

Statement of Case



The Town and Country Planning Appeals (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2000/1625

**STATEMENT OF CASE
LONDON BOROUGH OF SOUTHWARK**

Date: 03 October 2022
Appeal Reference: APP/A5840/W/22/3303205
LPA Reference: 21/AP/4297
Appellant: Tribe Avonmouth House Limited
Site Address: Avonmouth House, 6 Avonmouth Street, London, SE1 6NX

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Copies:

Copies of this statement and the documents referred to are available on the council's online planning register (<https://planning.southwark.gov.uk/online-applications> using references APPEAL/22/0055 and 21/AP/4297), and for inspection Mondays to Fridays 9am to 5pm by prior arrangement at the Council's offices, 160 Tooley Street, London SE1P 5LX. Please contact Thomas Weaver (thomas.weaver@southwark.gov.uk 020 7525 3841) to arrange a time to view the appeal documents.

1. Introduction

- 1.1 This statement has been prepared by the London Borough of Southwark (“the Council”) in appeal reference APP/A5840/W/22/3303205. The appeals have been made by Tribe Limited (“the Appellant”), to the Secretary of State against the Council’s failure to determine the applications referred to in section 3 below.

2. Description of the Site and Area

- 2.1 The applications relate to a site known as Avonmouth House, 6 Avonmouth Street, London, SE1 6NX (“the Site”). The Site as existing comprises a warehouse building and ancillary service yard located to the south of Newington Causeway. Avonmouth Street runs south east from Newington Causeway before returning south west to wrap around the warehouse building on the site. The site is bounded by buildings fronting Newington Causeway to the north west, modern annexes to the Inner London Sessions Court located across Avonmouth Street to the north, Newington Gardens open space to the south east and Telford and Stephenson’s Houses, comprising 5 storey interwar council estate blocks to the south west. Beyond the site to the south west, Avonmouth Street becomes Tiverton Street, where a 24 storey hotel known as the Ceramic Building is located.
- 2.2 The Site has an area of 0.12 hectares and comprises a two storey warehouse hosting training and conference facilities. The site additionally includes the ancillary service yard which in addition to access to the warehouse building on the Site, provides servicing access for Coburg House (nos 63 – 67 Newington Causeway). Coburg House has a private right of way across this service yard.
- 2.3 The Site is within the Central Activities Zone, the Elephant and Castle Opportunity Area, and the Elephant and Castle major town centre. It is also within North Southwark and Roman Roads Archaeological Priority Zone, flood zone 3 and the air quality management area.

- 2.4 The Site is not within a Conservation Area. It is not within the background assessment area London View Management Framework (“LVMF”) views or protected local borough views. There are no protected trees within the Site nor adjacent to it. The Inner London Sessions Court building located approximately 40m to the north east of the site is a Grade II listed building.
- 2.5 The Site has a PTAL of 6b due to its proximity to the Elephant and Castle rail and Underground stations and bus routes in the area. Access to the Site is from the northern portion of Avonmouth Street, where the shared service yard is located itself hosting the entrance to the warehouse building situated on the application Site.
- 2.6 To the north of the Site are the rear of buildings fronting Newington Causeway. These comprise:
- No. 2 Avonmouth Street, a four storey Victorian building in residential use with a rear elevation facing onto the site and service yard,
 - Balppa House, 57 – 61 Newington Causeway, a five storey mixed use building with ground floor retail and residential at floors 1 – 3
 - Coburg House, 63 – 86 Newington Cause Way, a four storey office building with servicing access to the rear which forms part of the Site
 - No. 69 – 71 Newington Causeway, a four storey office building
 - No. 73 – 75 Newington Causeway, a four storey period property in office use and which is identified as an undesignated heritage asset
- 2.7 To the east but not immediately adjoining the site is a two storey building hosting the Southwark Theatre, at 77 – 85 Newington Causeway. To the immediate east of this is a 24 storey mixed use building hosting hotel and residential use known as the Ceramic Building, addressed 87 Newington Causeway. Further south along Newington Causeway, the tallest building in the vicinity of the site comprises a 41 storey building located on Newington Causeway, addressed 251 Southwark Bridge Road.

- 2.8 Across Avonmouth Street to the north of the site are the modern annexes to the Inner London Sessions Court, beyond which is the Grade II listed building referred to above. To the east and south east of the site is Newington Gardens, a local open space, identified as an undesignated heritage asset of approximately 1.2ha.
- 2.9 To the south and south west of the site are two five storey interwar council estate blocks known as Telford House and Stephenson House, set in ancillary landscaped amenity areas. Both blocks are part of the wider Rockingham Estate located to the south and south west of the Site.
- 2.10 The Council will seek to agree with the Appellant a description of the Site, the area within which it is situated and the Site's designations in the Statement of Common Ground. If it proves not possible to agree this information, further detail may be provided in the proofs of evidence of the Council's witnesses.

