

Item No.	Classification	Decision Level	Date
4	OPEN	PLANNING COMMITTEE	14.11.06
From DEVELOPMENT & BUILDING CONTROL MANAGER		Title of Report DEVELOPMENT CONTROL	
Proposal (06-AP-1481) Demolition of existing buildings and erection of five buildings, one 6 storey, two 12 storey, one 18 storey and one 24 storey, each with two basement levels, to provide 229 residential flats on the upper floors, with retail (Class A1, A2, & A3) use at ground and basement levels; works of hard and soft landscaping including alterations to highways and access, with the provision of servicing areas and ancillary vehicle parking (92 car parking spaces) at land at Bankside Industrial Estate, 118 to 122 Southwark Street. Laying out of an area of open space, including the option of construction of a small structure for community, cultural and/or recreational purposes (D1/D2) and/or any other purposes to facilitate and define use of the open space at the site of 44 Holland Street / 47 Hopton Street.		Address BANKSIDE INDUSTRIAL ESTATE, 118-122 SOUTHWARK STREET, 44 HOLLAND STREET & 47 HOPTON STREET LONDON, SE1 0SW Ward Cathedrals	

PURPOSE

- 1 To consider the above application which is for Planning Committee consideration due to the scale of the proposal and the number of objections received.

RECOMMENDATION

- 2 Grant Planning permission subject to GLA & GOL direction and subject to a legal agreement to secure affordable housing, open space, environmental improvements, and contributions towards health provision, education and highways.

BACKGROUND

Site location and description

- 3 The application is an irregular shaped parcel of land that is located on the north side of Southwark Street (encompassing no. 118-122 Southwark Street), continuing northwards along the west side of Sumner Street and the south-west side of Holland Street (i.e. location of the Bankside Industrial Estate). A parcel of land that forms part of the application but is physically separated from the main site includes nos. 44 and 47 Hopton Street. The area of entire application site is 1.1078 ha. The site is relatively flat and there is little change in level between the site and adjoining properties.
- 4 A number of buildings are located on the site and for clarification purposes, the site has been divided into three sections - South (i.e. land known as 118-122 Southwark Street), Middle (i.e. land known as Bankside Industrial Estate) and North (i.e. land known as 44 and 47 Hopton Street). More specifically, within these areas, the site

comprises the following uses and development:

South section:

118 Southwark Street - located on the north-west corner of the Southwark Street and Sumner Street intersection. Five storey office building that is partly vacant.

120 - 122 Southwark Street - two office buildings that are five storeys high with a basement area.

Middle section:

Bankside Industrial Estate - A single storey, brick building that has been subdivided into four warehouses (fronting Holland Street) and a two storey building (fronting Sumner Street) that are currently used for several purposes including a vending machine company, wine importer and electrical supplier. The buildings are built within close proximity to the Sumner Road/Holland Street property boundary. A car parking area is located within the site, to the west of the warehouses that is also used for deliveries and waste storage. This area is accessed from Sumner Street to the east and Holland Street to the north.

North section:

44 and 47 Hopton Street - A construction site for the early stages of the approved Hopton Street Tower (further details of this development will be set out later in the report).

- 5 The site is not located within a Conservation Area and none of the existing buildings within the site are listed.
- 6 Due to its location, the site is within close proximity to a range of public transport services, including a number of overland and underground train stations (i.e. Waterloo, Blackfriars, Southwark and London Bridge stations, which are all within a kilometre of the site) and four bus routes running mainly along Southwark Street and Blackfriars Road. There are also planned improvements to the public transport network in this area, including a Thameslink station on the south bank, to the north west of the site. Consequently, the application site has a Public Transport Accessibility Level (PTAL) rating of 6, which is the highest possible level of accessibility to public transport.

Surrounding use and development

- 7 The surrounding development is predominantly mixed use, including commercial, residential and cultural facilities. More specifically, the following properties abut or adjoin the application site:

West side of South section (i.e. 118-122 Southwark Street):

A row of terraces fronting the north side of Southwark Street that is generally between four and five stories adjoins this part of the site. The buildings are used for a variety of uses, but are typically ground floor retail units with offices and residential apartments above.

- 8 A grade II listed building directly abuts this part of the site (at 124-130 Southwark Street). This 4 storey former warehouse building, now used for offices, was constructed c1870. The building has been described as having a 'Venetian Gothic' elevation and is clad in stock brick with stone dressing and a stone cornice with a slate mansard roof. The building is considered significant due to the elaborate stone detail, the frieze to the cornice and Corinthian capitals.
- 9 West side of Middle section (i.e. Bankside Industrial Estate):
A group of Grade II* Listed Buildings called the Hopton Street Almshouses abut the

site to the southern part of the west boundary. The two storey buildings were built in phases between 1746-9 and 1825 and then partly rebuilt in the late 20th century (modernised and reopened in 1988). The buildings are grouped around 3 sides of a garden and are clad in brick with rusticated stone quoins, tiled roofs with overhanging eaves, some of which have been renewed. Originally 28 almshouses, they have now been converted into 28 apartments where the buildings are linked by a brick arch.

- 10 Further north, and also abutting the site to the west is Bankside Lofts, which is an arrangement of old and new buildings that are knitted together to form a modern residential development. The new residential tower on this site was built and completed in 1998.
- 11 Within this site is also a two storey, Grade II listed house that dates to c1702. The building is clad in brown brick with a plain tiled roof. The house is provided with an attic area as well as a basement.
- 12 North side of North Section (i.e. 44 and 47 Hopton Street):
Falcon Point residential apartments are located to the north of Hopton Street. This development is constructed along the river and is 8 storeys in height.
- 13 East side of North Section (i.e. 44 and 47 Hopton Street):
The Tate Gallery of Modern Art is located to the east of the site. The building is of a substantial scale and the large area of open space that surrounds the building results in it becoming a prominent landmark structure. The building is not Listed. An application to extend the Gallery to the south with a 76m high glazed structure ("Tate 2") was received in October 2006 and remains under consideration
- 14 East of the South Section (i.e. 118-122 Southwark Street):
On the north east corner of Sumner Street and Southwark Street and to the east of the application site is office development known as Bankside 1,2,3. The development is currently under construction, although the Bankside 1 building, nearest to the application site, is close to completion. The height of the building ranges between 10 and 14 storeys (*maximum x metres*) and will provide approximately 108,000 sqm of office floor space with other uses such as retail at ground floor level.
- 15 South side of the South Section (i.e. 118-122 Southwark Street):
There are two listed buildings on the south side of Southwark Street, opposite the application site. No. 97 Southwark Street was constructed in 1867-8 and was originally a fire station, but is now used for offices. The building is four storeys and is constructed of red brick to the frontage and black and white brick with decorative stone dressings in the main facade. This building is particularly significant because it is the earliest surviving inner city London fire station. Complimenting this building is the adjoining Grade II listed building at No. 99 Southwark Street. This Romanesque style building was built in 1872-3 and was once used as a testing works, but has since been converted to offices. The facade comprises multi-coloured stock brick, banded with light yellow brick with stucco dressings.

Details of proposal

- 16 This scheme refers to the redevelopment of the site as a residential led mixed-use development and generally proposes the following:
 - Demolition of the existing buildings (which include the warehouses and offices of the Bankside Industrial Estate and 118-122 Southwark Street).
 - The erection of five new buildings arranged within a diagonal grid across the area of the site located to the south of Holland Street. The buildings are referred to as buildings A, B, C, D and E. All of the buildings have retail uses on the ground floor and residential apartments on the upper floors.

