

## Contents

RECOMMENDATION .....	2
UPDATED INFORMATION .....	2
EXECUTIVE SUMMARY .....	3
BACKGROUND INFORMATION .....	3
Site location and description .....	3
Planning history of nearby sites .....	9
Summary of consultation .....	10
Height, Scale, massing and impacts on the character of the streetscape. ....	10
Daylight.....	11
Sunlight.....	11
Sense of enclosure.....	12
Consultation comments in support of the proposal .....	12
KEY ISSUES FOR CONSIDERATION .....	13
Summary of main issues .....	13
Legal Context .....	13
Planning policy .....	13
Southwark Supplementary Planning Documents .....	15
ASSESSMENT .....	16
Principle of the proposed development in terms of land use.....	16
Business relocation .....	17
Environmental impact assessment.....	17
Design, layout, heritage assets .....	18
Impact of proposed development on amenity of adjoining occupiers and surrounding area .....	19
Overshadowing to Gardens and Open Spaces .....	29
Noise and vibration.....	31
Transport Issues .....	31
Accessibility .....	31
Cycling.....	32
Energy and sustainability.....	32
Ecology and biodiversity .....	33
Air quality .....	33
Ground conditions and contamination.....	33
Archaeology.....	34
Planning obligations (S.106 undertaking or agreement).....	34
Mayoral and borough community infrastructure levy (CIL) .....	35
Community involvement and engagement.....	35
Consultation responses, and how the application addresses the concerns raised .....	35
Community impact and equalities assessment.....	38
Human rights implications .....	38
Other matters.....	38
CONCLUSION .....	39
BACKGROUND DOCUMENTS .....	39

<b>Item No.</b> 7.1	<b>Classification:</b> OPEN	<b>Date:</b> 3 December 2019	<b>Meeting Name:</b> Planning Committee
<b>Report title:</b>	<b>Development Management planning application:</b> Application 19/AP/1404 for: Full Planning Application  <b>Address:</b> 32-36 LOMAN STREET, LONDON, SE1 0EH  <b>Proposal:</b> Demolition of the existing four storey office building with basement and redevelopment of the site to provide a new seven storey office building plus basement (Use Class B1)		
<b>Ward(s) or groups affected:</b>	Borough & Bankside		
<b>From:</b>	Director of Planning		
<b>Application Start Date</b> 25/04/2019		<b>Application Expiry Date</b> 25/07/2019	
<b>Earliest Decision Date</b> 22/06/2019			

## RECOMMENDATION

1. (a) The planning permission be granted, subject to conditions and the applicant entering into an appropriate legal agreement; and  
  
(b) That, in the event that the requirements of (a) are not met by 28<sup>th</sup> February 2020 that the Director of Planning is authorised to refuse planning permission, if appropriate, for the reasons set out in paragraph 148 of this report.

## UPDATED INFORMATION

2. . At the request of the applicant, the consideration of this application was removed from the agenda of the Planning Committee on the 8<sup>th</sup> October. This request followed concerns raised by neighbouring residents about the accuracy and reliability of the submitted daylight and Sunlight report. The concerns stemmed primarily from the assumptions in the Daylight and Sunlight report about room layouts, which had informed the conclusions on daylight distribution and 'No Sky Line'.
3. The applicants daylight and Sunlight consultants has now visited the closest residential properties to confirm the room layouts. This has enabled new 'No Sky Line' assessments to be carried out some affected rooms, and an updated report was submitted by the applicants.
4. The Daylight and sunlight section of this report has been revised to reflect the information in the updated report.

## **EXECUTIVE SUMMARY**

5. The proposal comprises the redevelopment of the site to provide a new 7 storey office building with basement for office (Class B1) use to house CAN Mezzanine, a registered charity operating to provide workspace to charitable and social enterprise organisations.
6. The existing building provides 2,361sqm of office and ancillary floor space over four storeys. The proposed building would provide 4,675sqm of office space, an uplift of 2,314sm over the existing building.
7. The increase in employment space would meet the development plan requirement to re-provide Class B1 floorspace in the central area, and the uplift would make a contribution towards jobs target for the Opportunity Area as set out in the London Plan. The development would enable CAN to offer more affordable office space, and better, more inclusive facilities for its charity tenants and users. As such it complies with the development plan, and makes a positive contribution to the objective to support the economic health of the borough and central London.
8. The development would provide desk space plus meeting rooms, cycle storage with associated showers and lockers, and bin stores. A central core will provide lift access to all floors.
9. At the time of writing a total of 11 consultation responses have been received in objection to the proposed development. In addition, there has been ongoing correspondence with a specialist consultant engaged by local residents, raising concerns about the daylight and sunlight assessment. There have also been three letters of support.
10. The main concerns raised relate to the scale of the development and loss of amenity in terms of daylight and sunlight to residential properties on Copperfield Street.
11. A series of energy efficiency measures and renewable technologies are proposed to reduce its carbon dioxide emissions making the building notably more energy efficient than the existing building.
12. The benefits of providing low cost office space in the central area should be given weight; whilst the CAN model is different to that set out in the emerging New Southwark Plan it has clear benefits in terms of the quantum of space which can be provided, and the shared facilities which benefit the occupiers. However it is recommended that, in the event that CAN dispose of the building within 30 years, that any successor be obliged to provide at least 10% of the floorspace as affordable for the balance of the 30 year period.
13. Having taken all issues into account, it is recommended that planning permission be granted, subject to conditions and the signing of a S106 legal agreement.

## **BACKGROUND INFORMATION**

### ***Site location and description***

13. The existing building has four storeys plus basement towards Loman Street and a lower two storey plus basement section towards Copperfield Street. The existing building provides 2,361sqm of Class B1 office floorspace and is bounded by Copperfield Street to the north, Loman Street to the south and Risborough Street to

the west. To the east it is bounded by the external service yard to the adjacent building known as Olwen House.

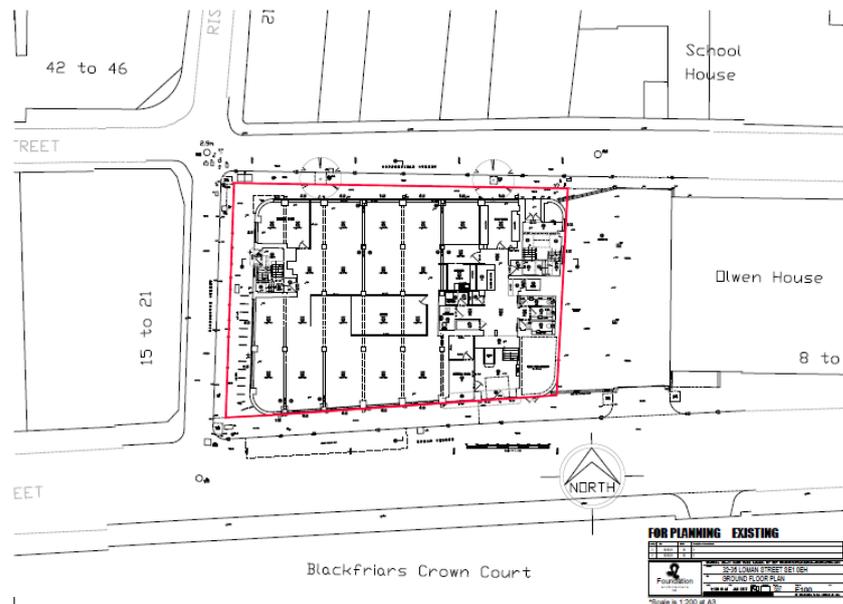
14. The building entrance is on Loman Street with a secondary entrance/emergency exit on Copperfield Street. There is no vehicular access to the site; servicing currently takes place on-street, in Loman Street.



**View from Copperfield Street**

16. Existing ground floor plan

GROUND FLOOR PLAN SHOWING SITE OWNERSHIP



### *Existing building*

17. The existing building is thought to have been constructed in the 1930's for a light industrial use. It has various deficiencies for its users including poor disabled access, a lift too small for wheelchair access and a core that could not be modified, and ageing plant.
18. The site is located within the following designations:
  - a) Central Activities Zone (CAZ)
  - b) Bankside, Borough and London Bridge Opportunity Area
  - c) Borough, Bermondsey and Rivers Archaeological Priority Zone
  - d) Air Quality Management Area
  - e) Bankside Borough and District Town Centre
  - f) Bankside, Borough, London Bridge Strategic Cultural Area
19. There are no heritage assets within the site boundary area however there are heritage assets in the surrounding area including:
  - a) Union Street Conservation area; and
  - b) 55 Great Suffolk Street (Grade II listed).
  - c) Kings Bench Conservation Area;
20. The Site is occupied by The Helen Thompson Taylor Foundation (operating as "CAN Mezzanine"), a registered charity and Company Limited by Guarantee set up in Southwark 20 years ago, which provides workspace to charitable organisations.
21. CAN Mezzanine's primary objective is to provide high quality collaborative office space and to build communities of social interest for third sector organisations in prime locations.
22. The Helen Thompson Taylor Foundation's Charitable objectives are:
  - "1. To promote and improve efficiency and effectiveness of charities and voluntary groups, community groups and not for profit organisations in the London Borough of Southwark by the provision and management for such organisations of office accommodation, conferences, training and other facilities, services and support.
  2. To improve the efficient administration of charities in direct pursuit of their objectives by the provision of training and information, particularly in the field of information technology".
23. CAN delivers on its objectives by tackling the three key barriers for charities. These are the availability of premises, skill and finance.
24. The tenants of the building have recently been relocated to other CAN properties, but at maximum capacity the building accommodated around 274 users covering 50 organisations overall.