3. Planning Application

- 3.1 In June 2021 a formal request for pre-application advice was submitted (reference 21/EQ/0159) in relation to a scheme to redevelop the Site to provide a mixed use building comprising E class or F1(a) class floorspace at basement, ground and first floor levels with student accommodation across floors 2 – 16 above. The scheme was largely similar in land use and design terms, with the only key change between the pre-application scheme and the planning application being to the proposed total number of student bedspaces (from 223 to 233, respectively). A pre-application meeting was held with the Appellant on 17 August 2021 with the council raising concerns around land use, including re-provision of employment floorspace, and appropriateness of the location for a tall building.
- 3.2 In November 2021, the Appellant submitted an application for planning permission (for the "Planning Application Proposal"). The submitted proposals are similar to the pre-application version of the scheme to which the Council's

pre-application advice related. The application was given a planning application reference number by the Council with the following description:

Planning Application Proposal 21/AP/4297 - Demolition of existing building and structures and erection of a part 2, part 7, part 14, and part 16 storey plus basement development comprising 1,733sqm (GIA) of space for Class E employment use and/or community health hub and/or Class F1(a) education use and 233 purpose-built student residential rooms with associated amenity space and public realm works, car and cycle parking, and ancillary infrastructure

- 3.3 The Council consulted with the Greater London Authority (“GLA”), statutory bodies, internal specialists and local neighbours. A number of responses were received which the Council will refer to as part of its evidence before the Inquiry.
- 3.4 The Council’s likely reasons for refusal (set out below) take due account of the representations received in response to consultation.

4. Appeal

- 4.1 In June 2022, the Appellant made an appeal to the Secretary of State against the Council’s failure to determine the applications, and requested that this be heard by way of an inquiry. The Inspectorate reference is APP/A5840/W/22/3303205.
- 4.2 On 30 August 2022, the Planning Inspectorate wrote to the Council stating that the inquiry procedure is considered suitable to determine the appeals and setting out the timetable for the appeal process. The letter provided a deadline for submission of the Council’s statement of case of 4 October. At the time of writing this Statement of Case, the intention is to present a report to the planning committee on 2 November for authority to challenge the appeal and the likely grounds for refusal if the application had been determined.

5. Planning History of the Site

- 5.1 The earlier planning history of the site relates to a planning application for the refurbishment of the warehouse building on the site which is of limited relevance to the Appeal Scheme.
- 5.2 The Council will seek to agree with the Appellant a description of the planning history of the Site in the Statement of Common Ground. If it proves not possible to agree this information, this will be provided in the proof of evidence of the Council's witnesses.

6. Planning History of Nearby Sites

- 6.1 The Council's evidence will consider the planning history of nearby sites where relevant to the appeal.
- 6.2 The Council will seek to agree a list of any relevant nearby planning decisions and land uses with the Appellant in the Statement of Common Ground.

7. Planning Policies

- 7.1 The statutory development plan for the borough consists of the London Plan (2021) and the Southwark Plan (2022). The National Planning Policy Framework is a material consideration with significant weight.
- 7.2 The Southwark Plan (2022) was adopted on 23 February 2022 and replaces the Council's earlier Core Strategy (2011) and saved policies of the Southwark Plan (2007). The site is not within a site allocation identified as NSP46 in the Southwark Plan (2022) and is within the Elephant and Castle Area Vision.
- 7.3 The following is a list of the policies considered relevant to the Appeal. The policies which the Council considers relevant to the issues for which the likely reasons for refusal outline below relate to are highlighted in bold.
- 7.4 The relevant policies of the London Plan (2021) are:

- Policy GG4 – Delivering the homes Londoners need
- Policy SD5 - Offices, other strategic functions and residential development in the CAZ
- Policy D1 - London's form, character and capacity for growth
- Policy D3 - Optimising site capacity through the design-led approach
- Policy D4 - Delivering good design
- Policy D9 - Tall buildings
- Policy HC1 - Heritage conservation and growth
- Policy HC3 - Strategic and Local Views

7.5 The relevant policies of the Southwark Plan (2022) are:

- P13 Design of places
- P17 Tall buildings
- P19 Listed buildings and structures

7.6 The Supplementary Planning Documents (SPD) produced by the Council that are relevant to the appeal is:

- Heritage (2021);

7.7 The GLA's Supplementary Planning Guidance (SPGs) and London Plan Guidance (LPGs) that are relevant to the appeal include:

- Character and Context (June 2014)
- Optimising site capacity: A design-led approach LPG – consultation draft (February 2022)

7.8 The relevant sections of the National Planning Policy Framework (July 2021) are:

- Section 2: Achieving sustainable development
- Section 11: Making effective use of land
- Section 12: Achieving well designed places
- Section 16: Conserving and enhancing the historic environment.