- Building C is the tallest building, rising to ground plus 23 storeys in height (with a general roof level of 80.45m AOD) and is located at the junction of Holland Street and Sumner Street. Building B, located to the north along Holland Street, rises to ground plus 17 storeys and buildings A and D both rise to ground plus 11 storeys. Building E forms the frontage of the site along Southwark Street and rises to ground plus five storeys. Each of the buildings would have basement levels, which would be used for parking and ancillary uses such as plant.

17 More specifically, the scheme comprises the following:

Design:

- The facade of each building includes a combination of solid, glazed and timber louvered panels and also includes an externally expressed 'diagrid bracing' structure.
- The proposed buildings also include enclosed 'winter garden' balconies at the north and south ends of each of the buildings which have an openable single glazed external enclosure to provide year round amenity spaces for future residents.
- A series of glazed canopy structures supported by steel columns are proposed along the public routes through the site, in order to provide year round linkages. Soft and hard landscaping is also proposed within this area to create a distinction between public and private areas.

18 Residential:

- The development would provide 229 residential units on site including 32 affordable units (shared ownership), as set out in the table below. The scheme proposes that the bulk of the affordable housing required is provided off-site, on sites within the Borough and Bankside area.

Block A

No Bedrooms	Private	Affordable	Total
Studio	0	0	0
1	0	0	0
2	18	0	18
3	9	0	9
4	2	0	2
Total	29	0	29

Block B

No Bedrooms	Private	Affordable	Total
Studio	0	0	0
1	22	0	22
2	0	0	0
3	30	0	30
4	1	0	1
Total	53	0	53

Block C

No Bedrooms	Private	Affordable	Total
Studio	0	0	0
1	0	0	0
2	46	0	46
3	30	0	30
4	1	0	1
Total	77	0	77

Block D

No

Bedrooms	Private	Affordable (Shared Ownership)	Total
Studio	0	6	6
1	12	6	18
2	12	12	24
3	12	0	12
4	2	0	2
Total	38	24	62

Block E		Affordable		Total
No Bedrooms	Private	Social Rent	Shared Equity	
Studio	0	0	0	0
1	0	0	6	6
2	0	0	0	0
3	0	0	1	1
4	0	0	1	0
Total	0	0	8	8

Total Residential Units			
	Private	Affordable	Total
Studios	0	6	6
1 Bedroom flat	34	12	46
2 Bedroom flat	76	12	88
3 Bedroom flat	81	1	82
4 Bedroom flat	6	1	7
Total	197	32	229
	(650 habitable rooms)	(75 habitable rooms)	(725 habitable rooms)

19 The proposals include the provision of 32 affordable housing units within building D which would all be for shared ownership (intermediate housing).
The balance of the required affordable housing would be provided off-site and by means of a commuted payment.

20 Retail:
Retail uses are proposed within the ground floor of all five buildings, amounting to a total floorspace of 1,361sqm. Ancillary areas to the units are provided within basement level and space for shower and changing facilities for those employed within the units will also be provided at basement level.

21 Open Space and Landscaping:
In terms of landscaping, the site can be divided into two different elements. The North Section of the site (known as 44 and 47 Hopton Street) is proposed to be used either for open space, with a possible pavilion type structure for community, cultural and/or recreational uses. The detailed layout of this site would be subject to further consultation with the Council, local people and stakeholders (such as the Tate Modern) and therefore the application includes illustrative, landscaping proposals for this area, including the likely location of any low rise building. The final detail of the

use of the site would be secured by Legal agreement.

22 With respect to the Middle and South sections of the site, an area of open space would be provided in the west of the site bordering the adjacent Hopton Street Almshouses. In addition, another similar area of open space would be provided in the centre of the site. Both of these spaces would be for the use of future residents.

23 The development also includes landscaped, semi-covered pedestrian routes along a north-south axis, which lead pedestrians from Southwark Street to the Thames Path. These routes would also provide additional access to the new retail uses.

Transport and Access:

24 It is proposed to provide 92 car spaces (12 of which are disabled spaces), together with 12 motorcycle spaces. (The original submission was for 112 parking spaces)

25 229 cycle parking spaces are located within the two secure basement levels. The cycle storage area will be designated within the basement. An additional 20 cycle parking spaces for visitors are proposed at ground floor level.

26 Vehicular and cycle access to the basement car parking is provided via a ramp located off Castle Yard. A ground level service bay to accommodate vans and similar vehicles will be located off Sumner Street for the servicing of the retail units and small residential deliveries. Some vans will be expected to park on Holland Street for direct access to each of the buildings.

27 The southern approach to the Tate Modern has been improved with the building line adjusted to create more extensive views through from Southwark Street towards the Tate.

28 Two new public access routes, running north-south beneath canopies are proposed through the site.

Waste:

29 It is proposed that Eurocarts will be provided for the use of the retail units. Residential refuse will be collected and transported via a lift to an area adjacent to the basement that will also include compactor facilities. The compacted waste will then be taken up to ground level where a refuse collection service vehicle will transport the waste off site. Access for the waste vehicle will be provided via Castle Yard, within a dedicated area located in front of the entrance to the basement area.

Planning history

30 With respect to the **North Section** (44 and 47 Hopton Street), this site was once occupied by a part single, part two storey Victorian warehouse and workshop building, which was used for paper distribution. A planning application was submitted in July 2001 to demolish the existing buildings on the site and to erect a 32 storey building to a height of 119m above ground level at the top of the tallest storey with a glazed tower feature above extending to a height of 127m. The building was proposed to provide 33 residential units (16 for affordable housing) with class A uses on the lowest three floors and basement parking. The applicant withdrew the application from consideration in December 2001. In excess of one hundred letters of objection were received in response to this proposal.

31 An application was then submitted on 13/06/2002 for the demolition of the existing buildings on this site and the construction of a 20 storey building to provide 28 dwellings on the upper floors, Classes A uses (shops/offices/restaurants) on the

ground, 1st and 2nd floors, and 26 basement car parking spaces (the "Hopton Street Tower"). This application was refused by the Planning Committee at its meeting on 16/10/2002. The applicant appealed the decision and the appeal was allowed and planning permission granted on 09/06/03. Construction on the site commenced earlier this year, however this has now ceased pending the determination of this application.

- 32 It should be noted that the applicant has an agreement with the owners of 44 Holland Street and 47 Hopton Street to purchase the site subject to planning permission being granted for this application. As previously mentioned, as part of the application, the applicant is proposing to abandon construction of the Tower and dedicate the land either as open space and/or a structure for community, cultural and/or recreational purposes and/or any other purposes to facilitate and define the use of the open space. This provision would be included in the proposed S106 Agreement with the effect that the use of the land is restricted to the abovementioned purposes. This restrictive covenant would take effect once any planning permission is granted.

- 33 In terms of the **Middle Section** of the site (Bankside Industrial Estate), planning permission for the existing buildings for use for light industrial and warehouse purposes, together with ancillary offices at first floor level, was granted on 07/08/1978

On 17/06/1983, unit 3 of the Bankside Industrial Estate was granted permission for a change of use from light industrial to warehouse.

On 01/10/1980, planning permission was refused to use Unit 3, 39/41 Hopton Street as storage and service workshops.

- 34 With respect to the **South Section** of the site, the following relevant planning decisions were made:

The London County Council granted Planning Permission for a five storey office building at 118 Southwark Street in December 1960.