### **The surrounding area**

26. The surrounding area is mixed use comprising offices, warehouses and some residential buildings. Building styles are varied however there is a predominance of former industrial buildings and conversions. Brick is the dominant material employed on most buildings within the area, and the immediate context has maximum building

heights of around six storeys, albeit there are taller buildings in the wider area including the student and residential developments on Pocock Street. Immediately to the south of the site is Blackfriars Crown Court building which occupies the entire urban block that it sits within.

27. *Surrounding area and scale of buildings*



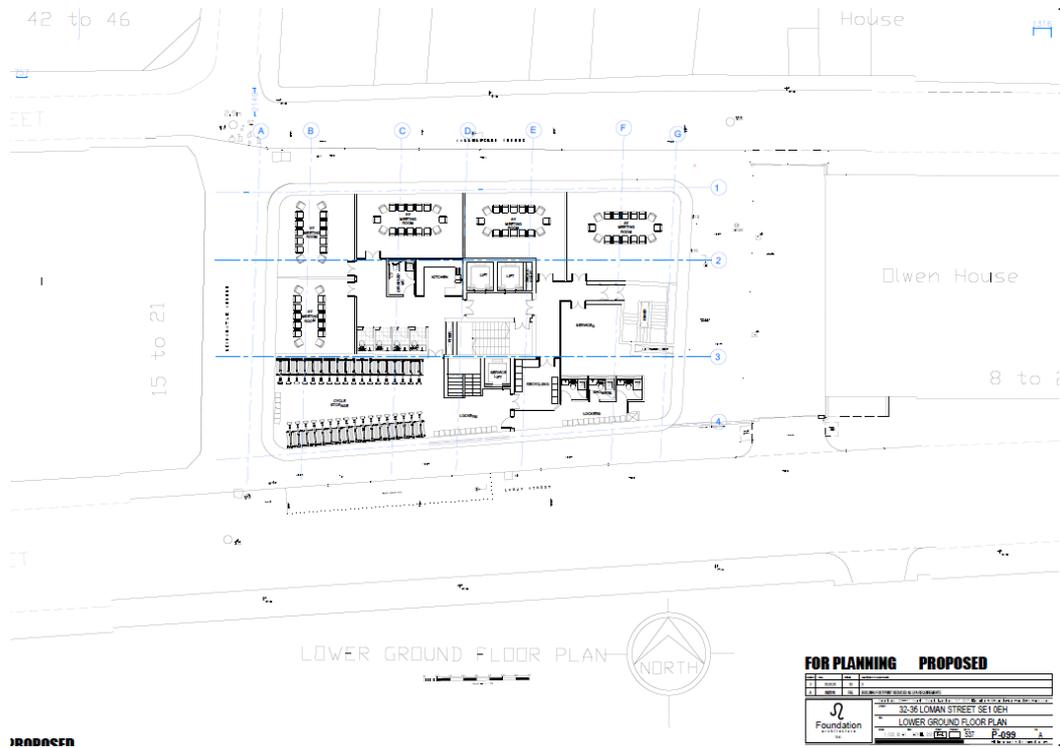
Loman Street Building heights - No floors based on 3.8 F/F  
Approx measured from model.



**Details of proposal**

28. The application seeks to demolish the existing building and construct a new 7 storey office building with basement for office (Class B1) use. This will result in 4,675sqm of office space, an uplift of 2,314sm over the existing building. The sixth floor will be setback by over 2 metres on the Copperfield, Risborough and Loman Street elevations, and by 0.45m on the western boundary adjacent to Olwen House. This set back would be used as an outdoor amenity space for the office workers on the Loman Street and Risborough Street frontages, but on the Copperfield Street frontage it is limited to service/maintenance access only.
29. The building will provide open plan office space from ground floor to fifth floor level, accessed from Loman Street. The basement/lower ground floor level will provide meeting rooms plus cycle storage with associated showers and lockers, and bin stores. A central core will provide lift access to all floors.

30. *Basement floor showing cycle storage, showers and refuse stores*



31.



*View of western elevation*



*North Elevation facing Copperfield Street*

32.



*View from Loman Street*

## **Planning history**

17/EQ/0433: Pre-application advice was sought for the development of a 7 storey office building. The advice given stated that the use was supported, and the massing was broadly acceptable. Comment was made about the narrow footpaths, and the need for clarification on the cycle stores. The initial design was found unacceptable, and was changed significantly during the pre-application discussions.

## **Planning history of nearby sites**

33. Application 00/AP/0329 for: Full Planning Application

**Address:**

46 LOMAN STREET LONDON SE1

**Proposal:**

Demolition of two existing part 1/2 storey buildings. Erection of a new part four, part three storey office building.

**Decision: Permission Granted**

34. Application 00/AP/1575 for: Full Planning Application

**Address:**

46 LOMAN STREET LONDON SE1

**Proposal:**

Demolition of two existing buildings and erection of a new part five, part three storey office building.

**Decision: Granted**

35. Application 02/AP/2220 for : Full Planning Application

**Address:**

UNIT 5, 38 COPPERFIELD STREET, LONDON, SE1 0EA

**Proposal:**

Subdivision of the existing live/work unit to form two separate live/work units.

**Decision: Granted**

36. Application 11/AP/3893 for Cert. of Lawfulness - existing

**Address:**

UNIT 5, 38 COPPERFIELD STREET, LONDON, SE1 0EA

**Proposal:**

Use as residential dwelling (Class C3).

**Decision: Granted**

37. Application 18/AP/3462 for: Full Planning Application

**Address:**

46 LOMAN STREET, LONDON, SE1 0EH

**Proposal:**

Erection of an infill extension at 3rd and 4th floors and the construction of an additional storey 5th floor level (with lift shaft and staircore above) for office use, together with changes to the Loman Street and Copperfield Street facades and the installation of a roof terrace at 6th floor level.

**Decision: Granted**

**Summary of consultation**

38. Consultation letters were sent to over 130 nearby properties and a number of site notices were mounted on columns along Loman Street, Risborough Street and Copperfield Street.
39. At the time of writing a total of 11 consultation responses have been received in objection to the proposed development. There have also been three letters of support.
40. Re-consultation letters were issued on the 08 August 2019 to advise of the following changes to the application :
- The building line to Risborough Street was adjusted to create a pavement width of 1.8m,
  - The existing lighting columns would be relocated onto the new building at 32-36 Loman St,
  - There would be an extension of the 6<sup>th</sup> floor at the eastern side of the building (adjacent to Olwen House) resulting in a 450mm setback from the main building edge.

The consultation raised the following concerns:

**Height, Scale, massing and impacts on the character of the streetscape.**

- 41.
- A seven storey new build will have a huge negative impact onto Risborough St which is already a narrow road.
  - The bulk and size of the proposed development is unacceptable in its proposed location. It is disproportionate to the site and height of local buildings and sets a dangerous precedent for such development works.
  - The proposed building would be 3 storeys higher and potentially 2 metres closer than where the existing building sits, this would reduce the width of the street even further.
  - There is no building this high in the locality, unless abutting larger roads outside the area. If this proposal is accepted, it will set a precedent, which will affect the character of the area.
  - The height of this site, and those surrounding it, should remain at 4 storeys.

42. Officer response

- It is noted that the building is higher than that of the immediate neighbouring buildings such as 15-21 Risborough Street and 8 -20 Olwen House or the properties to the rear including 38 and 42-46 Copperfield Street which range from 3 to 4 storeys, however the height is not out of keeping with the wider townscape, and the set-back top storey means that in most views the building will be read as 6 storeys. In the context of the Central Activities Zone this height appears reasonable. It is recognised that local context is an important factor in assessing scale, but when taken as a whole it is not considered that this building would appear oppressive or out of character.

### **Daylight**

- 43.
- There is concern regarding the rights of light and the lack of daylight and sunlight into the adjacent buildings, including 15-21 Risborough Street.
  - These significant changes are unlikely to comply with BRE daylight standards. The applicants have submitted a daylight study that contends that the BRE guidance for daylight does not apply to office accommodation to justify its finding that the development will not comply with the guidance with respect to our buildings. In fact, the BRE guidance indicates that it can be applied to some offices. It is suggested that it should be applied to the existing small offices in Risborough Street.
  - An attempt should have been made to contact neighbouring properties residents affected by the development to explore the room layout to get a more accurate measurement of daylight distribution.

44. Officer response

- The daylight assessment has been considered in full in this report. The majority of residential windows do meet the BRE tests for daylight. It is noted that a small number of windows do not meet the VSC test but the shortfall in most cases are only slightly beyond the recommendations of the BRE. It is noted that, particularly on Risborough Street several windows to commercial premises do fall below the 0.8 retention of VSC; this is assessed in the report, and should be set in the context of the area and the land use.
- The applicants consultant has now visited a number of neighbouring properties to verify room layouts and uses.

### **Sunlight**

- 45.
- Sunlight impacts to neighbouring properties have been unfairly disregarded due to attributing less importance to terraces as a form of amenity than private gardens.

46. Officer response

- The sunlight assessment has been considered in full in the paragraphs below. A number of windows do not meet the BRE thresholds for sunlight, particularly during winter when the sun is lower in the sky.
- Although the applicant's submitted report does refer to the terraces not being conventional back gardens, for the purposes of this report officers have assessed the impact in the same way as would have been done for rear gardens.