- 7.9 The Council will seek to agree with the Appellant a list of policies, guidance and other documents relevant to the Site and the development in the Statement of Common Ground. To the extent that the relevance or otherwise of these matters is disputed, this will be addressed in the proofs of evidence of the Council's witnesses.
- 7.10 The Council may refer to other new or emerging policies, documents or guidance which raise relevant material considerations during the preparation of evidence or at the Inquiry.

8. Likely Reasons for Refusal of the Planning Application Proposal

- 8.1 Subject to planning committee members' determination, officers would have recommended to the planning committee to refuse planning permission for the reasons summarised below.

(1) Impact on townscape and local character

- 8.2 Policy P13 ('Design of places') of the Southwark Plan (2022) requires the height, scale, massing and arrangement of development proposals to respond positively to the existing townscape, character and context.
- 8.3 Policy P17 ('tall buildings') additionally requires development proposals for tall buildings to respond positively to local character and townscape. The policy goes on to define tall buildings as those being either above 30m (or 25m where they are located within the Thames Special Policy Area) and also 'where they are significantly higher than surrounding building or their emerging context.' The policy has a number of other criteria which proposals for tall buildings are required to conform to, and the council requires these to have been adequately addressed.
- 8.4 Policy P19 ('Listed buildings and structures') states that development which relates to listed buildings and their setting will only be permitted if it conserves

or enhances a listed building's special significance in terms of, among other things:

- 8.4.1 architectural style and features of a listed building
 - 8.4.2 the contribution a development proposal makes to a listed building's setting; and
 - 8.4.3 views which contribute positively to the significance of the building or its setting
- 8.5 The planning application for the proposal was supported by a heritage and townscape visual impact assessment (HTVIA). This set out how the proposal would appear in key local views were it to be implemented. Several of the townscape views demonstrate the building to be tall enough, relative to the context of the site, to cause harm on the townscape and by extension local character of the immediate area. It is the council's view that this is in part incurred as a result of the scale and overall 16 storey height of the proposed building, which is compounded by the proposed architectural approach to the crown of the building, with the top two storeys (floors 14 & 15) in a darker colour redbrick, contrasting strongly with the light-buff-brick-led façade of the remainder of the tower below, and which provides an impression of a top heavy, building within the streetscape. Consideration has been given to whether a change in material to match the rest of the building would reduce the impact to an acceptable level and it would not; the building would still appear incongruous within the townscape to an unacceptable degree.
- 8.6 For the purposes of this Statement of Case and the council's assessment of the impact of the proposal on the local townscape, the relevant views set out in the submitted HTVIA have been grouped into 3 types:
- 8.6.1 Local townscape views from streets adjoining the Site and local estate roads which adjoin them
 - 8.6.2 Views from within and across the Newington Gardens open space
 - 8.6.3 Views from within the wider townscape, including those featuring the Grade II listed Inner London Sessions Court building

8.7 The views of each group tested and set out in the HTVIA are:

Local townscape views

- 8.7.1 View 1 ('Tiverton Street')
- 8.7.2 View 2 ('Stephenson House to the East of the Railway Viaduct')
- 8.7.3 View 3 ('Stephenson House to the South Corner of the Quadrangle')

Views across Newington Gardens

- 8.7.4 'View 4' ('Stephenson House, to the West of Newington Gardens')
- 8.7.5 'View 5' ('Newington Gardens, South Corner')
- 8.7.6 'View 6' ('Newington Gardens, South East Side')

Views of the wider townscape

- 8.7.7 View 8 ('Harper Road, at Swan Street')
- 8.7.8 View 9 ('Harper Road, Opposite Inner London Crown Court Car Park')
- 8.7.9 'View 11' ('Newington Causeway near the Junction with Avonmouth Street')

8.8 The primary elements of the local townscape which the proposed building is required to positively respond to include:

- 8.8.1 the 5 storey, red brick interwar council estate housing blocks of Telford and Stephenson Houses
- 8.8.2 The Grade II listed Inner London Sessions Court
- 8.8.3 the 4 storey contemporary, blue-rendered 4 storey mixed use block of Balppa House located on the corner of Newington Causeway and Avonmouth Street
- 8.8.4 the landscape and greenery afforded by Newington Gardens
- 8.8.5 in addition to buildings located in wider views, including the 24 storey 'Ceramic Building', addressed 87 Newington Causeway, located to the south-west of the Site, opposite Telford House and which has a 4 storey podium level fronting the streetscape, in addition to the 41 storey 251 Southwark Bridge Road, located on the opposite side of Newington Causeway and railway viaducts that bisect that section of the road