On 28/07/1970, planning permission was granted for the use of part of 122 Southwark Street for offices.

On 05/09/1972, planning permission was granted for the use of part of the basement of Irwin House, 118 Southwark Street for car parking.

On 04/09/1973, planning permission was granted for a change of use of the first floor of 118 Southwark Street from a research laboratory and ancillary offices to offices.

On 05/09/1978, planning permission was granted for the change of use of part of the fourth floor at 118 Southwark Street from office use to a workshop for the repair of computer parts and storage of spare parts.

On 18/02/1982, planning permission was granted for the erection of a suspended canopy, within the main entrance at Irwin House, 118-124 Southwark Street.

On 28/08/1988, planning permission was granted for the erection of replacement fifth floor offices at 118 Southwark Street.

Planning history of adjoining sites

- 35 Relevant planning history of adjoining sites is as follows:

Tate Modern / Bankside Power Station:

On 16/12/1994, planning permission was granted for demolition works resulting in elevation alterations to the west elevation.

On 30/09/1996, planning permission was granted for the change of use of part of the former power station to use as an art gallery together with restaurant/café facilities at levels 2 and 7 and retail shops at levels 1 and 2; erection of a roof level extension; elevational alterations to the exterior facades; provision of vehicular and pedestrian access, landscaping, parking and servicing facilities; and extension to and use of the chimney as an observation tower.

As mentioned above a planning application was submitted in October 2006 to extend this building on its southern side, to provide new Gallery and related space in a 76 metre high glazed structure.

On 23/05/1995, planning permission was granted for part refurbishment and part redevelopment of the existing buildings to provide buildings up to thirteen storeys in height plus basement containing 129 flats, offices, museum space and a café with associated car parking at Tower House – 45-59 Hopton Street, 61 Hopton Street and 63-67 Hopton Street (i.e. now known as Bankside Lofts).

On 28/02/2002, planning permission was granted for a single storey rear extension, and provision of a disabled ramp at Hopton Gardens, Hopton Street (i.e. site of the Almshouses).

On 27/06/2003, planning permission was granted for the demolition of existing buildings and erection on one 14 storey and two 10 storey office buildings with A1, A2, A3 and D2 use on ground and basement levels with ancillary uses, area for car parking and servicing, hard and soft landscaping at St Christopher House, 80-112 Southwark Street and Tabard House, 116 Southwark Street (now known as Bankside 1,2,3).

FACTORS FOR CONSIDERATION

Main Issues

- 36 The main issues in this case are:
- a] the principle of the development in terms of land use and conformity with strategic policies.
 - b] Dwelling mix
 - c] Affordable housing
 - d] Density
 - e] Transport and parking
 - f] Sustainability
 - g] Employment
 - h] Open space

Planning Policy

- 37 At its meeting on 29th June 2006 the Council resolved to adopt the Southwark Plan

subject to modifications. Therefore apart from a small number of exceptions, the policies in the Southwark Plan now have significant weight in the determining of planning applications. Whilst the 1995 Unitary Development Plan remains the statutory Development Plan until such time as the Southwark Plan is formally adopted it is likely that, in determining pending applications, the Council will give predominant weight to Southwark Plan policies. Upon formal adoption the policies in the Southwark Plan will be applied unless material considerations indicate otherwise.

38 Southwark Plan 2006 [Modifications Version]

Proposal Site 76P: Uses required: Classes A (retail), D (non residential institutions, leisure & assembly) & C3 (residential)

Central Activity Zone, Archaeological Priority Zone, Thames Special Policy Area, Bankside and The Borough Action Area.

Preferred Office Location (South section only).

Key Policies:

- 1.1 Access to Employment Opportunities
 - 2.5 Planning Obligations
 - 3.2 Protection of Amenities
 - 3.3 Sustainability Appraisal
 - 3.4 Energy Efficiency
 - 3.5 Renewable Energy
 - 3.7 Waste Reduction
 - 3.9 Water
 - 3.10 Efficient Use of Land
 - 3.11 Quality in Design
 - 3.13 Urban Design
 - 3.14 Designing Out Crime
 - 3.19 Archaeology
 - 3.20 Tall Buildings
 - 3.29 Development within the Thames Policy Area
 - 3.31 Protection of Riverside facilities
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- 4.1 Density of Residential Development
 - 4.2 Quality of Residential Accommodation
 - 4.3 Mix of Dwellings
 - 4.4 Affordable Housing
 - 4.5 Wheelchair housing
 - 5.1 Locating Developments
 - 5.2 Transport Impacts
 - 5.3 Walking and Cycling
 - 5.6 Car Parking
 - 5.7 Parking Standards for disabled people and the Mobility Impaired
 - 7.4 Bankside and Borough Action Area

Southwark Unitary Development Plan 1995 [UDP]

Central Area of Community Need

Regeneration Area

Employment Area

Archaeological Priority Zone

Key Policies:

- R.1.1 Central Area of Community Need
- R.2.1 Regeneration Areas
- R.2.2 Planning Agreements
- E.1.1 Safety & Security in the Environment
- E.2.1 Layout & Building Line

- E.2.2 Heights of Buildings
- E.2.3 Aesthetic Control
- E.3.1 Protection of Amenity
- E.3.1 Environmental Assessment
- E.4.6 Proposals affecting Listed Buildings
- E.5.1 Sites of archaeological importance
- E.7.1 Riverside Twonscape.,Thames path and Public Access to Thames Frontage and shoreline
- H.1.3 New Housing
- H.1.4 Affordable Housing
- H.1.5 Dwelling Mix of new Housing
- H.1.7 Density of new residential development
- H.1.8 Standards for new Housing
- H.1.10 Provision of Housing to Mobility and Wheelchair standars
- B.1.1 Protection of Employment Areas and Identified sites
- S.1.4 Shops outside primary and secondary shopping frotages
- S.1.6 Hot Food Outlets
- T.1.2 Location of Development in relation to the Transport Network
- T.1.3 Design of Development and Confromity with Council Standards and Controls
- T.2.1 Measures for Pedestrians

London Plan 2004

- 3A.1 Increasing London's supply of housing
- 3A.4 Housing Choice
- 3A.8 Negotiating affordable housing
- 3B.3 Office provision
- 3C.22 Parking Strategy
- 3D.7 Realising the Value od Open Space
- 4A.7 Energy efficiency and renewable energy
- 4A.8 Energy Assessment
- 4A.9 Providing for renewable energy
- 4A.11 Water Supplies
- 4B.3 Maximising the potential of sites
- 4B.6 Sustainable design and construction
- 4B.8 Tall buildings - location
- 4B.9 Large scale buidlings - design and impact
- 5B.2 Development in the Central Activities Zone

Planning Policy Guidance [PPG] and Planning Policy Statements [PPS]

- PPS1 Creating Sustainable Communities
- PPG3 Husing
- PPG13 Transport
- PPG15 Planning and the Historic Environment
- PPG16 Archaeology
- PPS 22 Renewable Energy

Consultations

Site Notice 10/08/2006

Press Notice 10/08/2006

Neighbour consultees

Please see Appendix 1.

Re-consultation

None

Consultation replies

39 Internal Consultees

Archaeologist:

No objection subject to conditions pertaining to foundation design and archaeological survey:

40 Metropolitan Police Service:

'Doors in the basement area leading to cycle racks etc. should be single doors offering protection to the racks. No other issues'.

