant planning history.
15. Pre-application discussions were held in relation to the proposal under consideration now, the details of which are held electronically by the Local Planning Authority. The main matters discussed were around the employment use, affordable housing, the height and massing, and servicing. No formal response was issued.

### **Planning history of adjoining sites**

At 62 Hatcham Road and 134-140 Ilderton Road

16. 17/AP/3757 Planning application submitted on 29 September 2017 for the demolition of existing buildings and construction of a building up to nine storeys for commercial and residential use. Application under consideration.

### **KEY ISSUES FOR CONSIDERATION**

#### **Summary of main issues**

17. The main issues to be considered in respect of this application are:
  - Principle in terms of land use, including consideration of emerging policy for the Old Kent Road Opportunity Area;
  - Environmental impact assessment;
  - Affordable housing;
  - Design issues, including height, scale and massing;
  - Housing mix;
  - Quality of accommodation;
  - Impact upon the amenity of neighbouring residential occupiers and the surrounding area;
  - Transport issues;
  - Impact on trees;
  - Planning obligations (Section 106 Undertaking or Agreement);
  - Sustainable development implications;
  - Other matters.

#### **Planning policy**

18. The application site is found within the following Local Plan designations:
  - Old Kent Road Preferred Industrial Location -Strategic
  - Old Kent Road Action Area
  - Urban density zone
  - Archaeological priority zone
  - Air quality management area.

National Planning Policy Framework (the Framework)

19. Section 1 - Building a strong, competitive economy  
 Section 4 - Promoting sustainable transport  
 Section 6 - Delivering a wide choice of high quality homes  
 Section 7 - Requiring good design  
 Section 8 - Promoting healthy communities

Section 10 - Meeting the challenge of climate change, flooding and coastal change

Section 11 - Conserving and enhancing the natural environment

Section 12 - Conserving and enhancing the historic environment

National Planning Policy Guidance (2014)

The London Plan 2016

20. Policy 2.17 Strategic Industrial locations  
 Policy 3.3 Increasing housing supply  
 Policy 3.5 Quality and design of housing developments  
 Policy 3.6 Children and young people's play and informal recreation facilities  
 Policy 3.8 Housing choice  
 Policy 3.9 Mixed and balanced communities  
 Policy 3.10 Definition of affordable housing  
 Policy 3.11 Affordable housing targets  
 Policy 3.12 Negotiating affordable housing on individual private residential and mixed use schemes  
 Policy 3.13 Affordable housing thresholds  
 Policy 4.3 Mixed use development and offices  
 Policy 4.4 Managing industrial land and premises  
 Policy 5.7 Renewable energy  
 Policy 5.8 Innovative energy technologies  
 Policy 5.11 Green roofs and development site environs  
 Policy 5.12 Flood risk management  
 Policy 5.13 Sustainable drainage  
 Policy 5.21 Contaminated land  
 Policy 6.9 Cycling  
 Policy 6.10 Walking  
 Policy 6.13 Parking  
 Policy 7.2 An inclusive environment  
 Policy 7.3 Designing out crime  
 Policy 7.4 Local character  
 Policy 7.6 Architecture  
 Policy 7.8 Heritage assets and archaeology  
 Policy 7.21 Trees and woodlands  
 Policy 8.2 Planning obligations  
 Policy 8.3 Community infrastructure levy

Core Strategy 2011

21. Strategic policy 1 - Sustainable development  
 Strategic policy 2 - Sustainable transport  
 Strategic policy 5 - Providing new homes  
 Strategic policy 6 - Homes for people on different incomes  
 Strategic policy 7 - Family homes  
 Strategic policy 10 - Jobs and businesses  
 Strategic policy 11 - Open spaces and wildlife  
 Strategic policy 12 - Design and conservation  
 Strategic policy 13 - High environmental standards  
 Strategic policy 14 - Implementation and delivery

Southwark Plan 2007 (July) - saved policies

22. The council's cabinet on 19 March 2013, as required by paragraph 215 of the NPPF,

considered the issue of compliance of Southwark Planning Policy with the National Planning Policy Framework. All policies and proposals were reviewed and the Council satisfied itself that the policies and proposals in use were in conformity with the NPPF. The resolution was that with the exception of Policy 1.8 (location of retail outside town centres) in the Southwark Plan all Southwark Plan policies are saved. Therefore due weight should be given to relevant policies in existing plans in accordance to their degree of consistency with the NPPF.

- 1.1 - Access to employment opportunities
- 1.2 - Strategic and local preferred industrial locations
- 1.5 - Small businesses
- 2.5 - Planning obligations
- 3.2 - Protection of amenity
- 3.3 - Sustainability assessment
- 3.4 - Energy efficiency
- 3.6 - Air quality
- 3.7 - Waste reduction
- 3.9 - Water
- 3.11 - Efficient use of land
- 3.12 - Quality in design
- 3.13 - Urban design
- 3.14 - Designing out crime
- 3.19 - Archaeology
- 3.28 - Biodiversity
- 4.2 - Quality of residential accommodation
- 4.3 - Mix of dwellings
- 4.4 - Affordable housing
- 4.5 - Wheelchair affordable housing
- 5.2 - Transport impacts
- 5.3 - Walking and cycling
- 5.6 - Car parking
- 5.7 - Parking standards for disabled people and the mobility impaired

#### Supplementary Planning Documents

- 23. Sustainable design and construction SPD (2009)
- Sustainability assessments SPD (2009)
- Sustainable Transport SPD (2010)
- Affordable housing SPD (2008 - Adopted and 2011 - Draft)
- Residential Design Standards SPD (2011 and 2015)
- Section 106 Planning Obligations and Community Infrastructure Levy (2015)
- Development Viability SPD (2016)

#### Old Kent Road Area Action Plan (OKR AAP)

- 24. The OKR AAP will guide and manage new development and growth in the area over the next 20 years. The preparation of this plan has also reached the 'Preferred Option' stage, and the Council is currently consulting on a set of new and amended policies until 21 March 2018. Adoption of the plan is expected in late 2018. As the document is still in draft form, it can only be attributed limited weight.

#### New Southwark Plan

- 25. Work is under way to prepare a New Southwark Plan (NSP) which will replace the saved policies of the 2007 Southwark plan and the 2011 Core Strategy. The Council has just concluded consultation on the submission version of the NSP. It is

anticipated that the plan will be adopted later in 2018 following an Examination in Public (EIP). Similarly with the OKR AAP, as the NSP is in draft form, it can only be attributed limited weight.

#### Draft New London Plan

26. Members should also be aware that the draft New London Plan was published on 30 November 2017. However, given that the plan process leading to the adoption of a new London Plan is only just beginning, this should be given very limited weight.

#### **Principle of development**

27. The site is located in the preferred industrial location-strategic (SPIL) which is an industrial location of strategic importance as identified in the Core Strategy and the London Plan. Introducing housing here would therefore represent a departure from the adopted Southwark and London Plan. The proposal also involves the loss of 977sqm of existing commercial floorspace, which would be contrary to strategic policy 10 of the Core Strategy and saved policy 1.2 of the Southwark Plan. Saved policy 5 is also relevant which encourages provision and replacement of small business units.
28. Strategic policy 10 of the Core Strategy states that the SPIL will be protected for industrial and warehousing uses. The Core Strategy does however, recognise that structural changes in the economy are resulting in a declining need for industrial land in London. The Core Strategy also recognises that diversifying the range of job opportunities in the industrial locations into new sectors would benefit local people. Further, it sets out the future direction of Old Kent Road as a growth and regeneration action area, subject to a future area action plan (AAP).
29. Saved Southwark Plan policy 1.2 states that the only developments that will be permitted in SPILs are B class uses and other sui generis uses which are inappropriate in residential areas.
30. London Plan policy 2.17 seeks to promote, manage and where appropriate, protect the Strategic Industrial Land as London's main reservoir of industrial and related capacity, which includes general and light industrial uses. It states that development on Strategic Industrial Land should be refused unless they provide for broad industrial type activities, are part of a strategically co-ordinated process of SIL consolidation through an opportunity area planning framework, meet the needs of small to medium sized enterprises or provide for small scale 'walk to' services for industrial occupiers such as workplace crèches or cafes.
31. The London Plan designates the Old Kent Road as an opportunity area, with an indicative capacity of 1,000 new jobs and a minimum of 2,500 new homes. It identifies the potential for residential-led development along the Old Kent Road corridor, with homes and jobs targets to be explored and further refined through the preparation of a planning framework and a review of the Old Kent Road Strategic Industrial Location.

#### The Old Kent Road Area Action Plan (OKR AAP)

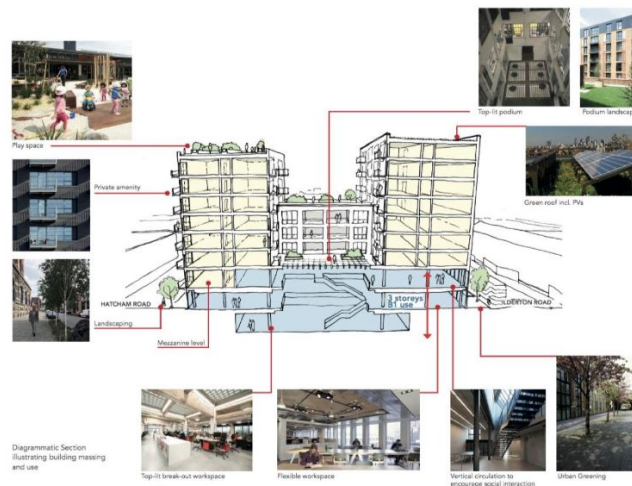
32. The emerging OKR AAP seeks to provide for much larger growth than that indicated by the London Plan and sets targets of a total of 20,000 new homes and 10,000 new jobs as well as new infrastructure, including parks and schools. It proposes the release of a substantial part of the Preferred Industrial Location designation to allow for the creation of mixed use neighbourhoods, so that new and existing businesses

are designed to co-exist with new homes.