- 8.9 The Council considers that Views 1 – 3, 8 – 9 and 11 demonstrate that the proposed building is of a height that is out of character with the existing townscape in the immediate and wider vicinity of the Site. This is as a consequence primarily of the proposed height of the building at 16 storeys. It is acknowledged that the surrounding townscape character is mixed in terms of building scale and architectural design, and that this site is potentially suitable for a taller building as set out in the NSP site allocation NSP46. A building which was taller, but not as tall as the proposed, could potentially meet NSP policy requirements.
- 8.10 The proposed 16 storey building does not successfully respond to the existing townscape of taller buildings located towards the Elephant and Castle town centre, in including in the context of the views of the Inner London Sessions Court (Views 8 and 9), in which these existing taller buildings also appear. Due to the location of the site and its distance from the Elephant and Castle town centre, the 16 storey building's scale is read within the townscape of being the same height as that of the 24 storey Ceramic building located to the south west of the Site.
- 8.11 Within these townscape views, the proposal would be contrary to the Council's otherwise consistent approach of steering development of taller buildings (both approved and anticipated to come forward) towards locations where the imposing impact of the taller height on the townscape is justified, such as at the convergence of key routes or focuses of activity. The results of this strategy are demonstrated clearly in Views 8 and 9, where 251 Southwark Bridge Road is remains as the tallest building while being located closest to the Elephant and Castle town centre (and so furthest away from the Site), and which the Ceramic Building is appropriately subservient too. This progression of scale of buildings within the townscape would not be achieved with the 16 storey proposal within these views.
- 8.12 The proposal is considered to be excessively tall in relation to the 5 storey housing blocks of the Rockingham Estate as demonstrated in Views 1 – 3 of the HTVIA. In Views 2 and 3 in particular, the proposal is considered to harm

this part of the townscape due to the degree of intrusion above these neighbouring building's roof ridge line of Telford (View 2) and Stephenson (View 3) Houses. The excessive degree of intrusion of the proposal is caused by reason of its scale and 16 storey height, in contrast to the equivalent views within the HTVIA as existing where there is no building visible.

8.13 The tested views from and across Newington Gardens within the submitted HTVIA show the Gardens' trees with full foliage, obscuring the proposed building on the Site. The Council is of the view that the full impact of the proposal has not therefore been readily available for assessment within the submission. It is likely that in the winter the lower floors of the building would remain partially obscured by branches of the trees which are relatively dense, while the upper storeys of the building's 16 storey height would be more visible.

8.14 The council considers the 16 storey proposal would harm 'townscape' views from Newington Gardens and the immediate surrounds. This is in virtue of its height and architectural treatment, where the proposal would have an overbearing presence in the townscape during the autumn, winter and spring months when foliage of the mature trees of the gardens will not obscure the building and the upper storeys in particular would be visible in these views. On this basis, the council does not consider the proposal has positively responded to the existing character and context of the site. The Council considers that with some reduction in height this could be successfully addressed.

Conclusion on the proposal's conformity with Policy P13 ('Design of places'), P17 ('Tall buildings') and P19 ('Listed buildings and structures')

8.15 The above analyses set out how the proposal does not respond positively to the existing townscape, character and context of the Site and is on this basis contrary to policies P13, P17 and P19 of the Southwark Plan (2022). This is with particular regards to the substantially lower scale buildings of the

proposal's immediate context, the views from and across Newington Gardens and those from the wider vicinity, including within the context of the Grade II listed Inner London Sessions Court building and the context of the Council's consistent approach to the emerging character of the Elephant and Castle town centre in terms of tall buildings.

8.16 The Council's evidence will explain that as a result of the factors summarised above the proposed development is contrary to national planning policy in section 12 of the NPPF and to the following development plan policies:

8.16.1 London Plan (2021) policies D3 "Optimising site capacity through the design-led approach", D9 "Tall buildings", HC1 "Heritage conservation and growth" and HC3 "Strategic and local views",

8.16.2 Southwark Plan (2022) policies P13 "Design of places", P14 "Design quality", P17 "Tall buildings" and P19 "Listed buildings and structures"

(2) Lack of a section 106 agreement

8.17 In the absence of a completed section 106 agreement or unilateral undertaking, the Planning Application Proposal fails to secure appropriate planning obligations to mitigate its adverse impacts and to secure the public benefits of the proposal to ensure compliance with planning policies for these topics. Planning obligations are necessary in relation to:

- Provision of a nominations agreement as set out and required by policy P5 of the Southwark Plan
- provision of the on-site affordable workspace at discount rent, with the associated fit out, marketing and management in order to comply with policy P31 "Affordable workspace" of the Southwark Plan and E3 "Affordable workspace" of the London Plan;
- provision of the public realm within the site and public access to it;
- transport mitigation (highway works and financial contributions for improvements to Avonmouth Street and Tiverton Street, bus service improvement contribution, Legible London contribution, cycle docking

station improvement contribution, provision of the Underground station entrance, servicing and deliveries management with the associated deposit and monitoring fee, and a travel plan including cycle hire access) to comply with Southwark Plan policies P49, P50, P51 and P53, and London Plan transport chapter policies;

- construction phase employment and training to comply with London Plan policy E11 “Skills and opportunities for all” and Southwark Plan policy P28 “Access to employment and training”;
- operational phase employment and training to comply with London Plan policy E11 and Southwark Plan policy P28;
- local procurement during construction and operational phase to comply with Southwark Plan policy P28;
- carbon offset payment to comply with policy SI2 “Minimising greenhouse gas emissions” of the London Plan and P70 “Energy” of the Southwark Plan;
- archaeological monitoring contribution to comply with policy P23 “Archaeology” of the Southwark Plan;
- wind assessment post-construction to ensure sufficient mitigation to comply with policy P17 “Tall buildings” of the Southwark Plan and D9 “tall buildings” of the London Plan; and

8.18 In the absence of an appropriate signed agreement, the proposal is contrary to the development plan policies that relate to these topics, and to policy IP3 “Community infrastructure levy (CIL) and section 106 planning obligations” of the Southwark Plan (2022), policies T9 ‘Funding transport infrastructure through planning’ and DF1 “Delivery of the Plan and planning obligations” of the London Plan (2021) and the guidance within the “Section 106 Planning Obligations and Community Infrastructure Levy” SPD (2015 and its 2020 addendum).

8.19 It is anticipated that this issue will be resolved through discussions with the applicant on the heads of terms and draft planning agreement which are to progress ahead of the Inquiry. The appellant has indicated that they have had

discussions with higher education institutes who would not be in a position to commit until planning consent had been given, To this end, the council is satisfied that this requirement could be met through an obligation in any legal agreement. Other mitigation would need to be secured by conditions imposed on any permission. The Council's list of suggested conditions is attached as Appendix 2 to this statement.

Conclusion

- 8.20 It will be the Council's case that the proposal is contrary to policy P13 ('Design of places'), P17 ('Tall buildings') and P19 ('Listed buildings and structures') of the Southwark Plan 2022. The proposal fails to respond positively to the existing character and context and would as a result harm the local townscape. The public benefits of the proposal would not outweighing the harm that would be caused to a designated heritage asset.
- 8.21 The Council's case will be that that the proposal conflicts with a range of key development plan policies relating to tall buildings, townscape, design, public realm and heritage. As such, it will be the Council's case that the proposed development is in conflict with the development plan when considered as a whole.
- 8.22 The Council's case will be that the other material considerations in this case do not indicate that it would be appropriate to grant planning permission notwithstanding the conflict with the development plan. On the contrary, when considered as a whole they clearly weigh in favour of refusal.
- 8.23 Accordingly, the Council's case will be that the appeal should be dismissed and planning permission refused.

Conditions

- 9.1 Should the Inspector be minded to grant planning permission, a list of suggested conditions is included in Appendix 1. These conditions would be in

addition to the heads of terms to be contained within a section 106 agreement, a draft of which will be provided to the Inspector in line with the timeframe.

Draft conditions

Appendix 1

List of Conditions Should Planning Permission be Granted

In the event the Inspector is minded to recommend the scheme for approval, the Council asks that the following conditions be included on the permission

1. The development to which this permission relates must have commenced not later than the expiration of three years beginning from the date of this decision notice.

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

2. The development hereby permitted shall be carried out in accordance with the approved plans listed in this notice, unless otherwise required by any other condition in this notice.

Reason: To ensure that the Development is undertaken in accordance with the approved drawings and documents to achieve compliance with Development Plan Policies (London Plan 2021 and Southwark Plan 2022), and National Planning Policy Framework 2021.