### **Loss of amenity caused by the construction process**

- 47.
- The loss and damage as a result of this proposed development and disruption to surrounding businesses throughout the construction period needs to be taken into account.
  - The environmental impact of the construction works on buildings in Risborough Street and the adjoining areas needs to be taken into account.
  - Temporary structures for two to three years will reduce light and access to Risborough Street for the duration of the build. This needs to be carefully managed and presented.
  - The proximity of the building works to the properties in Risborough Street will make occupation of these properties unacceptably disturbed.
  - Vehicular management needs to be put forward in the form of a plan both for demolition and construction.

48. Officer response

- The impacts which would arise during construction are noted and will be carefully managed by a construction environmental management plan to ensure that neighbouring properties do not suffer a significant loss of amenity by reason of noise, pollution and nuisance,
- Remedy of any damage caused as a result of the construction would be a private matter between the developer and any neighbouring owner.

### **Sense of enclosure**

- 49.
- The rear (north side) of the proposal is approximately 7 metres from the end of 38 Copperfield Street's terrace. The design of the 7 storey flat fronted building will be like having a prison wall 12 metres away and all the associated windows will result in a loss of privacy.
  - The height and mass of this structure will have a huge impact on Copperfield Street as the street is so narrow, making the impact even greater. It would also be the tallest building within a large radius this could also result in a wind tunnel effect.

50. Officer response

- The building maintains the existing main building line on Copperfield Street and Loman Street. The height of the building is discussed elsewhere in this report.

### **Consultation comments in support of the proposal**

- 51.
- Three consultation comments offering general support to the application have been submitted, from charities which use CAN offices to deliver their services. They comment that CAN Mezzanine's provision of affordable work space rental is essential for their organisations whose desk space requirements are based on available funding streams. A larger building could also provide more conference and meeting facilities.

## KEY ISSUES FOR CONSIDERATION

### Summary of main issues

52. The main issues to be considered in respect of this application are:
- Principle of the proposed development in terms of land use;
  - Design, layout, heritage assets
  - Transport and highways;
  - Noise and vibration;
  - Energy and sustainability;
  - Ecology and biodiversity;
  - Air quality;
  - Ground conditions and contamination;
  - Water resources and flood risk;
  - Archaeology;
  - Socio-economic impacts;
  - Planning obligations (S.106 undertaking or agreement);
  - Mayoral and borough community infrastructure levy (CIL);
  - Community involvement and engagement;
  - Consultation responses, and how the application addresses the concerns raised;
  - Community impact and equalities assessment;
  - Human rights, and;
  - Other matters
53. These matters are discussed in detail in the 'Assessment' section of this report.

### Legal Context

54. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. In this instance the development plan comprises the London Plan 2016, the Core Strategy 2011, and the Saved Southwark Plan 2007.
55. There are also specific statutory duties in respect of the Public Sector Equalities Duty which are highlighted in the relevant sections below and in the overall assessment at the end of the report.

### Planning policy

#### National Planning Policy Framework (NPPF)

56. The revised National Planning Policy Framework ('NPPF') was published in February 2019 which sets out the national planning policy and how this needs to be applied. The NPPF focuses on sustainable development with three key objectives: economic, social and environmental.
57. Paragraph 212 states that the policies in the Framework are material considerations which should be taken into account in dealing with applications.

#### Section 2 – Achieving sustainable development

Section 6 – Building a strong, competitive economy  
Section 7 – Ensuring the vitality of town centres  
Section 11 – Making effective use of land  
Section 12 – Achieving well designed places  
Section 14 – Meeting the challenge of climate change, flooding and coastal change  
Section 16 – Conserving and enhancing the historic environment

#### London Plan 2016

58. The London Plan is the regional planning framework and was adopted in 2016. The relevant policies of the London Plan 2016 are:

Policy 2.5 Sub-regions  
Policy 2.10 Central Activities Zone - strategic priorities  
Policy 2.11 Central Activities Zone - strategic functions  
Policy 2.13 Opportunity areas and intensification areas  
Policy 4.1 Developing London's economy  
Policy 4.2 Offices  
Policy 4.3 Mixed use development and offices  
Policy 4.12 Improving opportunities for all  
Policy 5.1 Climate change mitigation  
Policy 5.2 Minimising carbon dioxide emissions  
Policy 5.3 Sustainable design and construction  
Policy 5.12 Flood risk management  
Policy 5.13 Sustainable drainage  
Policy 5.15 Water use and supplies  
Policy 5.18 Construction, excavation and demolition waste  
Policy 5.21 Contaminated land  
Policy 6.1 Strategic approach (Transport)  
Policy 6.2 Providing public transport capacity and safeguarding land for transport  
Policy 6.9 Cycling  
Policy 6.10 Walking  
Policy 6.11 Smoothing traffic flow and tackling congestion  
Policy 6.12 Road network capacity  
Policy 7.3 Secured by design  
Policy 7.4 Local character  
Policy 7.5 Public realm  
Policy 7.6 Architecture  
Policy 7.7 Location and design of tall and large buildings  
Policy 7.8 Heritage assets and archaeology  
Policy 7.14 Improving air quality  
Policy 7.15 Reducing and managing noise  
Policy 8.2 Planning obligations  
Policy 8.3 Community infrastructure levy

#### Core Strategy 2011

59. The Core Strategy was adopted in 2011 providing the spatial planning strategy for the borough. The strategic policies in the Core Strategy are relevant alongside the saved Southwark Plan (2007) policies. The relevant policies of the Core Strategy 2011 are:

Strategic Targets Policy 1 - Achieving growth  
Strategic Targets Policy 2 - Improving places  
Strategic Policy 1 - Sustainable development  
Strategic Policy 2 - Sustainable transport  
Strategic Policy 10 - Jobs and businesses

Strategic Policy 12 - Design and conservation  
Strategic Policy 13 - High environmental standards

Southwark Plan 2007 (saved policies)

60. In 2013, the council resolved to 'save' all of the policies in the Southwark Plan 2007 unless they had been updated by the Core Strategy with the exception of Policy 1.8 (location of retail outside town centres). Paragraph 213 of the NPPF states that existing policies should not be considered out of date simply because they were adopted or made prior to publication of the Framework. Due weight should be given to them, according to their degree of consistency with the Framework. The relevant policies of the Southwark Plan 2007 are:

Policy 1.1 Access to Employment Opportunities  
Policy 1.4 Employment Sites  
Policy 1.7 Development within Town and Local Centres  
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 3.31 Flood Defences  
Policy 5.1 Locating Developments  
Policy 5.2 Transport Impacts  
Policy 5.3 Walking and Cycling  
Policy 5.6 Car Parking

**Southwark Supplementary Planning Documents**

61. Sustainable Design and Construction (SPD, 2009)  
Sustainable Transport (SPD, 2010)  
Section 106 Planning Obligations and CIL (SPD, 2015)  
Sustainability Assessment (SPD, 2009)  
Design and Access Statements (SPD, 2007)

Greater London Authority Supplementary Guidance

Mayor of London: Sustainable design and construction (Saved SPG, 2006)  
Mayor of London: Accessible London, achieving an inclusive environment (Saved SPG, 2004)  
Mayor of London: Central Activities Zone (SPG, 2016)  
Greater London Authority: Use of planning obligations in the funding of Crossrail (SPG, Updated 2016)  
Mayor of London: Character and Context (SPG, 2014)

## **Emerging planning policy**

### Draft New London Plan

62. The draft New London Plan was published on 30 November 2017 and the first and only stage of consultation closed on 2 March 2018. The examination in public commenced on 15<sup>th</sup> January 2019 and concluded in May 2019. At this stage of the assessment it can only be attributed limited weight. Key policies include:
63. D1 London's form and characteristics  
E3 Affordable workspace

### New Southwark Plan

64. For the last 5 years the council has been preparing the New Southwark Plan (NSP) which will replace the saved policies of the 2007 Southwark Plan and the 2011 Core Strategy. The council concluded consultation on the Proposed Submission version (Regulation 19) on 27 February 2018. The consultation on the New Southwark Plan Proposed Submission Version: Amended Policies January 2019 was completed on 17 May 2019. The Plan is expected to be submitted for Inspection very shortly, for Examination in Public (EiP) in 2020. As the NSP is not adopted policy it can only be attributed limited weight. Nevertheless paragraph 48 of the NPPF states that decision makers may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan, the extent to which there are unresolved objections to the policy and the degree of consistency with the Framework.

## **ASSESSMENT**

### **Principle of the proposed development in terms of land use**

65. The proposed development would increase the amount of Class B1 office space and as such would comply with policies in the Core Strategy and saved Southwark Plan, as well as the London Plan, to support business and employment in the Central Activities Zone. It would also contribute to meeting the target for 25,000 new jobs in the Borough Bankside and London Bridge Opportunity Area, CAN have indicated that, dependent on the desk space arrangement used by their tenant charities, the new building could provide between 540 and 650 jobs.
66. Although the site lies within a designated town centre, it is not considered appropriate to require active retail frontages on this site. It is some distance from the main road frontages where the service and retails activities are concentrated. Given the more limited footfall in this location, it is more appropriate to maximise the office space within the building.
67. Similarly, there is general support in the London Plan for providing housing as part of new office developments in the CAZ. However, given the limited size of this site, and the priority to create workspace, the inclusion of residential use would severely compromise the layout of the site. Given the scale of the building, and in recognition that it is not an allocated site under the development plan, it is reasonable to support a purely office development on this site.