41 Planning Policy:

Notes the lack of D uses within the proposal. Density is at the lower end of the scale. Dwelling mix proposes a majority of units with 2 or more bedrooms, more than 10% 3 bed units, fewer than 5% studios and a commitment to provide up to 10% wheelchair accessible units and 100% of units will meet life time home standards. Southern part of site is within preferred office location where the loss of office use is resisted.

42 Traffic:

Concerns raised regarding the level of car parking at 40%, manoeuvring difficulties with refuse vehicles and areas of public highway that need to be stopped up. The latter two issues can be dealt with by means of condition requiring further plans and in relation to the stopping up of the highway a requirement to ensure public access along public routes through the development. The traffic group also seek the provision of car club spaces and stipulate that the development will be permit free.

43 Waste:

The proposed waste management arrangements meet the Council's general requirements, subject to standard conditions. One area of concern relates to the manoeuvring of the recycling bins in and around the storage area, i.e. there needs to be sufficient space to return emptied bins and not impeding the collection of the remaining full bins. It is considered, however, that this issue could also be resolved by way of condition.

44 Statutory and non-statutory consultees

Mayor of London:

'The Mayor supports the redevelopment of the Bankside Industrial Estate and 118-122 Southwark Street for 229 residential units, and strongly supports the high quality of design. He does not, however, agree to the cost to the applicant of acquiring the 44 Hopton Street site and laying it out as open space being considered as part of the viability assessment of the Bankside Industrial Estate/118-122 Southwark Street site development. Furthermore, he does not accept that the value of this development would be reduced if the permitted 20-storey building at 44 Hopton Street is built. He does not accept the low level of affordable housing provision. For these reasons, the application is unacceptable in strategic planning terms.

The principle of off-site affordable housing provision may be acceptable but only on the basis that it would deliver a significantly improved mix and quantum of affordable housing. The developer would also need to demonstrate that it would not benefit financially from off-site provision. Given that the search for suitable sites is currently in its very early stages, the Mayor requires strong assurances from Southwark Council that the off-site proposal would actually be deliverable and any legal agreement

securing it would need to be robust. In addition, Southwark Council needs to be satisfied that the selected sites are appropriate for social rented family housing and the affordable provision would need to be additional to existing housing policy requirements for the site.

There is some concern regarding how the network of public open spaces along this part of the South Bank will be managed. If the applicant chooses to provide open space at the 44 Hopton Street, a cohesive and integrated approach towards the public realm will be managed. This needs to take account of the impact of the proposed extension to the Tate Modern.

The scheme does not currently provide an area of children's play space. This needs to be incorporated into the landscape design before the application is referred back to the Mayor.

TFL considers this scheme to be appropriate development in this location but requires further work on the Transport Assessment to properly understand the impact of the development on the public transport network and considers a more restraint based approach to car parking should be adopted, with the possible inclusion of a car sharing scheme.

The Mayor has taken the environmental information made available to date into consideration in formulating his comments'.

Members should note that since receipt of these comments several amendments to the application have been made, including reducing car parking levels and increasing the provision of affordable housing. A further report on the revised proposals will be presented to the Mayor on the afternoon of 14 November. It is expected that the Mayor's views will be reported verbally at committee the same evening. Members should also note that this application is one on which the Mayor has the power to Direct refusal .

45 Environment Agency:

'No objection to the proposed development, as submitted, subject to the imposition of a number of planning conditions that would need to be approved in writing by the Local Authority, in relation to:

- Submission of a flood warning plan.*
- Surface water drainage details.*
- Surface water control measures that are to be carried out.*
- Requirement of a detailed site investigation to establish if the site is contaminated, assess the degree and nature of the contamination present, and to determine its potential for the pollution of the water environment. Details of appropriate measures to prevent pollution of groundwater and surface water, including provisions for monitoring, shall then be submitted.*

All of the above would need to be approved in writing prior to the commencement of development.

46 Commission for Architecture and the Built Environment (CABE):

'We think the proposal has successfully resolved all our previous criticisms. We think the heights of the buildings, the distribution of forms on the site and the architectural treatment are all appropriate in this context. We have a slight concern about the environmental quality around the base of the buildings, and suggest that the local authority ensure that wind tests are carried out and that all resulting mitigating features are satisfactorily resolved.

'Overall we think the project has been skillfully handled and we looking forward to

seeing it built'.

- 47 English Heritage:
'Our specialist staff have considered the information received and we do not wish to offer any comments on this occasion.

Recommendation: This application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice'.

- 48 The Countryside Agency:
'After careful consideration it is our view that this application does not affect any priority interests of the Countryside Agency within Greater London and we accordingly make no formal representation. Please be aware that this response should in no way be construed as either support for, or objection to, this Supplementary Planning Decision'.

- 49 City of London
'I consider the proposal will not have a detrimental impact on the City and therefore have no observations to make regarding this matter'.

- 50 English Nature:
'English Nature is satisfied that the Environmental Statement has addressed the Key nature conservation and ecology issues. We agree with the recommendations with regard to nature conservation and ecology, and would expect these recommendations be implemented in full'.

Neighbour consultees

- 51 To date, 144 letters of support, 17 letters of objection and 12 letters making comments that are neither in support nor against the proposal have been received in relation to this scheme.

Primary Care Trust

- 52 The PCT does not have the local infrastructure or funding to support the likely increase in population created by either development. Planning obligations would assist the PCT to satisfy health need in these areas during the period before mainstream NHS funding takes account of the population by providing additional capacity.

- 53 A summary of the objections received is listed below:
- The height of the 24 storey tower will not be in keeping with Bankside 123 and Tate Modern.
 - The proposed development would destroy the cityscape and would jostle for attention with the Tate Modern.
 - The 24 storey and 18 storey buildings should be reduced in height and are out of keeping with the surrounding buildings.
 - The scheme is too dense.
 - The height of the 24 storey tower will deprive surrounding occupiers of light and amenity.
 - There has not been a detailed assessment of the impact the proposal will have on offices within Bankside One. There are therefore concerns that there may be a detrimental impact on the levels of light received by Bankside One.
 - The proposal may have a detrimental impact upon telecommunications equipment/reception at Bankside One. Only impacts upon residential telecommunications have been assessed in the Environmental Statement.
 - The proposed development may result in solar glare.
 - Interrupted views of Southwark, Tate and South London

- Adjoining low buildings will be overshadowed.
- Residents will look into existing flats.
- Loss of television reception due to height and location of buildings.
- Traffic and parking problems.
- The car parking entrance off Castle Yard will mean a significant increase in traffic on Holland Street.
- Any alteration to the highway should enable traffic an easy two-way direct access to Southwark Street without having to come past Falcon Point, Lloyds Bank etc.
- Lorry access to the scheme's retail shops should be controlled so that it does not create a noise nuisance to neighbours during anti-social hours and that access to the scheme's underground residential car parking should be well designed so as not to cause a hazard to residents of Bankside Lofts or cars exiting from its own car park's ramp.
- Would oppose the culture/recreation facility if it were a 7 day use that involves exposure to noise on a regular basis.
- None of the A1, A2 and A3 uses should comprise food/drink shops etc.
- Only very minimal sustainability features and affordable housing.
- Additional, expensive residential apartments is unnecessary and a community facility would be much more beneficial.
- Construction phase will significantly disrupt residents and occupiers of other buildings with regard to dust, air pollution, noise and vibration and HGV movements.
- The submitted environmental statement appears to give very little consideration to the potential impact upon Bankside One and does not appear to have considered in any significant detail, the cumulative effects of both the Holland Street Buildings and Tate Modern extension being constructed at the same time.
- The Environmental Statement should more adequately address the construction overlap between the Tate Modern extension and other incombination effects in greater detail.
- Concerns regarding construction period and that it would be prolonged because of the towers being built sequentially rather than at once.
- Proposed buildings would have a negative impact on utility services.
- The proposal will not contribute to a healthier and sustainable community, and healthcare to existing residents will be adversely affected.
- The nearest Southwark GP Practice is designed for a maximum capacity patient list of 4,500. The likely increase in the patient list that would result from the proposed development together with the impact of other local developments, will significantly limit the Practice's ability to function effectively within its existing building.
- The submitted Environmental Assessment does not sufficiently consider how changes in the wider determinants of health resulting from the development will affect the local community. A Health Impact Assessment should be undertaken by the applicant to provide a more comprehensive assessment of these issues.
- Proximity to both 69 Hopton Street and to Almshouses.
- Structure within the open space would not be appropriate as this whole area should be open space.