33. The OKR AAP places the site within the proposed action area core, and within proposal site OKR 16 which covers the Hatcham Road and Ilderton Road area.
34. Emerging policy AAP6 of the OKR AAP states that development must retain or increase the amount of B Class floorspace on site, accommodate existing businesses on site or in the wider Old Kent Road Opportunity Area or provide relocation options for businesses that would be displaced by redevelopment and result in an increase in the number of jobs provided. It also requires the workspace to be managed by a specialist provider and for an element of affordable workspace to be provided.
35. Paragraph 216 of the NPPF states that weight can be afforded to relevant policies in emerging plans depending on the stage of preparation of the plan. The New Southwark Plan and Old Kent Road Area Action Plan have been subject to extensive consultation however they have yet to be subject to a independent examination and therefore the documents have some weight but they are not yet adopted policy. They do however, provide an indication of the direction of travel for planning policy in the opportunity area.
36. In determining whether the principle of the proposed development would be acceptable in land use terms, specifically the introduction of housing in the SPIL and the loss of 977sqm of existing employment floorspace, Members need to consider whether the wider regeneration benefits of the scheme would outweigh any harm caused, and whether those benefits would therefore justify a departure from the adopted planning policy. Officers consider that the key benefits arising from the proposal would be as follows.

#### Job creation

37. The existing building is considered to provide poor quality accommodation for artists' studios and creative type users. Owing to the subdivision of the floorspace, much of it has no natural daylight, and suffers from water ingress and sub optimal levels of heating. The existing building provides for around 110 full time jobs. By comparison, the new development could support a higher number of jobs estimated at around 154 jobs based on employment densities of 1 job per 13sqm (NIA). The new workspaces would meet the needs of the SME and emerging creative sectors. This is a positive aspect of the proposal.
38. To mitigate the loss of B class floorspace which would arise, a contribution of £27,469 would be required towards skills and employment programmes in the borough, which in turn would help residents into employment. This has been calculated in accordance with the Council's Planning Obligations and CIL SPD and would be secured through the s106 agreement.



### Business relocation and retention

39. In this case, the applicant is a contractual purchaser of the site and accordingly does not have any legal capacity to deal directly with the sub tenants, who are instead managed by V22 as the head lessee. Despite, this, the applicant have committed to working with V22 to assist in finding the existing businesses suitable premises elsewhere. The applicant also owns a limited amount of space in the nearby Penarth Centre on Penarth Street which is soon to become vacant and can be made available to existing tenants which is welcomed. Businesses will be offered space back following completion of the development which is also welcomed and supported. Further details of the relocation and retention strategy will be secured by the legal agreement.

### Affordable workspace

40. The applicant has agreed to provide an element of affordable workspace within the scheme comprising of 10% of the floorspace at rents of £12 per sq ft over a 15 year period. The rents would be subject to inflation over this time. The level of rent would make the space very affordable to artists and creative businesses and the space would be offered to existing businesses first, as part of the business retention plan described above.

### Specialist workspace provider

41. The employment space has been designed to be flexible so that it could accommodate a range of different unit sizes and shared workspaces. The applicant has committed to secure a creative workspace provider such as V22 which currently manages the existing space. This can be secured through a section 106 planning obligation.

### Provision of housing, including affordable housing

42. The scheme would provide 84 new residential units, including policy compliant affordable housing comprising social rented and intermediate units. There is a pressing need for housing in the borough. Policy 3.3 of the London Plan supports the provision of a range of housing and sets the borough a target of 27,362 new homes between 2015-2025. This is reinforced through Strategic Policy 5 of the Core Strategy which requires development to meet the housing needs of people who want to live in Southwark and London by providing high quality new homes in attractive areas, particularly growth areas. It would also be in accordance with emerging policy

for the Old Kent Road Opportunity Area and the expectation of significant new housing provision.

#### Impact of the proposed residential use

43. Concern has been raised from an adjoining business that the introduction of housing here could restrict and prejudice the operation of existing businesses in the area. The type of businesses that operate in the Hatcham Road area is changing and many of the historical manufacturing businesses have moved out. The area today increasingly comprises start up businesses, artists and small scale makers. Given the changing nature of the uses now carried out, it is not felt that these businesses would be prejudiced and they could continue to operate and co-exist with the introduction of new residential uses. In addition the developer will provide a new off street servicing route that should ensure that both this site and its neighbours can accommodate a wide range of commercial users in the future without harming residential amenity or prejudicing those commercial uses. This is a key requirement of the draft masterplan and its provision is welcomed. Conditions are recommended in relation to noise and sound insulation within the building, and also in relation to servicing hours.

#### Conclusion on land use

44. To conclude in relation to land uses, the proposed development would be contrary to strategic policy 10 of the Core Strategy owing to the loss of B class floorspace when compared to the existing provision, and the introduction of residential into the SPIL would represent a departure from the adopted development plan. This must therefore be weighed against the benefits of the scheme including job creation, business retention, delivery of affordable workspace, the provision of housing, of which 35% would be affordable, and the provision of good quality, flexible commercial space. Some weight can be attached to the NSP and OKR AAP at present, given that they have been subject of extensive consultation and the emerging policies would support the proposal. The loss of B class floorspace in this specific instance could therefore be justified and mitigated through a s106 contribution. Given the changing character of the area, it is not felt that the introduction of housing would prejudice the operation of existing businesses in the area. In light of this officers consider that the principle of the proposed development in land use terms should be supported.

#### **Environmental impact assessment**

45. The applicant made a screening request to determine whether an Environmental Impact Assessment (EIA) is required in respect of the proposed development. A formal screening opinion was issued on 21 November 2017 confirming that the proposed development did not constitute EIA development and accordingly does not need to be supported by an Environmental Statement.

#### **Affordable housing**

46. Strategic Policy 6 of the Core Strategy 'Homes for People on Different Incomes' requires at least 35% of the residential units to be affordable. For developments of 15 or more units affordable housing is calculated as a percentage of the habitable rooms and further information on this can be found in the Council's draft Affordable Housing SPD (2011). All of the affordable units should be provided on site and a mix of housing types and sizes is required. In accordance with Saved Policy 4.5 of the Southwark Plan, for every affordable housing unit which complies with the wheelchair design standards one less affordable habitable room will be required.



47. Saved Policy 4.4 of the Southwark Plan requires a tenure split of 70% social rented to 30% intermediate housing. This is reiterated in the draft OKR AAP.
48. In total, 252 habitable rooms would be provided in the development. The development would provide a total of 89 affordable habitable rooms which would equate to an overall provision of 35%. The level of provision is therefore acceptable and policy compliant. Viability information has been submitted which supports the delivery of the quantum of affordable housing proposed.
49. With regard to tenure split, out of the 89 affordable habitable rooms, 64 would be social rented (72%) and 25 would be intermediate shared ownership (28%). This is slightly out from the 70% social rented and 30% intermediate split required but it is in the favour of social rented which is welcomed.

Table: Affordable housing

<b>Units</b>	<b>Social rented</b>	<b>Intermediate (shared ownership)</b>	<b>Total</b>
<b>1 bed</b>	2	2	4
<b>2 bed</b>	6	2	8
<b>3 bed</b>	8	3	11
<b>Total</b>	16	7	23

50. The proposal would provide a total of 23 affordable units in a mix of unit sizes, including larger number social rented family sized units (8), which is a positive aspect of the scheme. A section 106 agreement is recommended to secure the delivery of these units, including a clause preventing more than 50% of the private units from being occupied until the affordable units have been completed.

### **Design issues, including height, scale and massing**

51. Strategic Policy 12 of the Southwark Core Strategy (2011) states that all development in the borough will be expected to "achieve the highest possible standards of design for buildings and public spaces to help create attractive and distinctive places which are safe, easy to get around and a pleasure to be in". Saved Policy 3.13 of the Southwark Plan asserts that the principles of good urban design must be taken into account in all developments which includes height, scale and massing of buildings, consideration of the local context, its character and townscape as well as the local views and resultant streetscape.
52. The emerging policy in the AAP sets out a vision for the Old Kent Road that would see substantial change in the area over the next twenty years, whilst seeking design that responds well to its existing character and sense of place. There are no conservation areas or listed buildings in the vicinity of the application site. The draft AAP does however identify buildings of townscape merit and architectural or historic interest around the site. None would be harmed by these proposals. Given the height proposed, it is not considered that this proposal would result in any harm to designated London wide or local protected views.

### Height, scale and massing

53. The height, scale and massing proposed is in line with the emerging policy set out in the draft AAP. At its highest point, the development under consideration here would be 29.98m high, comprising of five storeys on Penarth Street (north), eight storeys on Hatcham Road (west) and nine storeys along Ilderton Road (east). This dynamic

massing proposal responds well to both the existing context, and potential future development around the site, as illustrated in the draft OKR AAP. It also allows for the podium level amenity space to be well naturally lit.



54. The footways around the building would be widened and eight new street trees would be planted (plus the retention of two existing street trees). This would create a comfortable setting for a building of this height, particularly where it is at its tallest, fronting onto Ilderton Road.