### Affordable workspace

68. Both the emerging New London Plan (at policies E2 and E3) and the New Southwark Plan (at policy P28) require new Class B1 developments to provide a

proportion of the floor space as affordable workspace.

69. As noted above, The Helen Thompson Taylor Foundation (operating as “CAN Mezzanine”) are the occupiers and are delivering affordable workspace in accordance with their social enterprise aims.
70. CAN Mezzanine specifically provide affordable workspace for the charitable sector under their charitable objectives. The council’s Local Economy Team are satisfied that the operation of the building under the terms proposed by CAN would be a positive response to the emerging policies, and enable not for profit organisations to access workspace and support facilities in central London. However in the event that CAN decided to dispose of the building, any planning permission issued would, unless controls were in place, allow the building to be used without reference to affordable workspace. It is therefore recommended that the s106 agreement contain a clause that in the event the building is disposed of within 30 years of the permission, 10% of the office floor space would have to be provided as affordable workspace for the balance of the 30 year period. 30 years is the term being suggested as an appropriate period to secure affordable workspace under the emerging policy P28 of the New Southwark Plan.

### **Business relocation**

71. CAN Mezzanine have confirmed that the existing employees have already been relocated to their other buildings.
72. Prior to the development plans CAN Mezzanine initiated a consultation with all customers, advising of the plans. They saved space in their nearby Borough building and offered to assist customers with moving costs, and to keep their rent as per Loman Street. They agreed to continue design engagement and return them to the new building on completion. 90% of the existing customers moved to the Borough or Old Street buildings. One organisation chose to move to a building closer to Loman Street with a request to advise them on redevelopment, allowing them to return in the future. Two customers chose to relocate. The Borough building is currently full. CAN envisages the new building will be able to house all of the existing customers in Borough on completion and hope to have the ability to house some more based on fire assessment and desk size preferred by customers.

### **Conclusion on land use**

73. The proposed office use would accord with relevant planning policies. The increase in employment space would make a contribution towards the floor space required to meet the existing and emerging jobs target for the Opportunity Area as set out in the London Plan. The development would enable CAN to offer more affordable office space, and better, more inclusive facilities for its charity tenants and users. As such it complies with the development plan, and makes a positive contribution to the objectives to support the economic health of the borough and central London.

### **Environmental impact assessment**

74. The development is not considered to constitute EIA development, based on a review of the scheme against the EIA Regulations 2017 and the European Commission guidance. In summary, the proposed development would not be likely to have significant effects upon the environment by virtue of factors such as its nature, size or location of more than local significance, and therefore an EIA would not be required.

## Design, layout, heritage assets

75. The area is a mixed area with a mixture of former industrial buildings of different heights up to maximum of about six storeys. Brick is prevalent as the main building material and buildings are in general built right up to the edge of pavement. The Crown Court forms a bulky and somewhat relentless presence on the other side of Loman Street.

76.



*View looking east on Loman Street*

77. The proposed building follows broadly the same footprint as the existing building, although on Risborough Street the building does step forward of the current building line. However the effective pavement width is maintained because the street currently contains cycle stands on the private forecourt land.
78. The proposed building has a brick 'warehouse style' to a height of ground plus five storeys with the same curved corners as existing building. A lightweight metal and glass sixth floor is set back a little from the main façades below. Above this and set back again is a plant enclosure. Due to the narrowness of surrounding streets, the sixth floor will not be conspicuous with limited visibility from street level in short range views, whilst the plant enclosure is unlikely to be visible from street level.
79. The main brick building is higher than its immediate context but within an area which is designated as an Opportunity Area where intensification is expected. The impact on the streetscene is not unduly overbearing and the recessive top floor will have limited visibility. On balance, the height and massing, delivered in a warehouse style, is considered acceptable.

80.



*View looking South on Risborough Street.*

81. The main facades feature deep-set crittal-style windows, with a 'giant order' of glazed openings providing some interest at ground floor. Stone plat bands divide the facades into a base, a middle and a top. The topmost sixth floor is deliberately lightweight in order to distinguish it from the main masonry facades below.
82. The entrance will be formed by a recessed double height bay facing onto Loman Street. This will again fit in with the warehouse aesthetic.
83. Overall, the design will create a credible warehouse feel that compliments the townscape of the area. It is therefore acceptable. Bay studies within the Design and Access statement indicate that the building facades will have sufficient depth to create the deep reveals and modelling that will be essential for a convincing façade. A condition requiring the submission of typical facade construction details at a scale of 1/5 should nevertheless be applied to ensure the quality of the finer detailing.

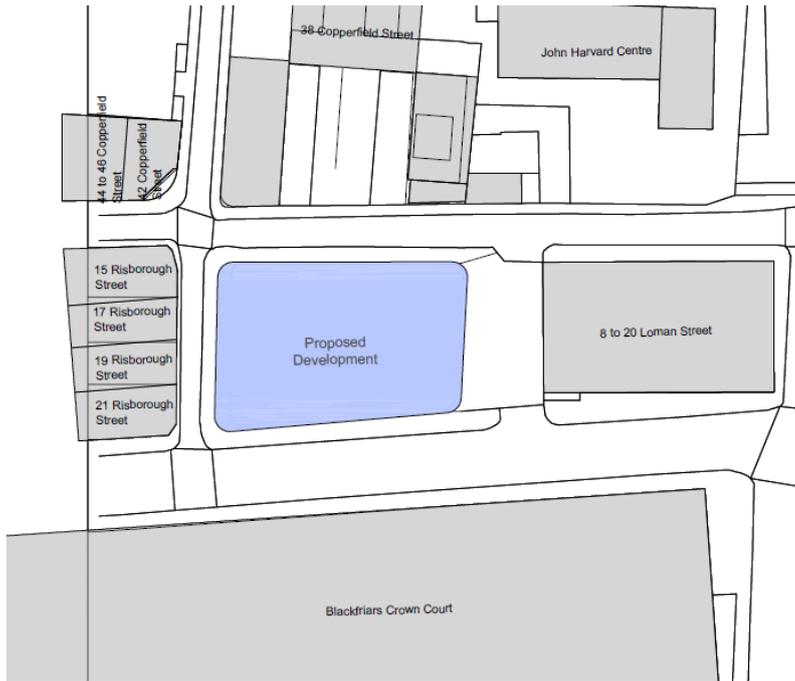
#### **Impact of proposed development on amenity of adjoining occupiers and surrounding area**

84. 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 relates to the protection of amenity and states that permission would not be granted where a loss of amenity to present occupiers would be caused.

#### Daylight/Sunlight

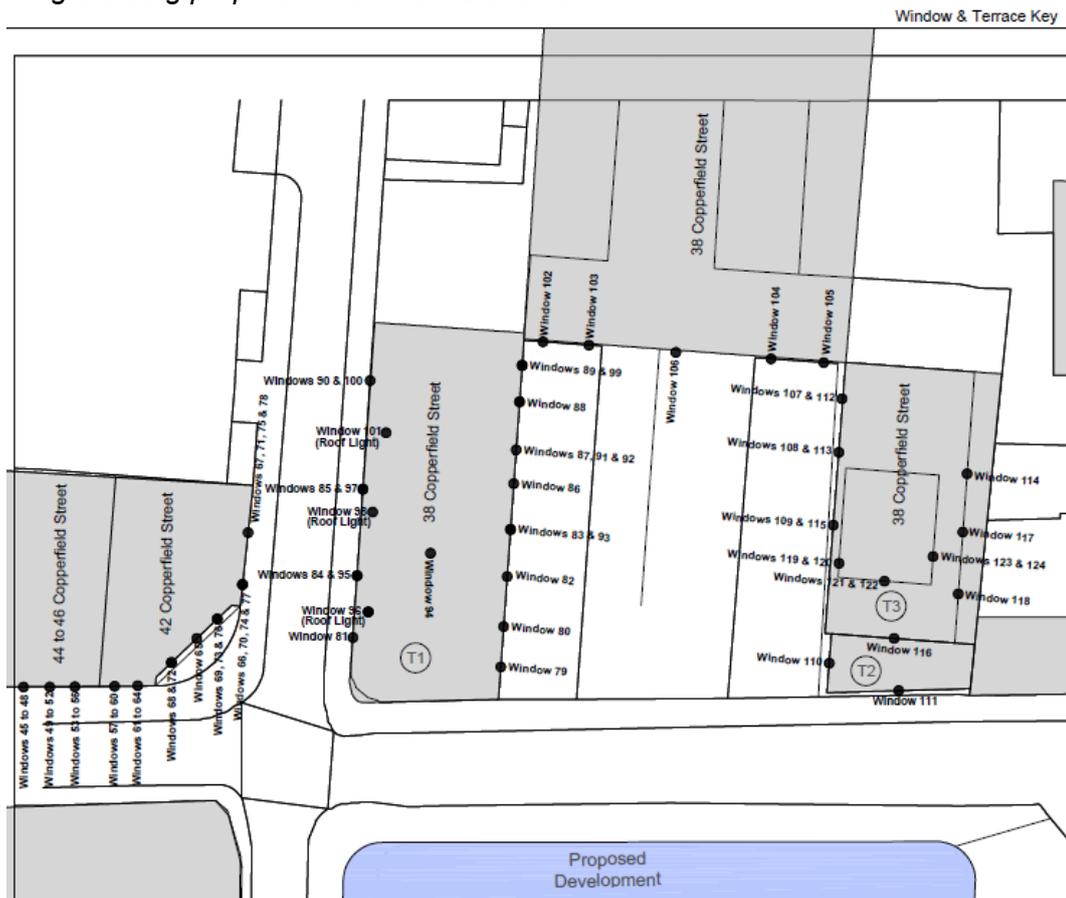
85. A daylight and sunlight report was submitted with the application. Following consultation, a number of neighbouring occupiers raised concerns about the accuracy of the report, and about the assumptions which underpinned the Daylight Distribution (also known as 'No Sky Line') tests. The applicant's consultant visited a number of properties at 38 Copperfield Street, which lies immediately to the north of the application site, to view the internal layouts. An updated daylight and sunlight report was then submitted in November; the assessment within this officer's report is based on the revised applicant's report. The report assesses the scheme based on the Building Research Establishments (BRE) guidelines on daylight and sunlight.