54

Summary of support:

- If this application is supported then the approved tower will not be built at No. 47 Hopton Street.
- Additional retail is a general improvement to the current site.
- No longer suitable to have an industrial estate in this area and the proposed retail and residential use is needed.
- Support the idea of an open area at 44 Holland Street.
- Application is a good use of the land.
- The proposal is aesthetically pleasing.

- The scheme will add to the vibrant atmosphere.
- Scheme is well designed by a world renowned architect.
- The open space should be made as legally watertight as possible.
- The plans will attract more Tate visitors to move on a north to south axis and further into the borough.
- The new proposal for 47 Holland St/44 Hopton St will help the pedestrian flow around the Tate and relieve pressure on some of the immediate neighbourhood, such as the area around the Falcon Point buildings.

Tate Modern:

'Tate wishes to offer its in principle support for the Holland Street Buildings application, due to the appropriate uses proposed on site and the considerably preferred approach to the 44 Holland Street site, which would otherwise be used for a 20 storey residential tower. This support is subject to the condition that Tate would wish to be involved in discussion with the Council and the Applicant on the agreement of appropriate conditions, mitigation measures and S.106 requirements that may be necessary to protect the amenity and operation of the Tate Modern Site and the visitor experience. In particular, this would involve agreement of an appropriate construction management plan'.

Bankside Residents for Appropriate Development (BROAD) generally supported the scheme and made the following summarised comments:

- Write on behalf of 180 members who are local residents, mainly in Flacon Point and Bankside Lofts, which are two of the residential buildings most directly affected by the application.
- Against the construction of the Hopton Street Tower.
- Support the way that the applicants have taken an integrated approach across both the warehouse and printing firm sites and have come forward with proposal that concentrate development on the southern side of the site and propose to leave the northern, 44 Hopton Street site as a public site.
- Concerned that the proposed open space or D1/D2 usage of the north section of the site should be made legally watertight for perpetuity as part of the planning process. This part of the site should be gifted to the ownership and management of the Trustees of the Tate, so that it can be integrated into other landscaping and uses around the Tate and remain well maintained.
- Concerned construction period will be prolonged and that residents would suffer from noise pollution and vibration.
- Concerned about interrupted television signals due to the height of the buildings.

Falcon Point Management Group Ltd supported the application. Reasons of support are summarised as follows:

- The application proposes to dedicate the site at 44 Hopton Street to recreational (open) or community (enclosed) use and prevent it commercial development, which would be an important contribution to the creation of a 'cultural campus' in the area focused around the Tate Modern.

Bankside Residents Forum on balance supported the application and welcomed the removal of the proposed tower on 47 Hopton Street:. They did, however, have the following concerns

- Height of the 24 storey tower is not in keeping with either the surrounding development or the proposed developments such as Bankside 123 or Tate Modern 2.

The 64 units of affordable housing will be included on site which falls below the required 40% for Bankside. In order to maintain a sustainable community it would be preferred if more affordable housing is included in this development rather than an off site payment.

PLANNING CONSIDERATIONS

Principle of development

56

The proposals raise a number of significant issues in relation to land use policy. The Middle and Southern parts of the site are within an Employment Area as designated in the adopted UDP; Policy B.1.1 of that Plan requires that planning permission normally only be granted for Class B uses within Employment Areas, in order to maximise job opportunities. In this case, a significant level of employment floorspace will be lost through the development, with no replacement B Class floorspace. Class A (retail uses) are provided at ground floor level, but there is a net loss of employment floorspace, contrary to the requirements of Policy B.1.1. This issue was raised as a concern by the Mayor, who has suggested that relocation of existing businesses should be assisted by the applicant, and an undertaking to support local employment opportunities, for instance through training initiatives or local procurement, should be secured. The remaining occupiers on the site are all on short leases with most previous occupiers having already relocated. The section 106 agreement will include a contribution towards training and employment opportunities. With regards to the loss of employment floorspace the site can be seen in the wider context which includes Bankside 1,2 & 3. Bankside 4 was originally part of this wider development prior to the change in ownership of this site. Bankside 1,2 & 3 obviously have provided a significant increase in the employment floorspace in this area and the lack of employment floorspace on this specific site can be seen in that context.

57

Within the emerging Southwark Plan, which now carries considerable weight, only the Southern Section falls within the Preferred Office Area. The building at 118-122 Southwark Street currently contains offices, which would be lost through the development, and replaced by retail at ground floor with residential above (Building E). Whilst the introduction of an active frontage is welcomed, the loss of office floorspace is contrary to emerging Policy 1.4 which requires no net loss of employment floorspace. However, in the redevelopment, the existing building is being replaced by one with a much smaller footprint, with the remainder of the site becoming part of the public realm. This creates the opportunity for a significantly enhanced townscape, opening up views of the Tate Modern (and eventually the Tate 2 extension if that goes ahead), reinforcing their planned new southern entrance. Given that space is being dedicated for pedestrian movement and an improved public realm, with a consequent impact on the space available on the site, it is considered that the small loss of office floorspace is acceptable in this particular circumstances.

58

In relation to the Middle site, this is specifically allocated as Proposal Site 76P, which does not include B Class uses as required uses, but rather specifies use for Class A (retail), Class D (non residential institutions, leisure & assembly) & C3 (residential). The proposed retail, and residential uses therefore comply with this allocation, but no D uses are proposed within the development.

59

The applicant has considered including D uses but concluded that these would compromise other parts of the development. Given that there is a significant expansion of D Class uses planned for the adjacent Tate Modern site, and that there is no specific identified need or end user for any D Class space, the overall balance of uses is considered to be acceptable. There may be some scope, on a limited basis, for the introduction of D Class uses within any pavillion structure on the Northern site, subject to detailed design and a final agreement on the best use for this parcel of land.