#### Design quality

55. The design proposed is of a high quality that responds well to the character of the surrounding context. The architectural language is inspired by post war warehouse buildings, resulting in an attractive, well proportioned simplicity driven by the structural grid of the building. The windows would be Crittall style windows, well in keeping with the aesthetic proposed. Windows of this nature are common in buildings around the application site. The rational, repetitive rhythm of the windows, and the depth of the window reveals further contribute to the industrial aesthetic.
56. Within this simple articulation, the building would have a clear, but subtly differentiated hierarchy of 'base', 'middle' and 'top'. This ensures comfortable proportions and a clear articulation of the mix of uses proposed. The 'base' would ground the building at the back edge of the footway, with the extent of the workspace denoted by a continuous brick band at mezzanine level. The 'middle' would feature a clear rhythm windows and balconies, broken up by recessed vertical bays, highlighted with a slightly darker colour metal. The 'top' would be expressed with a simple coping stone. The corner piers would be wider than typical piers elsewhere in the building, to provide a sense of solidity and to ground the building.



### Materials

57. A masonry language is proposed for the building, in response to the character of the surrounding area. This would consist predominantly of a mid grey coloured brick, with reconstituted stone cills and copings. The protruding balconies would be enclosed by metal railings. These materials, along with the details described above are considered an appropriate response to the existing character of the area and the emerging architectural language proposed in the draft OKR AAP. Detailed drawings and material samples should be required by condition in order to ensure that this quality of design is delivered.



### Conclusion on design

58. The building would be of an appropriate height and scale and accordingly considered acceptable. The design quality, and use of brick and Crittall style windows would ensure that a high quality of finish would be achieved. Conditions are recommended

in relation to detailed design and material samples.

### Housing mix

59. Strategic Policy 7 of the Core Strategy 'Family homes' requires developments of 10 or more units to provide at least 60% 2+ bedroom units and 20% 3+ bedroom units. No more than 5% studio units can be provided and these can only be for private housing. At least 10% of the units should be suitable for wheelchair users.

Table 2: Unit mix

	<b>Total number units (number)</b>	<b>Total Units (%)</b>
<b>Studios</b>	1	1.2%
<b>1 bed</b>	32	38.1%
<b>2 bed</b>	34	40.5%
<b>3 bed</b>	17	20.2%
<b>Total units</b>	84	100%

60. 60.7% of units would have two or more bedrooms; this meets the 60% target and is therefore acceptable. 20.2% of the units would have three or more bedrooms, which marginally exceeds the 20% minimum. The numbers of studios proposed is 1.2% which is well within the maximum allowed. Eight wheelchair units (10%) would be provided. These wheelchair units would be provided in the social, intermediate and private tenures in a range of unit sizes. This is considered acceptable and appropriate. The social rented and intermediate units would be required to be fully fitted for first occupation, with private units being adaptable. In summary the housing mix would be in accordance the relevant policy.

### Density

61. Policy 3.4 Optimising Housing Potential of the London Plan states that development should optimise housing output for different types of location within the relevant density range shown in Table 3.2 of the Plan. It also requires local context, the design principles and public transport capacity to be taken into account. Strategic Policy 5 – Providing new homes of the Core Strategy sets out the density ranges that residential and mixed use developments would be expected to meet. As the site is located within the Urban Zone, a density range of 200 to 700 habitable rooms per hectare would be sought. Appendix 2 of the Saved Southwark Plan sets out guidance for how density should be calculated. In order for a higher density to be acceptable, the development would need to meet the criteria for exceptional design as set out in section 2.2 of the Residential Design Standards SPD.
62. The development as a whole would have a density of 1,786 habitable rooms per hectare. Since the maximum upper limit of 700hrh would be significantly exceeded, the development would need to demonstrate that it would be excellent in relation to housing quality. If it can be demonstrated that an excellent standard of accommodation would be provided, and the response to context and impact on amenity to existing occupiers is acceptable, then it is considered that the high density in this Opportunity Area location would not raise any issues to warrant withholding permission. This is considered in the following paragraphs.

### **Quality of accommodation**

63. Saved Policy 4.2 of the Southwark Plan advises that planning permission will be granted provided the proposal achieves good quality living conditions. The standards in relation to internal layout are set out in the adopted Residential Design Standards SPD 2011 and include guidance on overlooking standards as well as requiring the predominance of dual aspect accommodation.

#### Aspect

64. 64% of the proposed units would be dual aspect with no north facing units. All of the three bed units would also have a dual aspect. A clear majority of the units would therefore be dual aspect which is supported.

#### Unit sizes

65. All of the proposed units would satisfy the minimum floor areas set out in Southwark's Residential Design Standards SPD and accordingly this aspect of the scheme is also policy compliant.

#### Internal daylight within the proposed dwellings

66. A daylight and sunlight report based on the Building Research Establishment (BRE) Guidance has been submitted which considers light to the proposed dwellings using the Average Daylight Factor (ADF). ADF determines the natural internal light or daylight appearance of a room and the BRE guidance recommends an ADF of 1% for bedrooms, 1.5% for living rooms and 2% for kitchens. This also adopts an ADF of 2% for shared open plan living room/kitchens/dining.
67. There are 17 rooms out of the whole development which do not achieve full compliance with the BRE. However this represents a small proportion out of the 254 overall rooms (7%). The areas of non compliance are on the lower floors of the proposed development. All rooms from 3<sup>rd</sup> floor up would all be fully compliant. This is considered acceptable.

#### Overlooking

68. There would be some opportunities for overlooking between habitable windows of differing residential units within the Hatcham Road and Ilderton Road blocks, however they would be separated by the podium amenity space which is 19m wide and is considered to avoid any harmful overlooking.

#### Amenity and play space

69. All new residential development must provide an adequate amount of useable outdoor amenity space. The Residential Design Standards SPD sets out the required amenity space standards which can take the form of private gardens and balconies, shared terraces and roof gardens. Policy 3.6 of the London Plan requires new developments to make provision for play areas based on the expected child population of the development. Children's play areas should be provided at a rate of 10sqm per child bed space (covering a range of age groups). The emerging OKR AAP requires 5sqm of public open space per dwelling as per AAP 10.

70. The following amount of amenity space would need to be provided:

- For units containing 3 or more bedrooms, 10sqm of private amenity space as

- required by the SPD;
- For units containing 2 bedrooms or less, ideally 10sqm of private amenity space, with the balance added to the communal space;
- 50sqm communal amenity space per block as required by the SPD;
- 10sqm of children's play space for every child space in the development as required by the London Plan;
- 5sqm of public open space per dwelling as required by the OKR AAP. If it is not feasible to deliver the open space on site, a financial contribution will be required.

#### Private amenity space

71. All flats, including the studio unit, have been provided with private amenity space in the form of balconies, which is a positive benefit of the scheme. The three bed flats would be provided with 10sqm or more.

#### Communal amenity space

72. Where the full recommended provision of 10sqm per residential unit has not been provided, the shortfall has been added to the communal requirement. In this case, a total of 202sqm of communal space would need to be found. Combined with the 50sqm required per block, a total of 252sqm of communal amenity space would be required. Combined, the roof terrace areas would achieve the 50sqm minimum as well as making up the shortfall in private amenity space. This aspect is therefore acceptable.

#### Children's amenity space

73. In line with the Mayor's Providing for Children and Young People's Play and Informal Recreation SPG the development would be required to provide 243sqm of children's play space. An area of playspace has been provided on the roof of the Hatcham Road block which meets this requirement and an indicative playspace layout has also been provided, further details of which can be secured by condition.

#### Public open space

74. Policy AAP10 of the emerging OKR AAP requires the provision of 5sqm of public open space per dwelling. As it is not feasible to provide this on site then a financial contribution would be required. Although this policy currently has limited weight, the applicant has agreed to make the contribution of £86,100 based on the 84 dwellings proposed (at a cost of £205 per sqm as set out in the section 106 SPD) which could go towards off site delivery, and can be secured by the legal agreement.

#### Noise

75. The site is located within the SPIL, and the proposed residential units would adjoin existing commercial units to the immediate south at 40-50 Hatcham Road and 188-196 Ilderton Road which is occupied as showroom and studio space. An environmental noise assessment has therefore been undertaken to assess whether the site would be suitable for residential development. The report has been reviewed by the Council's Environmental Protection Team (EPT) and a condition to secure appropriate internal noise levels is recommended, which should minimise the likelihood of noise complaints against the existing industrial occupiers. This should be capable of being achieved with robust glazing.

### Conclusion on quality of accommodation

76. The proposed development would provide well lit and well ventilated homes that meet the space requirements of the Residential Design Standards. Sufficient private, shared communal and children's play space has been provided meeting the minimum requirements. The quality of accommodation is therefore considered to justify the high density of the scheme. Section 106 payments have been secured for public open space which can go towards the delivery of open space elsewhere since it is not possible to provide this on site.

### **Impact of proposed development on amenity of adjoining occupiers and surrounding area**

77. Strategic Policy 13 of the Core Strategy 'High Environmental Standards' seeks to ensure that development sets high standards for reducing air, land, noise and light pollution and avoiding amenity and environmental problems that affect how we enjoy the environment in which we live and work. Saved Policy 3.2 of the Southwark Plan states that permission will not be granted for developments where a loss of amenity, including disturbance from noise, would be caused. The adopted Residential Design Standards SPD expands on policy and sets out guidance for protecting amenity in relation to privacy, daylight and sunlight.