86. Location plan of neighbouring properties



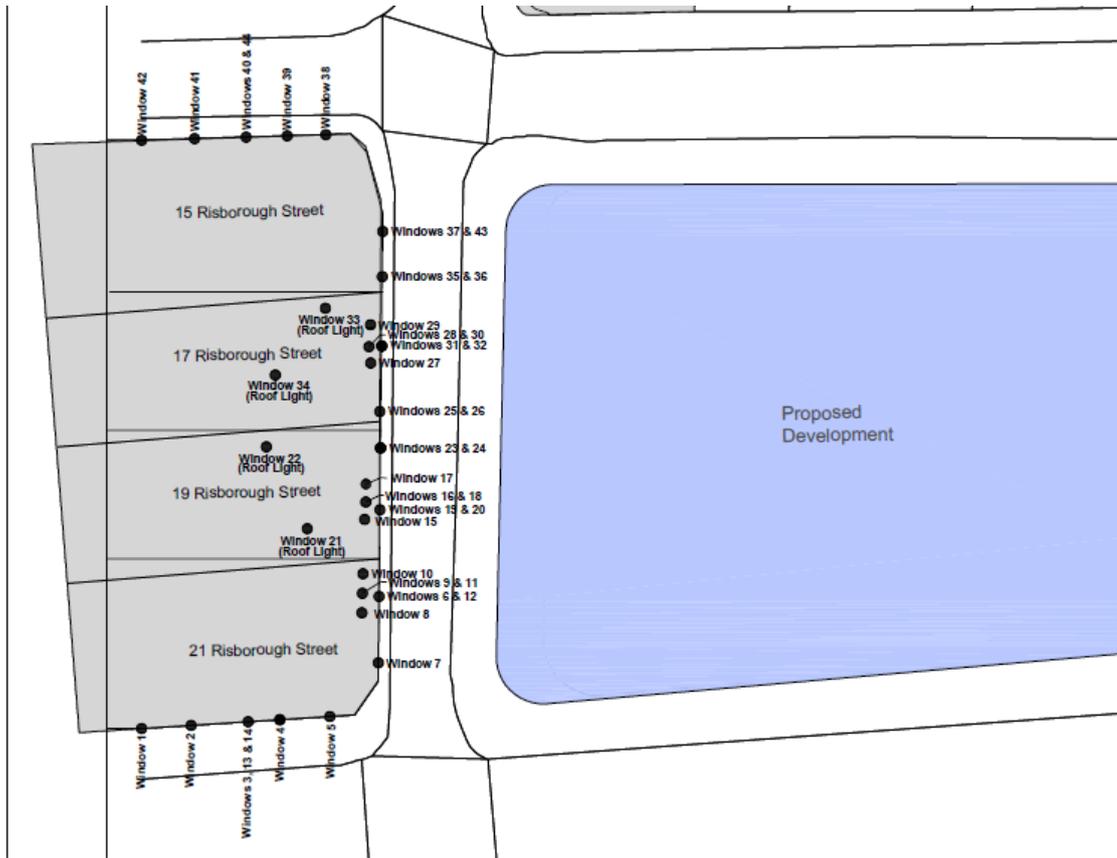
87. Neighbouring properties windows and terraces.

87.



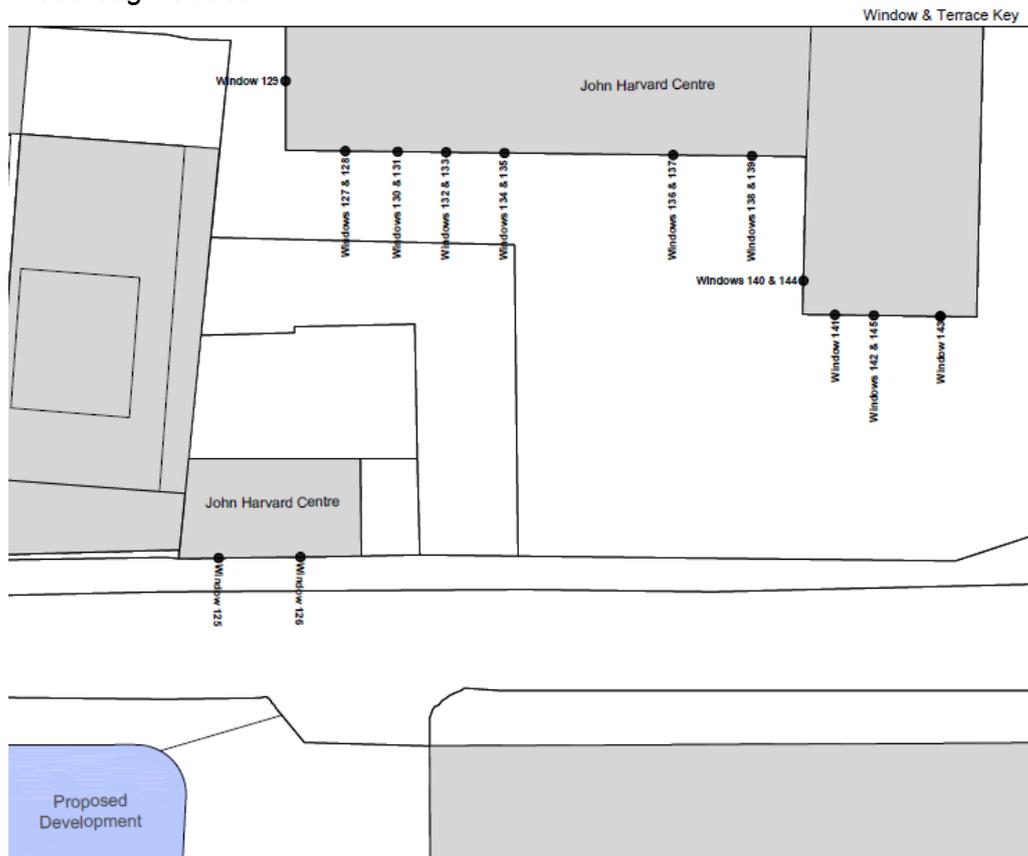
Copperfield Street

88.



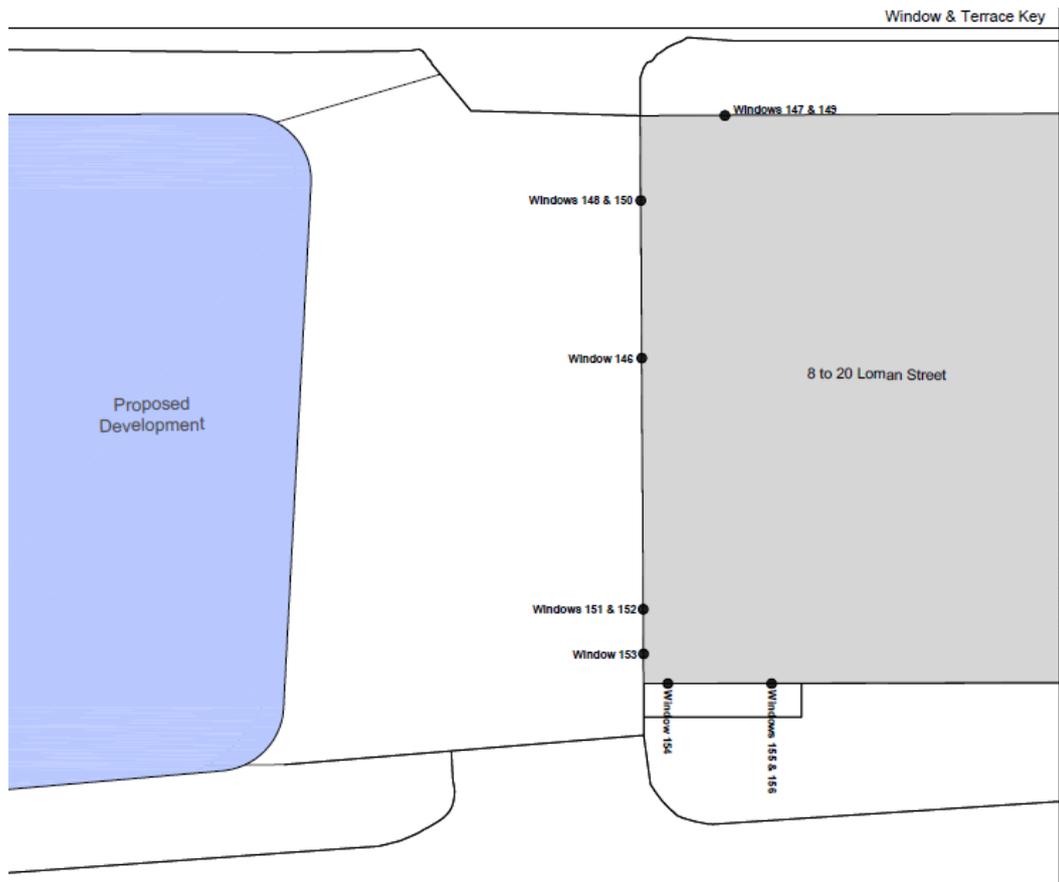
Risborough Street

89.