- 60 The final issue of land use principle relates to the use of the north section of the application site. This is proposed as open space, potentially including the construction of a small structure for community, cultural and/or recreational purposes (D1/D2) and/or any other purposes to facilitate and define use of the open space. Any such building would require a separate grant of planning permission. This proposal would be in place of the approved Hopton Street tower, a 20 storey building providing 28 dwellings on the upper floor, Class A uses (shops/offices/restaurants) on the ground, 1st and 2nd floors.
- 61 The site is not allocated for any particular purpose on the proposals map of either Plan. The site is within an area of District Park deficiency, but not one of general open space deficiency. However, increasing the quality and quantity of open spaces was identified as the first priority for the Borough and Bankside area under the Council's Community Strategy and set out in the draft S106 SPD. The Council's adopted and emerging Plans, and the London Plan, recognise the importance of open space to the quality of life in urban areas. This particular area, which is the focus of tourist and visitor activity in Southwark, faces particularly high demands on its open space, and the opportunity to augment and improve this area is welcomed. This concept is reflected in the "Bankside Urban Park" project being developed by the Council in conjunction with the Tate Modern and other local stakeholders. By extending the public open space provision in the area, the development will enhance the Tate's environs, and improve the general riverside environment. The option of creating a new community or public building within the space could further reinforce and support the use and enjoyment of this open space.
- 62 There is a conflict with plan policy in relation to loss of employment floorspace, and absence of a D Class use within the development on the Middle site. However, the benefits of the development, in terms of the creation of new housing, and particularly affordable housing, the new office development at Bankside 1,2, &3, the improvements to the public realm, and the overall high quality of the architecture (see below) and spaces, are considered to be material considerations which in this case outweigh the general policy provisions.

Open Space

- 63 The applicants have put forward as one of the key benefits of this proposal the provision of new open space on the site of the Hopton Street tower, approved on appeal. This was originally refused planning permission by the Council partly due to the concern about the relationship of this site to the Tate. The concerns related to the impact on the entrance and also the arrangement of open space around the building. In response to the current application there has been considerable local support for the laying out of this site for open space as an enhancement to the setting of the Tate. In the light of current aspirations on the creation of the Bankside Urban Park the laying out of this site for open space assumes even greater importance. Although primarily intended to be laid out as open space there is also scope for a small pavilion type building for community purposes. This is to be welcomed and would go some way towards meeting the requirements of Porposals site 76P mentioned above. The creation of open sapce on this site would enable a co-ordinated approach surrounding the Tate and the potential creation of open space/landscaping of strategic importance to London and of a quality appropriate to a world class city.
- 64 **Environmental impact assessment**
The applicant has submitted a detailed environmental impact statement which assesses a range of impacts including: air quality, noise & vibration, wind, daylight, sunlight, ground contamination, archaeology, ecology & telecommunications. In

addition an energy statement has been submitted.

- 65 The applicant's conclusions on the various impacts range from negligible, to minor adverse and in some case include minor beneficial impacts. These have been assessed by officers and in the case of daylight and sunlight & wind have been assessed by specialist external consultants appointed by the Council. The applicant's conclusions are considered to be accurate. Where minor adverse impacts are identified appropriate mitigation measures have been identified and these will be secured by condition. Much of the adverse impacts identified relate to construction related activities which are temporary in nature and mitigated by environmental management controls.
- 66 In terms of the completed development the main impacts relate to the setting of the listed almshouses and this is discussed below, and the likely wind tunnelling impact. Having provided additional information in relation to the wind climate around the final development the Council's consultants have advised that the impacts are acceptable and within normal tolerances.

Sustainability

- 67 With respect to sustainable design, it is considered that the proposal is consistent with the relevant policies contained within the Southwark Plan 2006 [Modifications Version] and the current London Plan policy. The development also goes a substantial way to contributing to the objectives of the draft further alterations to the London Plan.

- 68 The application has sought to reduce energy demand through passive solar design, including the use of winter garden spaces and the use of shading that should reduce the need for cooling (and associated CO₂ emissions) by approximately 10%. There will also be a communal heating system within the scheme which, combined with all the proposed energy efficiency measures, including heat recovery on mechanical plant, controls on plant and energy efficient lighting, would reduce CO₂ emissions by 19% against the baseline.

- 69 The proposal's power and heating system will be led by a combined heat and power plan that will provide 40% of the scheme's energy demand and will reduce the scheme's overall CO₂ emissions by between 12 and 17%.

- 70 The carbon generation sources (CHP) system will work in conjunction with the ground source heat pumps and with solar water heating panels to provide a substantial proportion of year-round heating requirements and all the cooling requirements. The renewable energy portion of this will meet 10% of energy demand, reducing CO₂ emissions by 7.1%.

- 71 In terms of internal access to daylight and sunlight that would be provided to the residential apartments, it is considered that the scheme would be compliant with British Research Establishment (BRE) guidelines and that all future residents would be provided with a high standard of amenity in this respect.

- 72 The proposed development has incorporated energy efficient design measures and is led by a site-wide combined heat and power plant, alongside renewable energy measure designed that would meet 10% of the energy demand, which satisfies policy 3.5 'Renewable Energy' of the Southwark Plan 2006 [Modifications Version] and the relevant London Plan energy policies. Conditions should be included on any permission issued to ensure that these measures are carried through.

Impact on amenity

- 73 The main issues in terms of amenity are linked to height, daylight and sunlight, privacy and traffic.
A number of objections have been received concerned that the height of the new buildings, at 12, 18 & 24 storeys is unacceptable and out of keeping with the streetscape and the locality. As mentioned in the design comments the height of the development is considered appropriate and in compliance with policy 3.20 of the emerging Plan regarding Tall Buildings. To a degree precedent has been set by the approval of the Hopton Street tower which would be 20 storeys high. Although still under consideration the proposed extension to the Tate would be marginally lower than the tallest block proposed. The adjacent Bankside 1, 2 & 3 is at a similar height to the 18 storey block. The character of the area, in terms of the height of buildings, is clearly experiencing change however this is in line with development plan policy, and particularly London Plan policy which encourages intensification of use in order to create a compact, sustainable city.
- 74 In terms of daylight and sunlight the most affected residential properties are located to the west in the almshouses, the south on Southwark Street (the upper floors) and to the north west in Bankside Lofts. The daylight and sunlight study submitted demonstrates that the level of daylight and sunlight reaching neighbouring habitable rooms will be at acceptable levels.
- 75 Concern has also been raised regarding loss of privacy. The key concern in this respect relates to any neighbouring residential properties. The siting of the 4 main blocks and in particular block A which is located closest to the boundary, together with the alignment of that block and the location of windows on the Bankside lofts in particular, means that there is no material loss of privacy. The intervening distance and orientation of windows provides sufficient protection in this regard and complies with the Council's standards.
- 76 In terms of traffic generation and parking the development is considered not to result in any materially adverse impact. Parking is provided at 0.4 spaces per unit which amounts to 92 parking spaces. Traffic flows arising from this provision are considered to have an acceptable impact. The servicing of the development from Castle Yard, the existing access, should not differ significantly from the current operation.

Traffic issues

- 77 The site is within the Central Activities Zone (CAZ), a Controlled Parking Zone (CPZ) and has very good public transport accessibility with a PTAL rating of 6. Policy 5.6 of the Southwark Plan seeks to minimise the number of parking spaces provided within new developments. The appropriate standard is therefore expressed as a maximum and in this case the maximum parking standard allowable under that policy is 0.4 space per residential unit. In addition the standard states that within Controlled Parking Zones the development should be car free. Essentially this means that the parking level should cater for disabled users and for operational purposes. Measured on this basis the level of parking to be provided for the development should not exceed 44 spaces.
- 77 As stated above the proposal originally included car parking at 0.48 spaces per unit (a total of 112 spaces). The applicant has revised the parking level to the maximum of 0.40 which would result in the provision of a total of 92 parking spaces. The applicant is unwilling to reduce the level of parking further. The applicant further submits that car usage within the development during peak times is anticipated to be low as cars will mainly be used for leisure purposes at weekends and other off peak times. This

submission is made on the basis of research of similar developments in the area. Although it is accepted that the traffic generated by this development would not have an adverse impact on congestion or highway safety on the local highway network, the objective in seeking minimal parking is more concerned with sustainability and encouraging maximum use of public transport and other sustainable means of transport. The applicant's submission is that during the week and at peak hours residents will tend to use the excellent public transport links rather than private cars.