3. No development shall take place, including any works of demolition, until a written CEMP has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall oblige the applicant, developer and contractors to commit to current best practice with regard to construction site management and to use all best endeavours to minimise off- site impacts, and will include the following information:

- A detailed specification of demolition and construction works at each phase of development including consideration of all environmental impacts and the identified remedial measures;
- Site perimeter continuous automated noise, dust and vibration monitoring;
- Engineering measures to eliminate or mitigate identified environmental impacts e.g., hoarding height and density, acoustic screening, sound insulation, dust control measures, emission reduction measures, location of specific activities on site, etc.;
- Arrangements for a direct and responsive site management contact for nearby occupiers during demolition and/or construction (signage on hoardings, newsletters, residents' liaison meetings, etc.)
- A commitment to adopt and implement of the ICE Demolition Protocol and Considerate Contractor Scheme; Site traffic - Routing of inbound and

- outbound site traffic, one-way site traffic arrangements on site, location of lay off areas, etc.;
- Site waste Management - Accurate waste stream identification, separation, storage, registered waste carriers for transportation and disposal at appropriate destinations.
 - A commitment that all NRMM equipment (37 kW and 560 kW) shall be registered on the NRMM register and meets the standard as stipulated by the Mayor of London.

All demolition and construction work shall be undertaken in strict accordance with the approved CEMP and other relevant codes of practice, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that occupiers of neighbouring premises and the wider environment do not suffer a loss of amenity by reason of pollution and nuisance, in accordance with Southwark Plan Policies P50 (Highways impacts) and P56 (Protecting amenity), London Plan Policy T4 (Assessing and mitigating transport impacts), and the National Planning Policy Framework.

4. a.) No development shall take place until a remediation scheme has been submitted to and approved in writing by the Local Planning Authority. Following the completion of the works and measures identified in the approved remediation strategy, a verification report providing evidence that all works required by the remediation strategy have been completed, together with any future monitoring or maintenance requirements shall be submitted to and approved in writing by the Local Planning Authority.
- b.) In the event that potential contamination is found at any time when carrying out the approved development that was not previously identified, it shall be reported in writing immediately to the Local Planning Authority, and a scheme of investigation and risk assessment, a remediation strategy and verification report (if required) shall be submitted to the Local Planning Authority for approval in writing.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with Southwark Plan Policy P64 (Contaminated land and hazardous substances) and the National Planning Policy Framework.

5. No works (excluding demolition and site clearance) shall commence until full details of the proposed surface water drainage system incorporating the Sustainable Drainage Systems (SuDS) have been submitted to and approved in writing by the Local Planning Authority, including detailed design,

dimensions, depth and location of attenuation units and flow control devices. The specific SuDS type, arrangement and material should be given in line with the proposed strategy dependant on any necessary site investigations. The strategy should achieve a reduction in surface water runoff rates as detailed in the approved 'Flood Risk Assessment and Drainage Strategy' prepared by Ardent. The applicant must confirm that the site is safe in the event of blockage/failure of the system, including consideration of exceedance flows. The site drainage must be constructed to the approved details.

Reason: To minimise the potential for the site to contribute to surface water flooding in accordance with Southwark's Strategic Flood Risk Assessment (2017), Policy SI 13 of the London Plan, and Policy P68 of the Southwark Plan.

6. Before any work hereby authorised begins (excluding demolition to ground slab level), the applicant shall secure the implementation of a programme of archaeological evaluation works in accordance with a written scheme of investigation (WSI) which shall be submitted to and approved in writing by the Local Planning Authority. The WSI shall include the programme and methodology of site investigation and recording.

In the event archaeology of national importance is found on the site, a scheme shall be submitted to the council for approval to ensure this will be preserved in-situ. The scheme shall be implemented during the construction period and within the completed development as approved.

Reason: Reason: In order that the details of the programme of works for the archaeological mitigation are suitable with regard to the impacts of the proposed development and the nature and extent of archaeological remains on site in accordance with policy P23 Archaeology of the Southwark Plan (2022), policy HC1 Heritage conservation and growth of the London Plan (2021) and the National Planning Policy Framework (2021).

7. a) Prior to commencement of the development (excluding demolition and site investigation works) hereby permitted a Public Engagement Programme shall be submitted to and approved by the Local Planning Authority. The Public Engagement Programme shall set out:

- 1) How the archaeology fieldwork areas will be hoarded to provide opportunities for passers-by to safely view the excavations
- 2) Drawings (artwork, design, text and materials, including their location and a full specification of the construction) for the public interpretation and presentation display celebrating the historic setting of the site, to be located on suitably visible public parts of the temporary site hoarding;
- 3) Details of at least one event, such as a heritage trail, that will be held during the fieldwork phase (as a minimum this should state the date/time, duration, individuals involved and advance promotional measures for the event, and provide an outline of the content of the event).

- b) Prior to the commencement of the archaeology fieldwork, the hoarding shall be installed in full accordance with the approved details referred to in parts a.1 and a.2 of the condition, and the hoarding shall remain as such and in place throughout the archaeology fieldwork phase. During the archaeology fieldwork, the event (referred to in part a.3) shall be carried out.