John Harvard Centre

90.



*8 to 20 Loman Street.*

91. The BRE Guidance provides technical reference for the assessment of amenity relating to daylight, sunlight and overshadowing. The guidance within it is not mandatory and should be applied flexibly recognising the characteristics of the place.
92. The BRE sets out the methodology for a number of detailed daylight 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 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% (or retain 0.80) of their original value before the loss is noticeable.
93. The second method is the No Sky Line (NSL) or Daylight Distribution 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 20% in the area of sky visibility, daylight may be affected. Although this test is widely used, it is less reliable when the layout of rooms is not known, either from an internal inspection, or confirmed internal layout plans.
94. In relation to sunlight, the test is to calculate the annual probable sunlight hours (APSH) taking into account the amount of sun available in both the summer and winter for each given window which faces within 90 degrees of due south. The assessment requires that a window should receive a quarter of annual probable sunlight hours in the summer and at least 5% of sunlight hours during the winter months.

95. The applicant's daylight assessor visited the application site and carried out a photographic survey of the immediately neighbouring properties, being;
- 15 to 21 Risborough Street,
  - 8 to 20 Loman Street,
  - Blackfriars Crown Court,
  - 38 to 46 Copperfield Street,
  - The Cottage on Copperfield Street
  - John Harvard Centre.
96. Following concerns raised by neighbours, who had commissioned their own daylight consultant, the applicant's consultant visited a number of flats and live/work units at 38 Copperfield Street to verify rooms layouts and window positions relative to those rooms. This enabled a more reliable No Sky Line assessment for those properties.
97. In addition, that visit also confirmed the residential use of The Cottage on Copperfield Street which was then included in the amended report.
98. 15 to 21 Risborough Street, 8 to 20 Loman House according to the report appear to be non-residential buildings. The John Harvard Centre and Blackfriars Court are not residential properties. BRE can be applicable to non-residential premises, however judgement needs to be exercised as to how to apply the standards reflecting the expectations for daylight for specific non-residential uses
99. The daylight and sunlight impacts on the following adjoining residential properties have been considered in the submitted daylight report. Some of the key residential windows which were assessed are shown on the images below
100. Results from daylight and sunlight report dated 4<sup>th</sup> November 2019

Residential Buildings Assessed	Windows Tested	Non-BRE Compliant (VSC)	Non-BRE Complaint Rooms(NSL )
38 Copperfield Street	65	10	3
42 Copperfield Street	22	6	N/A
44-46 Copperfield Street	12	0	N/A
The Cottage Copperfield Street	2	1	N/A

101.	Non-residential buildings assessed	Windows tested	Non-BRE compliant for VSC
	15 Risborough Street*	10	3
	17 Risborough Street	10	7
	19 Risborough Street	10	7
	21 Risborough Street	14	6
	John Harvard Centre	19	0
	8-20 Loman Street	11	5
	Blackfriars Crown Court	55	18

102. \* for 15 Risborough Street, No Sky Line (NSL) results have also been given since the layouts are known from plans held by the Council. These results show that 3 of the 4 rooms at the property (served by the 10 windows) meet the BRE guidelines for NSL.

#### Vertical sky component

##### 38 Copperfield Street

This building has a broadly U-shaped layout behind a brick wall fronting Copperfield Street. It is immediately opposite, and to the north of, the application site. Most of the units are laid out as live/work space, with studio workspaces linked to living accommodation. As the most directly affected residential property, the applicant's consultant has verified room layouts and uses, and provided NSL results as well as VSC results.

The unusual layout of the units, with some deep rooms, and rooms served by high level secondary windows does make the assessment here more complex.

103. All main habitable room windows tested pass the Vertical Sky Component test with the exception of windows 82, 94, 102 to 105, 111, 116, 121 and 122. The retained levels of VSC range from 0.65 to 0.76 which are which are not significantly below the BRE expectations, when seen in the context of a central London location.. The applicants report suggests that part of the reason for these levels is the impact of the side wings of the building, and an overhanging canopy.
104. For windows 121 & 122, these windows appear to be part of an open plan room, and each retains a level of 0.64 of the existing value
105. Several of the rooms are served by large windows looking south towards the application site, and smaller side or high levels windows on alternative faces. These factors have improved the NSL results, in part mitigating the deep floor plans of the rooms. The BRE notes that where an existing building contains rooms lit from one side only and with a depth greater than 5metres, then a greater movement in NSL may be unavoidable. These rooms do benefit from additional windows but the depth of the rooms, over 11 metres in some cases, would mean that the daylight from the main windows would be unable to penetrate to the furthest parts of the room.
106. Whilst the proposed building does impact on these properties, the impacts would not in themselves warrant refusal. Special circumstances stated by the occupiers, relating to their work as artists, could be material, but not of such weight that this would warrant withholding permission.

107.



**38 Copperfield Street**

108.



**38 Copperfield Street**

109.

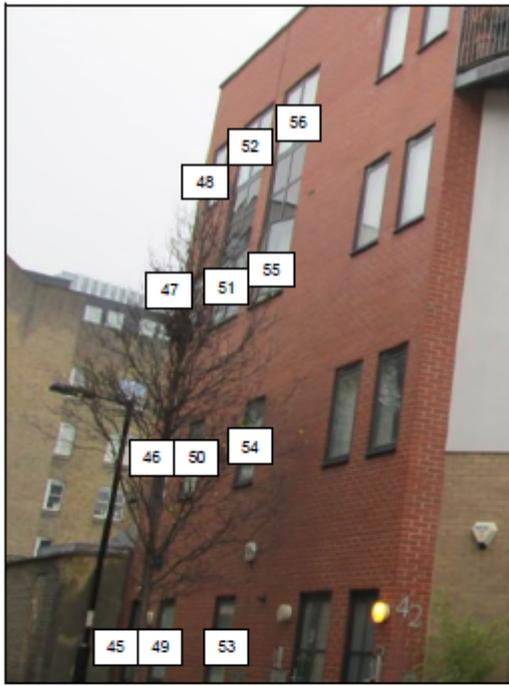


**38 Copperfield Street**

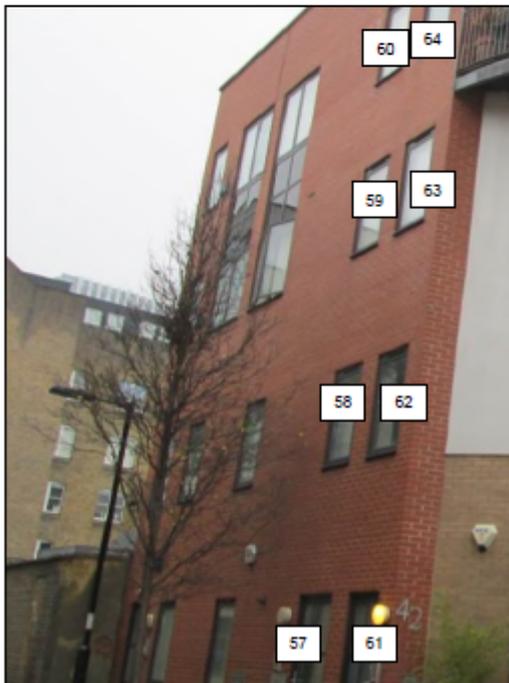
42 Copperfield Street

110. All main habitable room windows tested pass the Vertical Sky Component test with the exception of windows 68, 69, 72, 73, plus window 65 which according to the report serves a non-habitable space. The retained levels range from 0.61 to 0.75 of the existing values. If tested without the balconies above, windows 68, 69 and 71 only fall marginally short of the 0.8 BRE recommendation. No verified NSL information was provided for 42 Copperfield Street in the November report.

111.



44 to 46 Copperfield Street



42 Copperfield Street



**42 Copperfield Street**

44 to 46 Copperfield Street

112. All main habitable room windows tested comfortably pass the Vertical Sky Component test.

The Cottage, Copperfield Street

The amended results confirm a VSC result of 0.79 for window 125 and 0.81 for window 126. In this case, therefore, the one window which fails the VSC test does so by only a marginal amount and the impact is unlikely to be noticeable.



**The Cottage**

## **Sunlight to Windows**

<u>Residential Buildings assessed</u>	<u>Domestic Windows tested</u>	<u>Non-compliant annual probable hours</u>	<u>Non-compliant winter sun hours</u>
38 Copperfield Street	37	8	13
42 Copperfield Street	17	2	6
44-46 Copperfield Street	12	0	0
The Cottage, Copperfield Street	2	0	0

### **38 Copperfield Street and 42 Copperfield Street**

113. A number of windows at these properties fall short of the sunlight recommendations. At 42 Copperfield Street these include windows 72 and 73 which fall short of the expected annual probable sunlight hours. 6 windows also fall short of the annual winter sunlight hours.
114. At 38 Copperfield Street there are a number of windows that do not meet the BRE requirements for annual probable hours, and a larger number that fail in relation to winter sun.
115. The BRE sets out that sun is important in main living rooms but that kitchens and bedrooms are less important in relation to sunlight. The affected rooms are in a range of uses including living spaces and circulation spaces. The failures in relation to winter sun reflect the fact the access to direct sunlight is more difficult in winter in urban sites due to the low elevation of the sun and the longer shadows cast by dense building forms.
116. All windows tested at 44-46 Copperfield Street passed in terms of annual sunlight and winter sun hours.