78

The level of parking proposed is therefore in excess of what would normally be sought in this location. The area is well located for public transport and alternative means of transport are available. This is an area where dependence on the private car should not be critical. The issue of financial viability, which the applicant has given as a reason for including the parking spaces, is not a planning consideration, although it is recognised that the cost to the applicant of acquiring the site of the Hopton Street tower has a bearing on the deliverability of the overall development and in particular the level of affordable housing which is discussed below. Whilst no car club is proposed it is accepted that the residents of the development will not be entitled to residents parking permits.

79

It should be noted that TfL and the Mayor have raised concerns about the level of car parking proposed, and, as noted above, this application is one on which the Mayor has the power to Direct refusal.

80

Other traffic issues include the need to reduce the pavement width on Holland Street as a result of the siting of the buildings, the separate provision of commercial and residential waste and the provision of cycle parking. Further information and clarification has been submitted with regards to the pavement on Holland Street. Although there will be some narrowing, the pinch points will be at 2.2 metres wide and there will be a requirement to maintain the pedestrian routes through the development open at all times. Further details on waste provision have also been submitted and these meet the Council's requirements. With the reduction in car parking there is further scope to increase the area devoted to cycle parking. This will be dealt with by means of condition.

Design issues

81 The proposal comprises 5 buildings, 4 of which fall within the definition of 'tall buildings' as set out in the emerging Plan. Policy 3.20 of the Southwark Plan states that tall buildings may be acceptable in the central activities zone, and outside landmark viewing corridors. It goes on to set out criteria for the assessment of tall buildings proposals, in brief:

i) *Makes a positive contribution to the landscape:* The architectural quality of the buildings would enable them to make a positive contribution to the landscape.

ii) *Is located at a point of landmark significance:* The site does not mark a major junction or node, however it forms part of the setting of one of the key institutions in the borough, namely the Tate Modern. It has the potential, taken together with the Tate extension to create a dynamic and exciting new marker for the southern entrance to the gallery.

iii) *Is of the highest architectural standard:* The buildings are designed by one of the world's leading architectural practices (Richards Rogers Associates) using the highest quality materials and detailing.

iv) *Relates well to its surroundings, particularly at ground level:* The buildings have

active uses on all street frontages, with views and public routes through the green spaces between the buildings.

v) *Contributes positively to the London skyline as a whole, consolidating a cluster within that skyline or providing a key focus within views:* The buildings will be seen in conjunction with the new buildings at Bankside 1,2,3 and potentially with the Tate extension. Other tall buildings proposals along Blackfriars Road will, if permitted and developed, create an extended cluster of tall buildings in this part of Bankside. The current proposal is considered to be acceptable in this context. It is noted that it will have an impact on the views of the Tate from Southwark Bridge, (one of the protected views within the Mayors draft Views Framework), but the Bankside 1,2,3 development already compromises this view by being visible above the Tate's roof line, and the view would be significantly altered if the Tate 2 extension proceeds.

82

It should be noted that the permission granted on appeal for the Hopton Street Tower does to some extent set a precedent for tall buildings in this area. The development is considered to be appropriate in terms of its height and form, and to make a positive contribution to the character of the local area.

83

Whilst there is potential for some visual and physical conflict given the proximity of the Tate extension to blocks B & C at the junction of Holland Street and Sumner Street it is considered that the overall massing and bulk of the development is appropriate in this location.

Impact on character and setting of a listed building and/or conservation area

84

The site is situated to the east of the listed Almshouses on Hopton Street and the development will form the backdrop to these buildings. The new buildings are set back from the boundary with this site which is a brick wall so that there is a reasonable intervening distance. However the height of the nearest new buildings at 12 & 18 storeys will be a relatively dramatic contrast to the 2 storey almshouses. The plans indicate a band of relatively mature trees between the two sites although these do not currently exist. It is considered that the installation of semi-mature trees would be appropriate mitigation for the impact of the development on the almshouses and as such a condition requiring this landscaping treatment will be recommended.

85

Other listed buildings which will be impacted by the development include the buildings on Southwark Street: Nos 124-126 & 97 & 99. The latter pair face the site but block E of the new development immediately abut Nos 124-126 Southwark Street. Further information regarding the design of this block has been received which indicates a satisfactory relationship. However further details will be required to ensure that the new block E relates well to the street frontage.

Planning obligations [S.106 undertaking or agreement]

86

In accordance with Policy 2.5 Planning obligations this development will result in impacts which require mitigation. In this respect the applicant will provide payments towards education, employment, transport, health provision, archaeology and will provide environmental works within the public realm. One of the key benefits to be achieved as a result of this development to be secured by legal agreement is the provision of new open space on the site of 44 Hopton Street.

Residential Mix

87

The proposal provides 229 units on site as described above. The mix of units in terms of bedroom size complies with policy in that the majority of units are 2 bedroom or larger, 10% are three bedroom units or larger and studio units do not exceed 5%. It is noted, that all of the studio units are provided in the affordable housing provision which is contrary to policy 4.3. This is dealt with further in para x. 10% will be

wheelchair accessible units and there is a commitment to provide 100% of units to lifetime standards. This will be secured by condition. Most of the units have very large floor areas, well in excess of the Council's floorspace standards.

88 The issues relating to the mix of the off-site affordable units are set out below.

Affordable Housing

89 The emerging Southwark Plan (2006) seeks the provision of at least 40% of all new housing as affordable housing (policy 4.4) in developments in the Central Activities Zone. In addition the ratio between social and intermediate (shared ownership) provision should be 70:30 respectively.

90 In most cases, the amount of affordable housing is measured in the number of habitable rooms. However, in certain circumstances, notably where there is a significant disparity between the size of rooms/units in the private and affordable sectors, the amount of affordable housing required is measured in Gross Habitable Floor Area (GHFA). Specifically, this measure is used where it is established that the private dwellings are significantly larger than the affordable units and where the proportion of affordable housing measured by GHFA is at least 5% less than that measured by habitable room. In the case of this development, where the private units are very large in relation to the affordable units, the GHFA would be the most appropriate measure to apply.

91 The original submission included 64 on-site affordable units (50:50 social rented: shared ownership) which equated to 23% of habitable rooms, but only 15% of the Gross Habitable Floor Area (GHFA). In addition a further in lieu sum of £1m was proposed to augment the affordable housing provision. Taken together this was well below the policy requirement to provide 40% affordable housing (or the London Plan overall requirement of 50%).

92 The applicant points to the exceptional circumstances of this proposal and in particular the cost of acquiring 44 Hopton Street. Financial appraisals (open book & 3 Dragons) have been submitted to demonstrate that the financial viability of the development is insufficient to deliver the requisite amount of affordable housing on site. The financial appraisals have been scrutinised by a Council Valuer who is in broad agreement with the applicant's conclusions that the requisite proportion of affordable housing cannot be delivered on site. In these exceptional circumstances, off-site provision can be considered. However, the quantity of affordable housing was required to be increased in order to meet Plan requirements.