Reason:

To promote the knowledge and understanding of the archaeological interest of the application site and provide information on the special archaeological and historical interest of this part of Southwark, in accordance with the National Planning Policy Framework (2021), policy HC1 Heritage conservation and growth of the London Plan (2021) and P23 Archaeology of the Southwark Plan (2022).

8. Within one year of the completion of the archaeological work on site, an assessment report detailing the proposals for the off-site analyses and post-excavation works, including publication of the site and preparation for deposition of the archive, shall be submitted to and approved in writing by the Local Planning Authority, and the works detailed in the assessment report shall not be carried out otherwise than in accordance with any such approval given. The assessment report shall provide evidence of the applicant's commitment to finance and resource these works to their completion.

Reason: In order that the archaeological interest of the site is secured with regard to the details of the post-excavation works, publication and archiving to ensure the preservation of archaeological remains by record in accordance with Policy P23 (Archaeology) of the Southwark Plan, Policy HC1 (Heritage conservation and growth) of the London Plan, and the National Planning Policy Framework.

9. Details of access for fire appliances as required by Approved Document B of the Building Regulations and details of adequate water supplies for fire fighting purposes should be provided prior to the implementation of the scheme and should be secured in perpetuity on completion of the scheme.

Reason: To minimise the risk to life and minimise building damage in the event of a fire, in accordance with the National Planning Policy Framework and Policy D12 (Fire safety) of the London Plan.

10. Prior to works commencing, including any demolition and no later than RIBA Stage 4, a Planning Stage Circular Economy Statement (CES) shall be submitted to and approved in writing by the Local Planning Authority. The CES shall include

- a Bill of Materials including kg/m² and recycled content (target for a minimum 20%) for the development;
- a Recycling and Waste Reporting table, evidencing that the proposal would reuse/recycle/recover 95% of construction and demolition waste, and put 95% of excavation waste to beneficial use;
- a Pre-demolition/Refurbishment Audit;
- a Letter of Commitment, pledging to submit a Post-Completion Report within 3 months of completion of the development;
- a Building End-of-Life Strategy;
- a Final Destination Facilities List; and
- evidence of any destination landfill sites' capacity to receive waste.

The development shall be implemented in accordance with the CES. Unless otherwise agreed by the Council, to comply with the Circular Economy Statement for the full life cycle of the Development.

Reason: To ensure that the proposal responds appropriately to climate change policies by reducing carbon emissions and minimising waste streams in accordance with London Plan Policies SI7 (Reducing waste and supporting the circular economy) and SI2 (Minimising greenhouse gas emissions), and Southwark Plan Policies P69 (Sustainability standards) and P70 (Energy).

11. No later than three months following substantial completion of the final student accommodation unit within the development hereby consented, a Post Completion Circular Economy Report setting out the predicted and actual performance against all numerical targets in the relevant Planning Stage Circular Economy Statement shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that Planning Stage Circular Economy Statement has been implemented in the construction and delivery of the development, and that all on-going operational measures and mechanisms have been satisfactorily implemented, in order to achieve Circular Economy goals and in accordance with: the National Planning Policy Framework and Policies GG6 (Increasing Efficiency and Resilience) and SI7 (Reducing Waste and Supporting the Circular Economy) of the London Plan.

12. Prior to commencement of any works (with the exception of demolition to ground level and archaeology), detailed plans shall be submitted to and approved in writing by the Local Planning Authority demonstrating the provision of sufficient ducting space for full fibre connectivity infrastructure within the development. The development shall be carried out in accordance with the approved plans and maintained as such in perpetuity.

Reason: To provide high quality digital connectivity infrastructure to contribute to London's global competitiveness in accordance with Policy SI6 of the London Plan.

13. Prior to the commencement of any above grade works (excluding demolition), details of bird and bat boxes shall be submitted to and approved in writing by the Local Planning Authority. The bird and bat boxes shall be installed with the development prior to the first occupation of the building of which they form a part or the first use of the space in which they are contained. The bird and bat boxes shall be installed strictly in accordance with the details so approved and shall be maintained as such thereafter.

Reason: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity in accordance with Southwark Plan Policy P60 (Biodiversity).

14. Prior to commencement of any works above grade (excluding demolition), detailed drawings at a scale of 1:5 or 1:10 through:
- i) all facade variations; and
 - ii) commercial fronts and residential entrances; and
 - iii) all parapets and roof edges; and
 - iv) all balcony details; and
 - v) heads, cills and jambs of all openings

to be used in the carrying out of this permission shall be submitted to and approved by the Local Planning Authority in writing. The development shall not be carried out otherwise than in accordance with any such approval given.