### Daylight and sunlight

78. There are no neighbouring residential units that have the potential to be impacted by daylight and sunlight. The surrounding uses comprises of commercial occupiers only.

### Cumulative daylight and sunlight analysis

79. An assessment has however been carried out considering the future redevelopment potential of neighbouring sites. Indicative massing proposals have been prepared to understand any potential daylight impacts to future residential units on these neighbouring sites and whether they would have access to a reasonable standard of daylight and sunlight if the development under consideration here were to be fully built out. This has been carried out using the ADF analysis. The indicative massing proposals of these neighbouring sites take the similar form to that proposed here which is two levels of commercial space at ground and first floor level with residential units above. The analysis of these potential cumulative schemes demonstrates that the proposal would not prevent any of the neighbouring blocks from successfully bringing forward residential schemes as the majority of those habitable windows would achieve reasonable standards of daylight and sunlight. The indicative massing analysis does indicate that the sites to the immediate south at 40-50 Hatcham Road and 188-196 & 202 Ilderton Road would need to incorporate a greater set back from the shared boundary in order to allow more daylight through, however this issue can be considered more fully when pre-application proposals for the site come forward. The form and massing of the proposal is therefore considered acceptable and appropriate and would allow neighbouring sites to successfully deliver good quality accommodation.

### Overlooking

80. In order to prevent harmful overlooking, the Residential Design Standards SPD 2011 requires developments to achieve a distance of 12m at the front of the building and any elevation that fronts a highway and a minimum of 21m at the rear. These distances are all met in terms of the impact of the proposal on adjacent buildings.

81. If the sites to the immediate south of the site at 40-50 Hatcham Road and 188-196 Ilderton Road were to come forward for redevelopment, there could be a close distance of around 6m between the habitable room windows of the units within the separate sites. This would fall well short of the required 21m. As mitigation, the main habitable room windows of living rooms proposed here have been orientated to face away from this side, with the other rooms comprising of bedrooms only. It is however considered appropriate to attach a condition requiring these windows to be obscure glazed and fixed shut to a height of 1.8m which would address any harmful overlooking that may arise.

#### Air quality

82. The site is located in an air quality management area and an air quality assessment has been submitted, which considers the air quality impacts arising from the construction and use of the development.
83. The council's environmental protection team (EPT) has reviewed the submission and advised that they will require the emissions during the construction phase to be controlled by measures contained within a Construction Management Plan. Such a plan should detail details of continuous monitoring for dust and noise. It is recommended that this plan be requested by condition.

#### **Transport issues**

84. Core Strategy Strategic Policy 2 encourages walking, cycling and the use of public transport rather than travel by car. Saved policy 5.2 of the Southwark Plan seeks to ensure that developments do not result in adverse highway conditions; 5.3 requires that the needs of pedestrians and cyclists to be considered and 5.6 establishes maximum parking standards.

#### Accessibility

85. The site has a PTAL (public transport accessibility level) of 2 (moderate) and is not located in a controlled parking zone (CPZ). It is within 500m south of South Bermondsey Railway Station. The site is close to Quietway 1 which provides a good quality cycle link to Waterloo. The nearest bus stop is located to the east on Ilderton Road.

#### Servicing

86. A new one-way servicing access would be provided from Hatcham Road for the employment use. This would allow vehicles of up to 7.5 tonnes lorries to reverse in and exit in a forward gear, thereby taking servicing off the highway which is welcomed and supported. There is potential for this service route to be widened to become two way when the adjacent southern sites come forward for development. Access would not currently be permitted through to Ilderton Road to avoid any conflict with the existing bus stop, however, there is potential for this stop to be relocated in the future. Loading for the residential use would be from a new loading bay to be provided on Penarth Street because of available on street capacity, the detailed design of which can be secured by legal agreement.





87. In order to ensure that on-street servicing and deliveries do not negatively impact on the highway network, the council is currently working on proposals to recommend that applicants in the Old Kent Road Opportunity Area enter into Delivery Service Plan Bonds against their baseline figures for daily servicing and delivery trips. These bonds would be calculated at £100 per residential unit and £100 per 5000 sqm non-residential floorspace. If, post implementation, the trip generation of the development is above the estimate set out in the transport assessment, the applicant will lose the bond. The bond is not intended as a financial penalty, but as a means of mitigating any harmful impacts from the proposed development and ensuring a better quality of life for current and future residents.

#### Car parking

88. The residential aspect of the scheme will be car free with the exception of three disabled parking bays which would be provided on Penarth Street following survey work demonstrating that on street capacity exists. These three disabled spaces would adequately serve the eight wheelchair flats proposed and accordingly is acceptable. All new residents and commercial occupiers should be made exempt from obtaining parking permits and the relevant condition would be attached to any permission issued. Three year car club membership for all eligible residents has been secured under the terms of the legal agreement.

#### Cycle parking

89. One cycle parking space would be provided for each residential unit, 20 spaces would be provided for the commercial element which is slightly under what is required by the latest London Plan standards but is found to be acceptable here, with further details secured by condition. The applicant has agreed to provide three years membership to all eligible residents to Dockless cycle hire schemes which can be secured by legal agreement.

### Construction management

90. In order to ensure that increases in traffic, noise and dust associated with the construction phase of the development are minimised, a construction management plan is requested by condition.

### **Impact on trees**

91. Saved policy 3.13 of the Southwark Plan requires high quality and appropriately designed streetscape and landscape proposals.
92. The proposal would involve the removal of two existing street trees in order to facilitate the development. Eight new trees would be planted which represents a net gain in tree cover which is welcomed and supported. The existing pavement would be widened to accommodate the new tree planting which can be secured by a s.278 agreement.

### **Planning obligations (S.106 undertaking or agreement)**

93. Saved Policy 2.5 of the Southwark Plan and Policy 8.2 of the London Plan advise that planning obligations can be secured to overcome the negative impacts of a generally acceptable proposal. Saved Policy 2.5 of the Southwark Plan is reinforced by the recently adopted Section 106 Planning Obligations 2015 SPD, which sets out in detail the type of development that qualifies for planning obligations. Strategic Policy 14 'Implementation and delivery' of the Core Strategy states that planning obligations will be sought to reduce or mitigate the impact of developments. The NPPF which echoes the Community Infrastructure Levy Regulation 122 which requires obligations be:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

94. The application would be supported by the following s106 obligations:

Planning Obligation	Mitigation	Applicant Position
Archaeology	£11,171	Agreed
Affordable housing monitoring	£11,500	Agreed
Carbon Offset – Green Fund	£109,956	Agreed
Delivery and service bond	£8,900	Agreed
Loss of employment	£27,469	Agreed
Public open space	£86,100	Agreed
Transport for London Buses	£55,285	Agreed
Transport for London Legible signage	£12,000	Not agreed
Transport for London Healthy Streets	£84,000	Not agreed
Admin fee	2%	Agreed

95. In addition to the financial contributions set out above, the following other provisions would be secured:

- Affordable housing provisions
- Wheelchair housing provisions
- Appointment of workspace co-ordinator
- Affordable workspace – 10% of floorspace
- Terms for the affordable workspace –£12 per sq ft, over a 15 year period

- Retention of existing occupiers business plan
- Construction phase jobs
- Highway works – s278 for parking bays, highway works including disabled and loading bay provision and tree planting
- Delivery of service route
- Dockless cycle hire for 3 years
- Car club membership for 3 years
- Connection to a future district heating system

96. In the event that an agreement has not been completed by 30 September 2018, the committee is asked to authorise the director of planning to refuse permission, if appropriate, for the following reason:

*In the absence of a signed S106 legal agreement there is no mechanism in place to secure adequate provision of affordable housing and mitigation against the adverse impacts of the development through contributions and it would therefore be contrary to Saved Policy 2.5 Planning Obligations of the Southwark Plan 2007, Strategic Policy 14 Delivery and Implementation of the Core Strategy ( 2011) Policy 8.2 Planning Obligations of the London Plan (2015) and the Southwark Section 106 Planning Obligations and Community Infrastructure Levy SPD (2015).*

#### Mayoral and Southwark Community Infrastructure Levy (CIL)

97. Section 143 of the Localism Act states that any financial contribution received as community infrastructure levy (CIL) is a material “local financial consideration” in planning decisions. The requirement for payment of the Mayoral or Southwark CIL is therefore a material consideration. However, the weight attached is determined by the decision maker. The Mayoral CIL is required to contribute towards strategic transport investments in London as a whole, primarily Crossrail, while Southwark’s CIL will provide for infrastructure that supports growth in Southwark.
98. In this instance a Mayoral CIL payment of £314,011 and a Southwark CIL payment of £1,224,171 would be required. These are pre-social housing relief figures and accordingly would be reduced when the CIL Social Housing Relief claim is submitted after the grant of planning permission.

#### **Sustainable development implications**

99. Policy 5.2 of the London Plan requires major developments to provide an assessment of their energy demands and to demonstrate that they have taken steps to apply the Mayor’s energy hierarchy. Policies 5.5 and 5.6 require consideration of decentralised energy networks and policy 5.7 requires the use of on-site renewable technologies, where feasible. The residential aspect of the proposal would be expected to achieve zero carbon, and the commercial aspect a 40% reduction against part L of the Building Regulations. An Energy statement and Sustainability Assessment based on the Mayor’s hierarchy have been submitted.

#### Be lean (use less energy)

100. Energy efficient measures included in the strategy are high efficiency glazing and energy efficient lighting using LED lamp technology and a reduced air permeability rate.

#### Be clean (supply energy efficiently)

101. A combined heat and power plant (CHP) would be provided to reduce the carbon

dioxide savings further.