### **Overshadowing to Gardens and Open Spaces**

117. The BRE guide recommends that at least 50% of the area of each amenity space listed above should receive at least two hours of sunlight on 21 March. If as a result of new development an existing garden or amenity area does not meet the above, and the area which can receive two hours of sunlight on 21 March is less than 0.8 times its former value, then the loss of light is likely to be noticeable.
118. The report suggests that terraces should not be treated in the same way as rear gardens; however, in a city where few have the benefit of conventional gardens, terraces are an important amenity so suggest they should be recognised as such.
119. The results of the overshadowing test show that sunlight availability after the development for one of three terrace areas (terrace 1) at 38 Copperfield Street will be reduced to less than 0.8 times the former value and will not receive 2 hours of direct sunlight to 50% of its area on 21 March. Garden 4 at The Cottage meets the BRE recommendations. The shortfalls overall are therefore marginal within the context of an urban area.

120. Since the level of overshadowing is relatively small in absolute area terms, It is deemed that the proposed development will not have a significantly harmful effect.

121.



**38 Copperfield Street**



**38 Copperfield Street**

122. In addition to the above buildings, the tests did consider the neighbouring non-residential buildings at Risborough Street, Loman Street and the Crown Court. The impacts on neighbouring amenity are a material consideration, but must be read in the context of the character of the area and the reasonable expectation of daylight and sunlight for the particular uses. Whilst a number of the commercial occupiers have raised objections based on loss of light to their premises, the impacts could not justify refusal of planning permission. The buildings exist in a dense central area and the remaining light levels, whilst impacted by the development, are not unreasonable in this context.

123. Conclusion on daylight, sunlight and overshadowing

124. It is noted that the majority of windows to neighbouring residential building do retain daylight levels in compliance with BRE recommendations. Where reductions occur beyond the BRE threshold levels, the shortfalls are relatively modest. The BRE cautions that its guidance should be applied flexibly and the retained daylight and sunlight levels for the residential properties are not untypical for a central area. Only limited verifiable information has been submitted to show impact on No Sky Line although it is available for the closest residential buildings. On balance, the impact on neighbours amenity is not sufficiently harmful to warrant refusal of the application when balanced against the benefits of the scheme.

**Noise and vibration**

125. Proposed plant will result in consequential noise increase and as such noise mitigation is required this will be covered by condition.
126. The proposal would also result in a more intensive use on the site with the likelihood of increased vehicular and pedestrian movement to and from the site. Whilst the nature and usage of the site would be more intensive, it is not considered that this would be unreasonable. As such any deliveries or collections to the commercial units shall only be between the following hours: 08.00 – 20.00hrs on Mon – Sat and 10.00 – 16.00hrs on Sun & Bank Holidays to limit the amenity of neighbouring properties.
127. Given the proximity of the roof top terrace to 15-21 Risborough Street the use of the terrace will also be limited to restricted hours between the hours of 08:00 – 22:00, unless used as a means of escape where the restrictions do not apply.

**Transport Issues**

128. 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; saved policy 5.3 requires that the needs of pedestrians and cyclists are considered and saved policy 5.6 establishes maximum parking standards.

**Accessibility**

129. The site has PTAL (public transport accessibility level) of 6b indicating excellent access to public transport. This proposed development is within a short walking distance of Southwark tube station, Waterloo East national rail station and the bus routes on Blackfriars Road at its western side plus the bus routes on Marshalsea Road at its immediate eastern side. Concerning the vehicular trips relating to this development, analysis of comparable sites' travel survey using TRICS database has shown that in the morning or evening peak hours, around 3 net additional two-way vehicle movements would be generated by this development.
130. Footways would be resurfaced under a s278 agreement with the Council, which would create a more safe and comfortable pedestrian environment, and the commitment to attach street lights to the building face would reduce obstructions on the footways. These matters would be secured through the s106 agreement.

## **Servicing**

131. Servicing and delivery activity is proposed to be maintained as on-street from Loman Street. Refuse will be stored at basement level and operatives will have access to the basement via a lift to transfer waste to ground level for collection. The applicant has provided a detailed Construction Management Plan which includes a commitment for its transport contractors to have a 'Silver' standard FORS which covers pedestrian/cyclist safety. A final construction management plan will be submitted for review by condition.

## **Cycling**

132. Cycle parking is required in line with the Draft London Plan standards for long stay spaces. This equates to 1 space per 75 sqm (Long Stay) and 1 space per 500 sqm for visitors. Based on the proposed floor area this equates to 65 long term spaces and 10 visitor spaces. A total of 5 visitor spaces are provided which is a slight reduction on the visitor standards. Given that the visitor and long term parking is provided in the same location, there is plenty of opportunity for visitor demand to be accommodated on the site. Two tiered racks are provided which are on balance acceptable although the council's preferred 'Sheffield' style racks have not been provided. A condition is recommended to secure the full level of visitor parking on site.

## **Energy and sustainability**

133. Policy 5.2 of the London Plan Minimising Carbon Dioxide Emissions that requires development proposals should make the fullest contribution to minimising carbon dioxide and that they should provide an assessment of their energy demands and demonstrate how they have taken steps to apply the Mayor's energy hierarchy. The policy requires commercial development to achieve a 35% saving in regulated carbon emissions relative to the baseline in Part L of the Building Regulations 2013. An Energy Strategy and Sustainability Statement have been submitted as part of the application.
134. A series of energy efficient measures are proposed for the development; these include building fabric and optimal g-values to reduce the cooling load, an air handling plant, maximised use of LED and low energy fixtures elsewhere, the use of Air Source Heat Pumps (ASHP) to provide low energy and low carbon heat to the building and provision of onsite Photovoltaics.
135. In accordance with the revised GLA carbon factors as used in their calculations, the development is shown to achieve a total cumulative 45% reduction in carbon emissions compared to the Part L 2013 baseline scheme.
136. In addition to the 45% reduction, the Energy statement also confirms a further 22% reduction in carbon saving is achieved via the use of on-site photovoltaics and the use of Air source heat pumps.
137. An initial BREEAM pre-assessment has been undertaken to develop a strategy for achieving the relevant targets for the proposed building. It has been demonstrated that the development has a strategy in place to achieve a BREEAM 'Excellent' rating with a number of additional initiatives identified to potentially elevate the performance pending further investigations and detailed development. The development is currently targeting a BREEAM score of circa 71% equating to an 'Excellent' rating.

## **Ecology and biodiversity**

138. Due to the nature of the development which is for a larger office building there is limited scope for a range of biodiversity measures, however the applicant has agreed to install either a blue roof or a combination of a blue and green roof to both manage urban water as well as encourage natural habitat.

## **Trees**

139. There are two existing trees located on Copperfield Street, these will be retained as part of the development. To ensure damage is avoided to these trees, an arboricultural statement is required showing the means as to how these trees will be protected from harm caused by the demolition, excavation and all related works associated with the development

## **Air quality**

140. Policy 3.6 of the Southwark Plan states that permission will not be granted for a development that would lead to a reduction in air quality. The site falls within an Air Quality Management Area (AQMA) due to high levels of nitrogen dioxide concentrations attributable to road traffic emissions. Accordingly, an Air Quality Assessment has been submitted which assesses the impact of the scheme in terms of its effect on local air conditions and neighbouring amenity. The council's Environmental Protection Team have advised that any external doors are fitted with automatic closers and that any air intake for ventilation purposes is situated on the rear façade of the development or the façade furthest from emissions sources such as busy roads, although none of the adjoining roads are highly trafficked.

## **Ground conditions and contamination**

141. An Applied Geology Desk Study Report (ref: AG2977-19-AH53, dated: March 2019) has been submitted as part of this application. Based on available information, including the presence of an existing partial depth basement which is likely to have resulted in previous removal of at least some of any plausible historic site contamination, there is considered to be a low to medium risk with regard to human health and Controlled Waters.
142. A phase 2 intrusive report is required to fully assess the ground conditions. 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 and neighbours.

## **Water resources and flood risk**

143. The site is located within Flood Zone 3a which is considered to be an area of high risk of flooding due to the proximity of the tidal River Thames. A flood risk assessment has been submitted and recommendations have been made to effectively manage water management as part of the development. Surface water and foul water is to drain by gravity and connect onto the existing combined sewers. Building Floor Levels will also be 300mm higher than the adjacent minimum road channel level where possible to mitigate against localised flooding caused by heavy/intense rain. The applicant has agreed for a green roof to be installed underneath the PV panels to enable effective water management.