93 Following negotiations, the applicant has made a revised proposal in relation to affordable housing. The broad terms of this are set out below:

- On-site provision of 32 shared equity units
- Off -site provision equivalent to 130 units.
- In lieu payment of £1,000,000 (equivalent to 8 units)

94 The provision of the majority of the affordable housing off-site (84% of habitable rooms) is a reflection of the very high costs involved in the development, and specifically the acquisition costs of the Hopton Tower site. The revised affordable housing proposal (including on site, off site and in lieu contributions) amounts to 41% of the total habitable rooms, or 27.5% of the GHFA. This still represents an under provision in terms of GHFA. Further analysis of the financial appraisal concludes that this is the maximum that the scheme can support given its exceptional costs. The issue of financial viability is one which the emerging Plan, and the London Plan recognise as a critical consideration, in order that schemes are not effectively

prevented from proceeding by unsupportable affordable housing requirements.

95 The off-site provision would be provided by development of other sites within the Borough and Bankside Community Council area. Consideration should normally only be given to off-site provision where an alternative site or sites have been identified which would enable affordable housing provision, more appropriate to the identified needs, to be met, and where the project is deliverable prior to the on-site market development being completed. A schedule of shortlisted sites has been submitted by the applicant. Whilst officers have questioned the appropriateness or deliverability of some of these site, it is considered reasonable to conclude that sufficient sites will be available within the search area to provide the number of units required. A S106 agreement which clearly defines the terms and timing under which the affordable housing will be delivered is currently under negotiation, and further details will be made available to Members at the meeting. Broadly, the terms require sites to be identified and planning permission sought and granted prior to the commencement of the main development. A specified number of affordable units would then need to be made ready for occupation by an RSL before a defined proportion of the private units could be occupied.

96 Members should note that the proposal by the applicant does include a provision for a payment in lieu of some or all of the off-site units, which would become payable if certain criteria are met. These relate to an inability to secure sites at a market price, or the failure of the Council to grant planning permission for "reasonable" schemes. It should be noted that this payment would only become applicable once other options for off-site provision had been exhausted, and it includes a "penalty" payment, significantly above the level normally required for in lieu payments by the affordable housing draft SPG.

97 The obligation to provide affordable housing will also specify the mix of units and tenure. To this end a schedule has been submitted which indicates the following off-site provision:

	Units	studio	1 bed	2 bed	3 bed	4 bed
Social rented:	94	0	24	45	15	10
Shared equity:	36	10	21	5	0	0

98 Overall the tenure of the proposed affordable housing, in terms of floor area, would be 64% social rented and 36% intermediate. Whilst not precisely in accordance with policy, given the unique circumstances of this development, it is considered that the proposal for affordable housing is acceptable. This takes into consideration that the mix of the revised affordable housing provision includes 16% of the affordable units would be 3 & 4 bed social rented units, which is above the council's policy requirements but accords with the requirement that off-site provision should be more appropriate to meet identified need.

99 It is noted that 9% of the affordable housing provision is studio flats which is contrary to policy 4.3 of the emerging Southwark Plan which states that studio flats are not acceptable for affordable housing provision. The studio accommodation is provided wholly within the intermediate provision and not in the social rented accommodation. The applicants have provided information that demonstrates that Presentation Housing Association have confirmed that they are willing to work with the applicant to provide the proposed affordable housing, including the proposed studio accommodation.

100 Due to the exceptional circumstance of the site and subject to a legal agreement to secure both the on-site and off-site affordable housing, it is considered that the affordable housing proposal is acceptable, subject to details of off-site provision.

Conclusion

102 This site has a key location close to Southwark's riverside, adjacent to the borough's leading cultural and visitor attraction, the Tate Modern. High quality development in this area, with active frontages and improved permeability, will enhance the Strategic Cultural Area and Thames Policy Area.

103 The proposed buildings are of very high quality, and it is considered that their height is acceptable, meeting the criteria set out in policy 3.20 "Tall Buildings" of the emerging Southwark Plan. The development would provide a substantial number of new housing units, effectively creating 229 on the site, but with the provision to provide another 138 affordable units within the local area through the S106 agreement.

104 The absence of any Class B space on the Southern site, or Class D space on the Middle site is noted; this is clearly in conflict with policy and allocations within the emerging Southwark Plan. The inclusion of a significant quantity of Class A retail space on the Middle site is welcomed, providing active frontages on an increasing important pedestrian route to the Tate, and an improved range of services for local residents and workers. This will in part compensate for the lost Class B space, as set out in emerging policy 1.4 "Preferred Office Locations". It is recommended that S106 funds should be directed towards employment and training support projects to reflect the loss of floorspace.

105 The proposed buildings are of a substantial scale, up to 24 storeys, but the environmental impacts of the development have been assessed in an Environmental Impact Assessment, and it is considered that none of the impacts are significantly adverse. The environmental information submitted by the applicant was reviewed by a specialist consultant on behalf of the Council who concurred with the applicants general conclusions that the amenity of existing residents and other neighbouring occupiers would not be significantly affected.

106 The scheme provides car parking for residents at a rate of 0.4 spaces per unit. This is just within the upper limit set out for the Central Zone in the emerging Plan. Both the Council's Traffic Group, and TfL would have preferred to see a lower level of provision, more appropriate to a policy of traffic restraint, and more consistent with the excellent public transport accessibility of the site. However, the applicant has not been willing to reduce the parking levels below 0.4.

107 Affordable housing provision, when calculated under the most appropriate measure of Gross Habitable Floor Area, is below the 40% sought by policy 4.4 of the emerging Southwark Plan. This reflects the high costs of developing this scheme, due in a large part to the costs of acquiring the site of 44 Hopton Street/47 Holland Street, which already has consent for a 20 storey tower, and dedicating this land to public use. The prospect of achieving additional public open space in this area has been widely welcomed by respondents, including the adjacent Tate, and would support one of the key local priorities identified in previous consultation on the Community Strategy. It is reasonable to allow the costs of acquiring this land to be properly reflected in the valuation of the development, and for the consequent impacts on the affordable housing provision to be taken in to account.

108 The provision of the majority of the affordable units off-site stems from this issue. By providing the required affordable housing off-site, but within the local area, a dwelling mix which reflects housing need, in terms of providing a higher number of family-sized

units, is achieved. The terms of the S106 agreement, which are still being finalised, require the developer to acquire sites in the Borough and Bankside Community Council area, to seek planning permission for residential developments, and to make those affordable housing units available in parallel with the private units being provided on the main site. It is recommended that clauses that require the developer to exhaust options of off-site development before any in lieu option could be triggered should be incorporated into the agreement, and that any in lieu option should include a substantial penalty payment should that option be utilised. This would be consistent with the requirements of emerging Policy 4.4 and the draft Affordable Housing SPG.

109 It is concluded that the development would bring benefits to the Bankside area by augmenting and improving open space provision in a key location, and by providing a substantial quantity of new housing within a very high quality development. It is considered that these benefits are material considerations which, in the particular circumstances, outweigh the failure to fully comply with policies in the adopted or emerging Plan relating to employment uses, D Class uses, parking provision or affordable housing. It is noted that the decision needs to be referred to both GLA and GOL.

110 It is therefore recommended that planning permission be granted subject to a S106 agreement, and subject to GLA and GOL Directions.

COMMUNITY IMPACT STATEMENT

111 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] The following issues relevant to particular communities/groups likely to be affected by the proposal have been identified as the provision of open space and affordable housing.

c] The likely adverse or less good implications for any particular communities/groups have been also been discussed above.

SUSTAINABLE DEVELOPMENT IMPLICATIONS

112 Sustainable development implications are identified in paras 64 -72 above.

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