102. The building would be future-proofed for connection to a future district heating system which would be secured through the S106 agreement.

Be green (low or carbon zero energy)

103. A range of low or zero carbon technologies was considered and photo voltaic panels (PVs) were found to be most suitable for this scheme. The PVs proposed would reduce carbon emissions by 5%; this would fall short of the 20% Core Strategy target for Strategic Policy 13 of the Core Strategy.
104. The 'be lean', 'be clean' and 'be green' measures would result in an overall reduction of 34% in carbon dioxide emissions when compared to a scheme compliant with the building regulations. For the residential element, a 44% carbon reduction would be achieved falling short of the zero carbon requirements as set out in policy 5.2 of the London Plan, amounting to a 52.8 tonne shortfall. For the commercial element, a 24% reduction in carbon emissions would be achieved, falling short of the 40% target against Part L of the Building Regulations, amounting to a 8.2 tonne shortfall.
105. Recognising that both the residential and commercial aspects fall below the policy requirements in relation to carbon savings, a contribution towards the council's carbon offset fund would be required. Calculated on the basis of £1,800 per tonne, the residential component would generate a contribution of £95,173 and the commercial component a contribution of £14,783 (total £109,956). The applicant has agreed to make the contribution of £109,956 to the carbon off set fund which would therefore make this aspect of the scheme fully policy compliant.

BREEAM

106. Strategic policy 13 of the Core Strategy requires the commercial units to achieve BREEAM 'excellent'. A BREEAM Pre-assessment report has been undertaken which demonstrates that an "excellent" standard can be achieved which meets the policy requirement and is therefore acceptable. A condition to secure this is therefore recommended.

Ecology

107. The applicant has submitted a Preliminary Bat Roost Assessment which has been reviewed by the council's Ecologist. The assessment indicates that there would be no adverse impact to bats. A condition is recommended to secure details of bird and bat boxes. A green roof is proposed on one area of flat roof which would provide some biodiversity and sustainability benefits and accordingly is welcomed.

**Other matters**

Flood risk and water resources

108. The application site is located within Flood Zone 3, which is considered to be 'High Risk' but does benefit from the Thames tidal defences. The Environment Agency has reviewed the applicant's Flood Risk Assessment and considers it to be acceptable subject to the attachment of conditions being attached to any grant of planning permission.

### Archaeology

109. The site is within the 'Bermondsey Lake' Archaeological Priority Zone (APZ) designed to protect the palaeoecological environment and prehistoric archaeology recovered from the shoreline and relict fills of the large late glacial Bermondsey Lake and the associated riverine geology and topology.
110. An archaeological desk-based assessment has been submitted with the application, which has been reviewed by the council's archaeologist. As the proposal includes a basement in its design, a series of archaeological conditions are recommended in relation to securing a programme of archaeological evaluation, mitigation and reporting.

### **Conclusion on planning issues**

111. The proposed development would result in a loss of B class floorspace, and the introduction of residential uses in to the SPIL would represent a departure from the adopted development plan. The draft New Southwark Plan and Old Kent Road Area Action Plan do however, provide an indication of the direction of travel for planning policy in the area specifically involving the site to released from its SPIL designation and the expectation of mixed use neighbourhoods and significant levels of new housing. Although the proposal would result in a loss of B class floorspace, it is in a poor state of repair. The proposed development would increase the numbers of jobs on the site and deliver new housing, including a policy compliant level of affordable housing. Affordable workspace has been proposed and there are further benefits in terms of business retention which can be secured by the legal agreement. Recognising the changing character and uses carried out in the immediate area, it is not felt that any harm to existing businesses would arise by the introduction of housing. In light of this it is considered that the principle of the proposed development should be supported in this instance.
112. The proposal would deliver a good standard of accommodation and would comply with the standards as set out in the residential design standards adopted by the council in relation to unit mix, unit size, dual aspect and wheelchair housing. The provision of affordable housing, measured at 35% of habitable rooms would be fully policy compliant and a positive aspect of the proposals.
113. The height and massing of the building would respond well to the character of the surrounding context and the architectural language, inspired by post war warehouse buildings would result in an attractive building. An analysis has been carried out to consider the future redevelopment potential of neighbouring sites and it is felt that these sites could successfully come forward if this scheme were to be fully built out.
114. It is therefore recommended that planning permission be granted subject to conditions and the completion of a legal agreement under the terms as set out above.

### **Community impact statement**

115. Details of consultation undertaken by the applicant on the proposed development prior to submission of the planning application have been provided. Letters were sent to 930 local residents and businesses detailing the proposals with contact details and an offer to meet with residents and businesses to discuss the scheme. Ward members were also notified of the scheme.

## Consultations

116. Details of consultation and any re-consultation undertaken in respect of this application are set out in Appendix 1.

## Consultation replies

117. Details of consultation responses received are set out in Appendix 2.

### Summary of consultation responses

118. Following neighbour consultation, three objections have been received, the main points of which have been summarised and addressed below.
119. Objection: Loss of long standing community.  
Officer response: The new homes would support the existing communities and businesses.
120. Objection: This part of the borough is not designated for residential accommodation.  
Officer response: Whilst the site is located within the SPIL, emerging policies recognise that this will change in the future and that mixed use developments, including residential could be supported.
121. Objection: Construction impacts would be disruptive.  
Officer response: These would be minimised as far as possible; a construction management plan would be requested by condition.
122. Objection: Rights to light impacts to Penarth Centre.  
Officer response: Rights to light are a common law matter and not a material planning consideration.
123. Objection: Overshadowing to the photovoltaic panels located on the roof of the Penarth Centre.  
Officer response: It is unlikely that the development, which rises to a maximum of 9 storeys would overshadow the roof of the Penarth Centre which is located to the north west of the site.
124. Objection: The council's Sustainable Design and Construction SPD states that new developments should aim to meet the Code for Sustainable Homes Level 4, which is unlikely to be met without some low and zero carbon technologies.  
Officer response: The proposed development falls short of meeting the carbon targets and accordingly a contribution to the carbon off set fund has been agreed.
125. Objection: The residential use will be incompatible with the existing industrial and manufacturing operations of the area.  
Officer response: Owing to the changing character of the existing business uses, it is felt that they could successfully co-exist with the new residential accommodation.
126. Objection: The proposed design offers none of the benefits and practicality of the existing warehouses. Recommend live/work units are provided instead for keyworkers/artists/makers.  
Officer response: The proposed commercial spaces would be flexible and capable of being used by a range of occupiers and businesses.
127. Objection: The residential units should be orientated to face the inside of the

buildings, with workspaces on the outside elevations. Residential street facing balconies are incompatible with the noise/dust/traffic produced by existing businesses.

Officer response: Practically, this would be very difficult to achieve given the limited size of the site.

128. Objection: The private residential terrace could deliver some renewable energy.  
Officer response: Photovoltaic panels have been proposed on the roof of the Ilderton Road block. The private terrace provides meaningful amenity space for the residents.
129. Objection: The noise survey was undertaken on a single day and should have been undertaken at different times such as Sundays, Friday and Saturday nights and weekday mornings.  
Officer response: The noise report was reviewed by the council's environmental protection team who have raised no concerns. The survey was undertaken on a weekday when noise levels would be expected to be at their highest.
130. Objection: The proposal should be delivering more affordable housing.  
Officer response: The proposal delivers a policy compliant level of affordable housing. The viability has been assessed and reviewed by independent consultants who have agreed that the level of affordable housing is the maximum that the scheme can support.
131. Objection: The daylight and sunlight analysis illustrates a potential development of 4-5 storeys at the immediately adjoining site to the south at 40-50 Hatcham Road and 188-196 & 202 Ilderton Road compared with 8-9 storeys at the application site. This is an inequitable distribution of development mass and quantum. More analysis should be prepared showing a more comparable scale of development.  
Officer response: It is felt that reasonable assumptions have been made in relation to the scale of any future developments and in any case, these assumptions would not preclude the adjoining site from achieving a greater mass and quantum.
132. Objection: Windows should be omitted from the south facing windows within the scheme or, at least be confined to secondary windows in order to protect against overlooking and a loss of privacy for any future scheme to come forward.  
Officer response: It is felt that windows can exist along this boundary with the main habitable windows would not face onto this side. A condition has however been attached requiring these to be obscure glazed and fixed shut.
133. Objection: The submitted daylight and sunlight analysis includes a number of discrepancies within the application drawings which should be corrected.  
Officer response: This issue is currently being looked into and an update will be reported in the addendum.
134. Objection: The submitted Townscape and Visual Impact Assessment should consider more fully the cumulative effects of the area's developments.  
Officer response: The assessment has been prepared considering the impact of the proposed scheme since that is the scheme currently under consideration.

#### Summary of responses from external and statutory consultees

##### Metropolitan Police

135. Recommend a secured by design condition be attached to any grant of planning permission.

London Underground

136. No comment.

Thames Water

137. No objection.

Environment Agency

138. No objection subject to conditions.

Transport for London

139. Request contributions of £84,000 towards the Healthy Streets scheme to go towards the cost of the Ilderton Road/Old Kent Road junction and/or the section immediately to the north west. Request £12,000 towards wayfinding for the cost of two Legible London signs. Request £55,285 towards buses.
140. In addition, request adoption of wider footways, outward opening doors to be changed to inward, request that the council secure funding to address any inadequacies of the surrounding pedestrian walking environment, require additional cycle parking to be provided with adequate dimensions in between spaces. Welcome car free nature of scheme and a revised Delivery and Service plan to include data assumptions.