## Archaeology

144. The site is not within a current Archaeological Priority Zone (APZ) or within the soon to be adopted new Archaeological Priority Area (APA) of 'North Southwark and Roman Roads', but it is immediately adjacent to it. This area of Southwark is known to contain several post-medieval burial grounds and recent excavations at the Old Fire Station on Southwark Bridge Road by PCA (2016) have revealed human burials associated with the St Saviour's Workhouse 'Burying Ground' (shown on Horwood's map of 1813). There are a cluster of burial grounds in the immediate area and some caution must be exercised.
145. An archaeological desk based assessment has been submitted. The assessment shows evidence that *'previous development activities on the Site may have removed the archaeological potential'* and the risk of finding archaeology in this location is reduced. The evidence for this is that the current building is basemented and the site is located on a former feature known as 'Lowmans Pond' - which appears to have been a large gravel extraction quarry, the 'pond' is shown on several historic maps including Morgan (1682), Rocque (1746) and John Strype, in his 1720 Survey of the Cities of London and Westminster refers to 'Lowmans Pond' *"as so called as dug at his Charges, out of a large Peece of Ground"*. On Horwood's map of 1799 the pond appears to be infilled and the site is covered by tenements. The late 18th century infilling of the pond is not deemed to be of high archaeological significance. The historic map evidence does not suggest that any of the nearby burial grounds extend into the site area.
146. In conclusion, appraisal of this application using the submitted desk based assessment, historic map regression, and the Greater London Historic Environment Record (GLHER) indicates that, in this instance, it can be concluded that the archaeological resource would not be compromised by these works. As such no further archaeological assessment, fieldwork or conditions are required because the site lies outside of an APZ, has seen significant development from the historic map record and is outside of the area where significant burial archaeological remains are anticipated.

## Planning obligations (S.106 undertaking or agreement)

147. A section 106 agreement is required to ensure that should CAN Mezzanine cease to operate according to their existing charitable objectives to provide affordable workspace to charities and the third sector within a period of 30 years, any subsequent occupier would be obligated provide at least 10% of the floorspace as affordable for the remainder of the 30 year term.
148. The applicant will also be required to enter into a s278 agreement with the Council to renew surfacing on the adjoining footways following construction, including dropped kerbs where needed to facilitate waste collection. An agreement will be required to locate street lamps on the face of the building.
149. Future occupiers would be prevented from being able to obtain parking permits for on street parking (with the exception of Blue Badge holders).
150. In the event that a satisfactory legal agreement has not been entered into by 10<sup>th</sup> January 2020 it is recommended that the Director of Planning be authorised to refuse planning permission, if appropriate, for the following reason:

The proposal, by failing to secure appropriate planning obligations secured through

the completion of a s106 agreement fails to ensure the protection of the affordable workspace in the event of disposal, and also the secure highway works to mitigate the impacts of development in accordance with saved policy 2.5 of the Southwark Plan 2007, strategic policy 14 of the Core Strategy and policy 8.2 of the London Plan, and the Planning Obligations and Community Infrastructure Levy SPD 2015.

### **Mayoral and borough community infrastructure levy (CIL)**

151. Section 143 of the Localism Act states that any financial contribution received in terms of 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.
152. In this instance it is likely that the proposal would not generate MCIL or SCIL as the applicant is a charity and the affordable workspace provision meets their charitable objectives. However, the applicant must submit CIL charitable claim after the grant of planning permission in order to benefit from CIL charitable relief. If not brought forward by CAN under their charitable objectives, the development would be subject to a CIL charge.

### **Community involvement and engagement**

153. Community engagement has focused on residents who lived near or around the site, local councillors, other key stakeholders and CAN customers prior to the submission of the this application. This included three days of public consultation from Thursday 14th February until Saturday 16th February, individual meetings and local media activity to raise the profile of the project.
154. Letters were issued to over 1179 households, inviting feedback through a questionnaire to be filled on the day or to send via a freepost address.
155. CAN Mezzanine offered 30 immediate neighbours individual appointments to discuss the plans with the CEO of CAN, the architect and other members of the project team.
156. All ward members, Planning Committee members and relevant Cabinet Members were also invited to informal briefings in advance of the exhibitions, and to the exhibitions themselves. Details of the consultation have been appended to the report.
157. Following consultation responses, the applicant's daylight consultant visited a number of neighbouring properties to verify room layouts.

### **Consultation responses, and how the application addresses the concerns raised**

#### **Consultation responses from internal and divisional consultees**

158. Summarised below are the material planning considerations raised by internal and divisional consultees.

159. Environmental Protection Team:

- A condition is requested to manage the levels of plant noise so that it does not cause unacceptable noise to amenity.
- The external terrace(s) shall not be used, other than for means of escape, between the hours of 08:00 – 22:00.
- 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).
- Any deliveries or collections to the commercial units shall only be between the following hours: 07.00 – 22.00hrs on Mon – Sat and 10.00 – 17.00hrs on Sun & Bank Holidays.
- A Phase 1 sampling strategy shall be submitted to the Local Planning Authority for approval before the commencement of any intrusive investigations.

160. Highways and Development Team:

- The applicant will be required to enter into a section 278 agreement to undertake the highway works as stated in detail below.
- All developers are required to renew and upgrade the kerb and footway adjacent to their development to the appropriate materials as specified in our regulating plan and materials palette.
- Repave the footway including new kerbing fronting the development on Copperfield Street, Risborough Street and Loman Street in accordance with the SSDM requirements.
- Reconstruct existing tree pits in accordance to Southwark Street Design Manual (SDSDM) requirements.
- Change all utility covers on footway areas to recessed type covers.
- Provide appropriate dropped kerbs at Loman Street for waste collection purposes.
- Upgrade street lighting to current LBS standards, including on private roads.
- Rectify any damaged footways, kerbs, inspection covers and street furniture due to the construction of the development.

161. Local Economy Team:

- The Local Economy Team confirm support of the redevelopment as it will provide additional affordable office workspace for charities.

162. Ecologist:

- A request has been made that a green roof is installed underneath pvs to encourage biodiversity and natural habitats within the area

Officer response to issue(s) raised:

The applicant originally proposed a blue roof, which would have sustainable urban drainage benefits, however agreement has been sought for a blue roof and green roof combination on the pavilion floor can be provided for the development.

### **Consultation responses from external consultees**

163. Summarised below are the material planning considerations raised by external consultees, along with the officer's response.

164. Environment Agency:

- The Environment Agency were initially concerned that the finished floor levels were not provided for in the assessment and information on finished floor levels to be provided. These have now been provided.

Officer response to issue(s) raised:

The finished floor levels have now been provided and the proposed finished floor levels are now deemed acceptable.

165. Thames Water:

Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.

Officer response to issue(s) raised:  
These comments are noted.

166. Historic England:

- No requirement for comment.

Officer response to issue(s) raised:

Noted.

167. Metropolitan Police:

- The development is suitable to achieve Secured By Design accreditation. It is requested that a **'Secured by Design' condition** for the whole development, is attached to any permission that may be granted in connection with this application and that the wording is such that 'The development must adhere to the principles and physical security requirements of Secured By Design'

Officer response to issue(s) raised:

This is noted and has been agreed by the applicant.

168. These matters are addressed comprehensively in the relevant preceding parts of this report.

## **Community impact and equalities assessment**

169. The Council must not act in a way which is incompatible with rights contained within the European Convention of Human Rights
170. The Council has given due regard to the above needs and rights where relevant or engaged throughout the course of determining this application.
171. The Public Sector Equality Duty (PSED) contained in Section 149 (1) of the Equality Act 2010 imposes a duty on public authorities to have, in the exercise of their functions, due regard to three "needs" which are central to the aims of the Act:
1. The need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act
  2. The need to advance equality of opportunity between persons sharing a relevant protected characteristic and persons who do not share it. This involves having due regard to the need to:
    - Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic
    - Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it
    - Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low
  3. The need to foster good relations between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to tackle prejudice and promote understanding.
172. The protected characteristics are: race, age, gender reassignment, pregnancy and maternity, disability, sexual orientation, religion or belief, sex, marriage and civil partnership.

## **Human rights implications**

173. 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.
174. This application has the legitimate aim of providing additional office space. 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.

## **Other matters**

175. The proposal was subject to reconsultation on 08<sup>th</sup> August to consult on the amendments to pavement widths and the reduced setback along the boundary of Olwen House.

## CONCLUSION

176. The proposal will provide additional affordable workspace within the Central Activities Zone within the Borough.
177. The impacts of the scheme in relation to daylight and sunlight are on balance considered acceptable, and whilst there would be departures from the BRE guidelines, the daylight and sunlight levels are still considered adequate for a dense urban area.
178. The scheme does not include any car parking and cycle parking would be provided in accordance with the London Plan (with the shortfall in visitor spaces rectified by condition).
179. A S106 agreement would be secured to ensure continuity of affordable workspace in the event that CAN vacated the premises, and to secure improvements to the neighbouring footways.
180. The development accords with the development plan in terms of providing re-providing and increasing workspace, and makes reasonable provision to protect neighbour amenity.
181. It is therefore recommended that planning permission be granted subject to conditions and the completion of a Section 106 Legal Agreement under the terms as set out above.

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/1462-32 Application file: 19/AP/1404 Southwark Local Development Framework and Development Plan Documents	Place and Wellbeing Department 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 0207 525 5840 Council website: www.southwark.gov.uk

## APPENDICES

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

## AUDIT TRAIL

<b>Lead Officer</b>	Simon Bevan, Director of Planning	
<b>Report Author</b>	Yvonne Sampoh, Planning Officer	
<b>Version</b>	Final	
<b>Dated</b>	21 November 2019	
<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	
Strategic Director, Environment and Leisure	No	
Strategic Director of Housing and Modernisation	No	
Director of Regeneration	No	
<b>Date final report sent to Constitutional Team</b>		22 November 2019