**Human rights implications**

141. 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.
142. This application has the legitimate aim of providing a new building with employment and residential uses. 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**

<b>Background Papers</b>	<b>Held At</b>	<b>Contact</b>
Site history file: TP/2327-190 Application file: 17/AP/4546 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 5513 Council website: www.southwark.gov.uk



**APPENDICES**

<b>No.</b>	<b>Title</b>
Appendix 1	Consultation undertaken
Appendix 2	Consultation responses received
Appendix 3	Recommendation

**AUDIT TRAIL**

<b>Lead Officer</b>	Simon Bevan, Director of Planning	
<b>Report Author</b>	Kiran Chauhan, Team Leader	
<b>Version</b>	Final	
<b>Dated</b>	9 March 2018	
<b>Key Decision</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments Included</b>
Strategic Director of Finance and Governance	No	No
Strategic Director of Environment and Social Regeneration	No	No
Strategic Director of Housing and Modernisation	No	No
Director of Regeneration	No	No
<b>Date final report sent to Constitutional Team</b>		9 March 2018

**APPENDIX 1****Consultation undertaken****Site notice date:** 12/01/2018**Press notice date:** 04/01/2018**Case officer site visit date:** n/a**Neighbour consultation letters sent:** 04/01/2018**Internal services consulted:**

Ecology Officer  
 Economic Development Team  
 Environmental Protection Team Formal Consultation [Noise / Air Quality / Land Contamination / Ventilation]  
 Flood and Drainage Team  
 Highway Development Management  
 Housing Regeneration Initiatives  
 Waste Management

**Statutory and non-statutory organisations consulted:**

EDF Energy  
 Environment Agency  
 London Fire & Emergency Planning Authority  
 London Underground Limited  
 Metropolitan Police Service (Designing out Crime)  
 Network Rail (Planning)  
 Thames Water - Development Planning  
 Transport for London (referable & non-referable app notifications and pre-apps)

**Neighbour and local groups consulted:**

132-136 Ormside Street London SE15 1TF	21 Hatcham Road London SE15 1TW
International Secretariat 215 Ilderton Road SE15 1NS	Unit 29 The Penarth Centre SE15 1TR
18 Manor Grove London SE15 1SX	First Floor Flat 209 Ilderton Road SE15 1NS
221 Ilderton Road London SE15 1NS	Second Floor Flat 209 Ilderton Road SE15 1NS
Southwark Integrated Waste Management Facility 43 Devon Street SE15 1AL	Flat A 209 Ilderton Road SE15 1NS
152-154 Ilderton Road London SE15 1NT	Ground Floor 145 Ormside Street SE15 1TF
127-135 Ormside Street London SE15 1TF	First Floor 145 Ormside Street SE15 1TF
Unit 3a Canterbury Industrial Park SE15 1NP	Unit 3b Canterbury Industrial Park SE15 1NW
137 Ormside Street London SE15 1TF	First Floor Rear 180 Ilderton Road SE15 1NT
212 Ilderton Road London SE15 1NT	Flat A 219 Ilderton Road SE15 1NS
202 Ilderton Road London SE15 1NT	Ground Floor 180 Ilderton Road SE15 1NT
Asaholah Salvation Church Of God 137a Ormside Street SE15 1TF	Part First Floor Front 180 Ilderton Road SE15 1NT
24 Manor Grove London SE15 1SX	Flat 3 211 Ilderton Road SE15 1NS
145 Ormside Street London SE15 1TF	8 Manor Grove London SE15 1SX
River Of Life Pentecostal Church 12-38 Hatcham Road SE15 1TW	Unit 7 The Penarth Centre SE15 1TR
214 Ilderton Road London SE15 1NT	Units 9 And 10 The Penarth Centre SE15 1TR
217 Ilderton Road London SE15 1NS	12 Manor Grove London SE15 1SX
140 Ilderton Road London SE15 1NT	141 Ormside Street London SE15 1TF
	143 Ormside Street London SE15 1TF

180 Ilderton Road London SE15 1NT  
 Unit 2 Canterbury Industrial Park SE15 1NP  
 223-225 Ilderton Road London SE15 1NS  
 206-210 Ilderton Road London SE15 1NT  
 60 Hatcham Road London SE15 1TW  
 148-150 Ilderton Road London SE15 1NT  
 182-196 Ilderton Road London SE15 1NT  
 139 Ormside Street London SE15 1TF  
 Unit 11 The Penarth Centre SE15 1TR  
 Unit 12 The Penarth Centre SE15 1TR  
 Unit 13 The Penarth Centre SE15 1TR  
 Penarth Works Penarth Street SE15 1TR  
 Unit 8 The Penarth Centre SE15 1TR  
 Unit 23 The Penarth Centre SE15 1TR  
 Unit 34 The Penarth Centre SE15 1TR  
 Unit 31 The Penarth Centre SE15 1TR  
 Unit 25 And 26 The Penarth Centre SE15 1TR  
 Unit 14 And 15 The Penarth Centre SE15 1TR  
 Units 18 And 33 The Penarth Centre SE15 1TR  
 Unit 24 The Penarth Centre SE15 1TR  
 Units 5 And 6 The Penarth Centre SE15 1TR  
 Flat B 219 Ilderton Road SE15 1NS  
 14-38 Hatcham Road London SE15 1TW  
 227-255 Ilderton Road London SE15 1NS  
 Flat 1 221 Ilderton Road SE15 1NS  
 110-116 Ormside Street London SE15 1TF  
 107-113 Ormside Street London SE15 1TF  
 118-120 Ormside Street London SE15 1TF  
 147 Ormside Street London SE15 1TF  
 Unit 3 The Penarth Centre SE15 1TR  
 113 Ormside Street London SE15 1TF  
 Iberia House Manor Grove SE15 1EQ  
 Ground Floor 78-94 Ormside Street SE15 1TF  
 Part First Floor 78-94 Ormside Street SE15 1TF  
 Unit 30 The Penarth Centre SE15 1TR  
 25 Hatcham Road London SE15 1TW

10 Manor Grove London SE15 1SX  
 Flat 1 213 Ilderton Road SE15 1NS  
 Flat 2 211 Ilderton Road SE15 1NS  
 Flat 2 213 Ilderton Road SE15 1NS  
 Flat 1 211 Ilderton Road SE15 1NS  
 Units 16 And 17 The Penarth Centre SE15 1TR  
 First Floor 78-94 Ormside Street SE15 1TF  
 Unit 1 2 And 4 The Penarth Centre SE15 1TR  
 Unit 19 The Penarth Centre SE15 1TR  
 Unit 21b The Penarth Centre SE15 1TR  
 Flat A 152-154 Ilderton Road SE15 1NT  
 Unit 28a The Penarth Centre SE15 1TR  
 Units 32 And 32a The Penarth Centre SE15 1TR  
 Unit 21a The Penarth Centre SE15 1TR  
 Unit 28b The Penarth Centre SE15 1TR  
 18-22 Penarth Street London SE15 1TX  
 115-125 Ormside Street London SE15 1TB  
 Flat B 152-154 Ilderton Road SE15 1NT  
 Flat C 152-154 Ilderton Road SE15 1NT  
 67-105 Ormside Street London SE15 1TF  
 Unit 20 Right The Penarth Centre SE15 1TR  
 Unit B 154 Ilderton Road SE15 1NT  
 24a Manor Grove London SE15 1SX  
 24b Manor Grove London SE15 1SX  
 Unit A 154 Ilderton Road SE15 1NT  
 Unit A 152 Ilderton Road SE15 1NT  
 Unit B 152 Ilderton Road SE15 1NT  
 Unit 1 And 2 96-108 Ormside Street SE15 1TF  
 Unit 3 And 4 96-108 Ormside Street SE15 1TF  
 Unit 20 Left The Penarth Centre SE15 1TR  
 Flat Above 217 Ilderton Road SE15 1NS  
 First Floor 96-108 Ormside Street SE15 1TF  
 Unit 22 The Penarth Centre SE15 1TR  
 Flat 2 221 Ilderton Road SE15 1NS  
 5a Lewisham Way London se14 6pp  
 Tenants & Occupants Of V22 Studios & Penarth  
 Centre  
 14 Regents Wharf All Saints Street N1 9RL

**Re-consultation: n/a**

**Consultation responses received****Internal services**

Economic Development Team

**Statutory and non-statutory organisations**

Environment Agency

London Underground Limited

Metropolitan Police Service (Designing out Crime)

Thames Water - Development Planning

**Neighbours and local groups**

Tenants & Occupants Of V22 Studios & Penarth Centre

14 Regents Wharf All Saints Street N1 9RL

5a Lewisham Way London SE14 6PP

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## RECOMMENDATION

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This document shows the case officer's recommended decision for the application referred to below.  
This document is not a decision notice for this application.

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<b>Applicant</b>	Mr Amin Bhavesh	<b>Reg. Number</b>	17/AP/4546
<b>Application Type</b>	Full Planning Application	<b>Case Number</b>	TP/2327-190
<b>Recommendation</b>	Grant subject to Legal Agreement		

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### Draft of Decision Notice

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**Planning Permission was GRANTED for the following development:**

Demolition of existing building and erection of a part 5, 8 and 9 storey plus basement mixed-use development (max height 29.98m) comprising 2,351 sqm (gia) of flexible workspace (Use Class B1) and 84 residential apartments (Use Class C3) with associated amenity space and ancillary infrastructure.

(This application represents a departure from strategic policy 10 'Jobs and businesses' of the Core Strategy (2011) and saved policy 1.2 'strategic and local preferred industrial locations' of the Southwark Plan (2007) by virtue of proposing to introduce residential accommodation in a preferred industrial location).

**At:** 180 ILDERTON ROAD, LONDON SE15 1NT

**In accordance with application received on 04/12/2017**

**and Applicant's Drawing Nos. 2096-A-L:**

002 01  
051  
096  
097  
098 01  
099 10  
100 12  
100 MEZ  
101 10  
102 10  
103 01  
104 06  
105 09  
107 09  
111 03  
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A 400 01  
L 101  
L104  
L107

BREEAM pre-assessment, Flood Risk Assessment, Framework Construction Plan, Framework Delivery and service plan, Framework Travel Plan, Geo Environmental Conditions, Heritage Statement, M4 wheelchair accessible units assessment, Noise Assessment, Bat Surveys, Schedule of Accommodation, Statement of community involvement, Sustainable Drainage statement, Sustainable Energy Statement, Townscape and Visual Impact Assessment, Utility Investigations, Ventilation Statement, Daylight and sunlight assessment, Planning Statement plus addendum, Transport Assessment.

**Subject to the following thirty-one conditions:**

**Time limit for implementing this permission and the approved plans**

- 1 The development hereby permitted shall be begun before the end of three years from the date of this permission.

Reason

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

- 2 The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans:

2096-A-L:

002 01  
051  
096  
097  
098 01  
099 10  
100 12  
100 MEZ  
101 10  
102 10  
103 01  
104 06  
105 09  
107 09  
111 03  
201  
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203  
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300 07  
301  
A 400 01  
L 101  
L104  
L107

Reason:

For the avoidance of doubt and in the interests of proper planning.

**Pre-commencement condition(s)** - the details required to be submitted for approval by the condition(s) listed below must be submitted to and approved by the council before any work in connection with implementing this permission is commenced.

- 3 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the Local Planning Authority.

## Reason

There is always the potential for unexpected contamination to be identified during development groundworks. We should be consulted should any contamination be identified that could present an unacceptable risk to Controlled Waters (the site is located above a Secondary Aquifer).

- 4 Before any work hereby authorised begins, a detailed scheme showing the complete scope and arrangement of the foundation design and all ground works shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any such approval given.

## Reason

In order that details of the foundations, ground works and all below ground impacts of the proposed development are detailed and accord with the programme of archaeological mitigation works to ensure the preservation of archaeological remains by record and in situ in accordance with Strategic Policy 12 - Design and Conservation of The Core Strategy 2011, Saved Policy 3.19 Archaeology of the Southwark Plan 2007 and the National Planning Policy Framework 2012.

- 5 Before any work, including demolition, hereby authorised begins, the applicant or successors in title shall secured the implementation of a programme of archaeological building recording 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 archaeological operations are undertaken to a suitable standard as to the details of the programme of works for the archaeological building recording in accordance with PPS5, Strategic Policy 12 - Design and Conservation of The Core Strategy 2011 and Saved Policy 3.19 Archaeology of the Southwark Plan 2007.

- 6 Before any work hereby authorised begins, 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 Strategic Policy 12 - Design and Conservation of The Core Strategy 2011, Saved Policy 3.19 Archaeology of the Southwark Plan 2007 and the National Planning Policy Framework 2012.

- 7 Before any work hereby authorised begins, the applicant shall secure the implementation of a programme of archaeological evaluation works in accordance with a written scheme of investigation shall be submitted to and approved in writing by the Local Planning Authority.

## 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 Strategic Policy 12 - Design and Conservation of The Core Strategy 2011, Saved Policy 3.19 Archaeology of the Southwark Plan 2007 and the National Planning Policy Framework 2012.

- 8 Prior to works commencing, full details of all proposed planting of 8 new and replacement street trees shall be submitted to and approved in writing by the Local Planning Authority. This will include tree pit cross sections, planting and maintenance specifications, use of guards or other protective measures and confirmation of location, species, sizes, nursery stock type, supplier and defect period. All tree planting shall be carried out in accordance with those details and at those times. Planting shall comply with BS5837: Trees in relation to demolition, design and construction (2012) and BS: 4428 Code of practice for general landscaping operations.

If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place in the first suitable planting season., unless the local planning authority gives its written consent to any variation.

To ensure the proposed development will preserve and enhance the visual amenities of the locality and is designed for the maximum benefit of local biodiversity, in addition to the attenuation of surface water runoff in

accordance with The National Planning Policy Framework 2012 Parts 7, 8, 11 & 12 and policies of The Core Strategy 2011: SP11 Open spaces and wildlife; SP12 Design and conservation; SP13 High environmental standards, and Saved Policies of The Southwark Plan 2007: Policy 3.2 Protection of amenity; Policy 3.12 Quality in Design; Policy 3.13 Urban Design and Policy 3.28 Biodiversity.

- 9 Before any work hereby authorised begins, the applicant shall secure the implementation of a programme of archaeological evaluation works in accordance with a written scheme of investigation shall be submitted to and approved in writing by the Local Planning Authority.

**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 Strategic Policy 12 - Design and Conservation of The Core Strategy 2011, Saved Policy 3.19 Archaeology of the Southwark Plan 2007 and the National Planning Policy Framework 2012.

- 10 No development shall take place, including any works of demolition, until a written Construction Environmental Management Plan (CEMP) for the site has been devised. The CEMP shall oblige the applicant, developer and contractors to commit to current best practice with regard to site management and to use all best endeavours to minimise off site impacts. A copy of the CEMP shall be available on site at all times and shall 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;

Compliance with the GLA guidance on Non-road Mobile Machinery;

Engineering measures to eliminate or mitigate identified environmental impacts e.g. acoustic screening, sound insulation, dust control, emission reduction, location of specific activities on site, etc., together with air and noise monitoring to demonstrate that potential impacts are being successfully controlled;

Arrangements for direct responsive contact for nearby occupiers with the site management during demolition and/or construction (signage on hoardings, newsletters, resident's liaison meetings);

A commitment to adopt and implement of the ICE Demolition Protocol and Considerate Contractor Scheme;

Site traffic & Routing of in-bound and outbound site traffic, one way site traffic, lay off areas, etc.;

Waste Management & Accurate waste identification, separation, storage, registered waste carriers for transportation and disposal to appropriate destinations.

Guidance on preparing CEMPs and best construction practice can be found at

<http://www.southwark.gov.uk/construction>

All demolition and construction work shall then be undertaken in strict accordance with the plan and 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 unnecessary pollution or nuisance, in accordance with strategic policy 13 'High environmental standards' of the Core Strategy (2011) saved policy 3.2 'Protection of amenity' of the Southwark Plan (2007) and the National Planning Policy Framework 2012

- 11 No works shall commence until details of an updated surface water drainage strategy, incorporating sustainable drainage principles has been submitted to and approved in writing by the local planning authority. The site drainage must be constructed to the approved details. It has been agreed that the updated drainage strategy will incorporate an attenuation tank in the design that will attenuate flows to the sewer network for the 100 year critical duration storm with a 40% allocation for climate change. In addition to this it has also been agreed that SuDS in line with SuDS principals, will be added into the design to provide a further improvement on attenuation of surface water flows.

**Reason:** To minimise the potential for the site to contribute to surface water flooding in accordance with saved policy 3.9 Water of the Southwark Plan, Strategic policy 13 of the Core Strategy (2011) and guidance in the Sustainable Design and Construction SPD (2009).

**Commencement of works above grade** - the details required to be submitted for approval by the condition(s) listed below must be submitted to and approved by the council before any work above grade is commenced. The term 'above grade' here means any works above ground level.

- 12 Section detail-drawings at a scale of 1:5 through:  
the facades and balconies;  
parapets and roof edges; and  
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 before any work in connection with this permission is commenced; 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 the design and details in accordance with Policies: 3.12 Quality in Design; 3.13 Urban Design; of The Southwark Plan (UDP) July 2007.

- 13 Before any fit out works to the commercial premises hereby authorised begins, an independently verified BREEAM report (detailing performance in each category, overall score, BREEAM rating and a BREEAM certificate of building performance) to achieve a minimum 'excellent' rating shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any such approval given;  
Before the first occupation of the building hereby permitted, a certified Post Construction Review (or other verification process agreed with the local planning authority) shall be submitted to and approved in writing by the Local Planning Authority, confirming that the agreed standards at (a) have been met.

Reason

To ensure the proposal complies with The National Planning Policy Framework 2012, Strategic Policy 13 - High Environmental Standards of The Core Strategy 2011 and Saved Policies 3.3 Sustainability and 3.4 Energy Efficiency of the Southwark Plan 2007.

- 14 Before any above grade work hereby authorised begins details (1:50 scale drawings) of the facilities to be provided for the secure and covered storage of cycles shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the cycle parking facilities provided shall be retained and the space used for no other purpose and the development shall not be carried out otherwise in accordance with any such approval given.

Reason

In order to ensure that satisfactory safe and secure cycle parking facilities are provided and retained 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 The National Planning Policy Framework 2012, Strategic Policy 2 - Sustainable Transport of The Core Strategy and Saved Policy 5.3 Walking and Cycling of the Southwark Plan 2007.

- 15 Before any above grade work hereby authorised begins, detailed drawings of a hard and soft landscaping scheme including the communal and children's play areas 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. 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 The National Planning Policy Framework 2012 Parts 7, 8, 11 & 12 and policies of The Core Strategy 2011: SP11 Open spaces and wildlife; SP12 Design and conservation; SP13 High environmental standards, and Saved Policies of The Southwark Plan 2007: Policy 3.2 Protection of amenity; Policy 3.12 Quality in Design; Policy 3.13 Urban Design and Policy 3.28 Biodiversity.

- 16 Bay studies at a scale of 1:20, through key points on the elevations, and section detail-drawings at a scale of 1:5 through:  
the facades;  
parapets;  
roof edges;  
junctions with the retained facades/roofs; and  
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 before any work in connection with this permission is commenced; 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 the design and details in accordance with Policies: 3.12 Quality in Design; 3.13 Urban Design; of The Southwark Plan (UDP) July 2007.

- 17 Samples of all external facing materials to be used in the carrying out of this permission shall be presented on site to the Local Planning Authority and approved in writing before any work in connection with this permission is commenced; 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 that these samples will make an acceptable contextual response in terms of materials to be used, and achieve a quality of design and detailing in accordance with Policies: 3.11 Efficient use of land; 3.12 Quality in Design; 3.13 Urban Design; of The Southwark Plan (UDP) July 2007.

- 18 Before any above grade work hereby authorised begins, details of the biodiversity (green/brown) roof(s) shall be submitted to and approved in writing by the Local Planning Authority. The biodiversity (green/brown) 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/brown) 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/brown roof(s) and Southwark Council agreeing the submitted plans, and once the green/brown roof(s) are completed in full in accordance to the agreed 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: 2.18, 5.3, 5.10, and 5.11 of the London Plan 2011, saved policy 3.28 of the Southwark Plan and Strategic Policy 11 of the Southwark Core strategy.

- 19 The habitable rooms within the development sharing a party ceiling/floor element with commercial premises shall be designed and constructed to provide reasonable resistance to the transmission of sound sufficient to ensure that noise due to the commercial premises does not exceed NR20. A written report shall be submitted to and approved by the LPA prior any above grade works taking place. Prior to occupation of any homes or commencement of the commercial use, a validation test shall be carried out (on a relevant sample of premises) and the results shall be submitted to the LPA for approval in writing. The development shall be carried out in accordance with the approval given and shall be permanently maintained thereafter.

Reason

To ensure that the occupiers and users of the proposed development do not suffer a loss of amenity by reason of noise nuisance and other excess noise from activities within the commercial premises accordance with strategic policy 13 'High environmental standards' of the Core Strategy (2011), saved Policy 3.2 Protection of Amenity of the Southwark Plan (2007) and the National Planning Policy Framework 2012.

**Pre-occupation condition(s)** - the details required to be submitted for approval by the condition(s) listed below must be submitted to and approved by the council before the building(s) hereby permitted are occupied or the use hereby permitted is commenced.

- 20 Before the first occupation of the building hereby permitted a Service Management Plan detailing how all elements of the site are to be serviced has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approval given and shall remain for as long as the development is occupied.

Reason

To ensure compliance with The National Planning Policy Framework 2012, Strategic Policy 2 Sustainable Transport of The Core Strategy 2011 and Saved Policy 5.2 Transport Impacts of the Southwark Plan 2007.

**Compliance condition(s)** - the following condition(s) impose restrictions and/or other requirements that must be complied with at all times once the permission has been implemented.

- 21 No developer, owner or occupier of any part of the development hereby permitted, with the exception of disabled persons, shall seek, or will be allowed, to obtain a parking permit within the controlled parking zone in Southwark in which the application site is situated.

Reason

To ensure compliance with Strategic Policy 2 - Sustainable Transport of the Core Strategy 2011 and saved policy 5.2 Transport Impacts of the Southwark Plan 2007.

- 22 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 plant Specific 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 in full accordance with the methodology of BS4142:2014. This shall apply to future uses made of the developed site as well as plant used in connection with the residential use.

Reason:

To ensure that occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance or the local environment from noise creep due to plant and machinery in accordance with the National Planning Policy Framework 2012, Strategic Policy 13 High Environmental Standards of the Core Strategy 2011 and Saved Policy 3.2 Protection of Amenity of the Southwark Plan (2007).

- 23 Any deliveries or collections to the commercial units shall only be between the following hours: 08.00 to 20.00hrs on Monday to Saturday and 10.00 to 16.00hrs on Sundays & Bank Holidays.

Reason:

To safeguard the amenity of neighbouring residential properties in accordance with The National Planning Policy Framework 2012, Strategic Policy 13 High environmental standards of The Core Strategy 2011 and Saved Policy 3.2 Protection of Amenity of The Southwark Plan 2007.

- 24 The windows on the southern elevation of the building shall be obscure glazed and fixed shut up to a height of 1.8m and shall not be replaced or repaired otherwise than with obscure glazing.

Reason

In order to protect the privacy and amenity of the occupiers and users of the adjoining premises from undue overlooking in accordance with The National Planning Policy Framework 2012, Strategic Policy 13 - High environmental standards of The Core Strategy 2011 and Saved Policy 3.2 'Protection of Amenity' of the Southwark Plan 2007.

- 25 No roof plant, equipment or other structures, other than as shown on the plans hereby approved or approved pursuant to a condition of this permission, shall be placed on the roof or be permitted to project above the roofline of any part of the building[s] as shown on elevational drawings or shall be permitted to extend outside of the roof plant enclosure[s] of any building[s] hereby permitted.

Reason

In order to ensure that no additional plant is placed on the roof of the building in the interest of the appearance and design of the building and the visual amenity of the area in accordance with The National Planning Policy Framework 2012, Strategic Policy 12 - Design and Conservation of The Core Strategy 2011 and Saved Policies 3.2 Protection of Amenity and 3.13 Urban Design of the Southwark Plan 2007.

- 26 The dwellings hereby permitted shall be designed to ensure that the following internal noise levels are not exceeded due to environmental noise:

Bedrooms - 35dB LAeq T<sub>∫</sub>, 30 dB LAeq T\*, 45dB LAFmax T \*

Living rooms- 35dB LAeq T<sub>∫</sub>

Dining room - 40 dB LAeq T<sub>∫</sub>

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

∫ - Daytime 16 hours between 07:00-23:00.

Party walls, floors and ceilings between A3 or A5 uses commercial premises and residential dwellings shall be

designed to achieve a minimum weighted standardized level difference of at least 55dB DnTw+Ctr. For A4 premises and D1/D2 premises such as churches, concert halls, community space for hire, or for B2/B8 industrial premises, this should be based on an acoustic assessment but at least 60dB DnTw+Ctr. The partition's acoustic performance shall be permanently maintained thereafter.

**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 strategic policy 13 'High environmental standards' of the Core Strategy (2011) saved policies 3.2 'Protection of amenity' and 4.2 'Quality of residential accommodation' of the Southwark Plan (2007), and the National Planning Policy Framework 2012.

- 27 The development hereby permitted shall be constructed to include the energy efficiency measures, photovoltaic panels and CHP plant as stated in the Energy Statement, and all measures and technologies shall remain for as long as the development is occupied.

**Reason:** To ensure the development complies with the National Planning Policy Framework 2012, Strategic Policy 13 High Environmental Standards of the Core Strategy and Policy 5.7 Renewable Energy of the London Plan 2015.

- 28 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 (including facilitative pruning specifications and supervision schedule) contained in the Arboricultural Method Statement Tyler Grange ref 11159\_R002\_EB\_JW. 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 or 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 2012 Parts 7, 8, 11 & 12 and policies of The Core Strategy 2011: SP11 Open spaces and wildlife; SP12 Design and conservation; SP13 High environmental standards, and Saved Policies of The Southwark Plan 2007: Policy 3.2 Protection of amenity; Policy 3.12 Quality in Design; Policy 3.13 Urban Design and Policy 3.28 Biodiversity.

**Other condition(s)** - the following condition(s) are to be complied with and discharged in accordance with the individual requirements specified in the condition(s).

- 29 Details of any external lighting [including design, power and position of luminaries] and security surveillance equipment of external areas surrounding the building shall be submitted to and approved by the Local Planning Authority in writing before any such lighting or security equipment is installed. The development shall not be carried out otherwise in accordance with any such approval given.

**Reason**

In order that the Council may be satisfied as to the details of the development in the interest of the visual amenity of the area, the safety and security of persons using the area and the amenity and privacy of adjoining occupiers in accordance with The National Planning Policy Framework 2012, Strategic Policy 12 Design and Conservation and Strategic Policy 13 High environmental standards of The Core Strategy 2011 and Saved Policies 3.2 Protection of Amenity and 3.14 Designing out crime of the Southwark Plan 2007.

- 30 Whilst the principles and installation of sustainable drainage schemes are to be encouraged, 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**

Infiltrating water has the potential to cause remobilisation of contaminants present in shallow soil/made ground which could ultimately cause pollution of groundwater.

- 31 Piling or any other foundation designs using penetrative methods shall not be 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 groundwater. The development shall be carried out in accordance with the approved details.

#### Reason

The developer should be aware of the potential risks associated with the use of piling where contamination is an issue. Piling or other penetrative methods of foundation design on contaminated sites can potentially result in unacceptable risks to underlying groundwaters. We recommend that where soil contamination is present, a risk assessment is carried out in accordance with our guidance 'Piling into Contaminated Sites'. We will not permit piling activities on parts of a site where an unacceptable risk is posed to Controlled Waters.

#### **Statement of positive and proactive action in dealing with the application**

The Council has published its development plan and core strategy on its website together with advice about how applications are considered and the information that needs to be submitted to ensure timely consideration of an application. Applicants are advised that planning law requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