Reason: In order that the Local Planning Authority may be satisfied as to the quality of architectural design and details in accordance with Chapter 12 - Achieving well designed places of the NPPF, Policies D4 (Delivering good design) and D9 (Tall buildings) of the London Plan, and Policies P13 (Design of places), P14 (Design quality), and P17 (Tall buildings) of the Southwark Plan.

15. Prior to the commencement of any above grade works (excluding demolition), samples of all external facing materials and full-scale (1:1) mock-ups of the facades to be used in the carrying out of this permission shall be presented on site to the Local Planning Authority and approved in writing. The development shall not be carried out otherwise than in accordance with any such approval given. The facades to be mocked up should be agreed with the Local Planning Authority.

Reason: In order that the Local Planning Authority may be satisfied as to the quality of architectural design and details in accordance with Chapter 12 - Achieving well designed places of the NPPF, Policies D4 (Delivering good design) and D9 (Tall buildings) of the London Plan, and Policies P13 (Design of places), P14 (Design quality), and P17 (Tall buildings) of the Southwark Plan.

16. Prior to the commencement of any above grade works (excluding demolition), details of security measures shall be submitted and approved in writing by the Local Planning Authority and any such security measures shall be implemented prior to occupation in accordance with the approved details which shall achieve the 'Secured by Design' accreditation award from the Metropolitan Police.

Reason: In the interests of securing well designed, safe and secure buildings and neighbourhoods in accordance with Southwark Plan Policy P16 (Designing out crime).

17. Prior to the commencement of any above grade works (excluding demolition), details and 1:50 scale drawings of the secure cycle parking facilities to Southwark Plan 2022 standards shall be submitted for approval. This shall include 302 spaces, including 30 Sheffield racks providing for 60 spaces, including 3 disabled and 3 cargo bicycle spaces

Details relating to the servicing layout and its relationship with the public highway shall be submitted to be approved in writing by the Local Planning Authority. The cycle parking facilities shall be provided prior to the occupation of the development and thereafter shall be retained and the space used for no other purpose and the development shall not be carried out otherwise than in accordance with any such approval given.

Reason: In order to ensure that satisfactory safe and secure cycle parking and changing facilities are provided and can be easily accessed by users in order to encourage the use of cycling as an alternative means of transport to the development and to reduce reliance on the use of the private car in accordance with London Plan Policy T5 (Cycling) and Southwark Plan Policy P53 (Cycling).

18. Prior to the commencement of any above grade works (excluding demolition), details of the biodiversity (green/brown) roof(s) shall be submitted to and approved in writing by the Local Planning Authority. The biodiversity (green) roof(s) shall be:

- biodiversity based with extensive substrate base (depth 80-150mm);
- laid out in accordance with agreed plans; and
- planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works (focused on wildflower planting, and no more than a maximum of 25% sedum coverage).

The biodiversity (green) roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair or escape in case of emergency. The biodiversity roof(s) shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter. Discharge of this condition will be granted on receiving the details of the green roof(s) and Southwark Council

agreeing the submitted plans. A post completion assessment will be required to confirm the roof has been constructed to the agreed specification.

Reason: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity in accordance with Policies SI 4 (Managing heat risk), SI 13 (Sustainable drainage), G1 (Green Infrastructure), and G5 (Urban Greening) of the London Plan and Policies P59 (Green infrastructure) and P60 (Biodiversity) of the Southwark Plan.

19. Prior to the commencement of any above grade works (excluding demolition), the applicant shall submit written confirmation from the appointed building control body that the specifications for each student bedspace identified in the detailed construction plans meet the standard of the Approved Document M of the Building Regulations (2015). The development shall be carried out in accordance with the details thereby approved by the appointed building control body.
- M4 (Category 3) 'wheelchair user dwellings':- at least 5%
 - M4 (Category 2) 'accessible and adaptable':- remaining units

Reason: In order to ensure the development complies with Policy P5 (Student homes) of the Southwark Plan and Policy D7 (Accessible Housing) of the London Plan.

20. Prior to the commencement of any above grade works (excluding demolition), full particulars of the sprinkler system to be used within the building shall be submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with any approval given.

Reason: To ensure that there is an adequate level of fire safety within this mixed use development in accordance with Policy D12 (Fire Safety) of the London Plan.

21. Prior to the commencement of any landscaping works, detailed drawings of a hard and soft landscaping scheme showing the treatment of all parts of the site not covered by buildings (including cross sections, surfacing materials of any access, terraces, or pathways layouts, materials and edge details), shall be submitted to and approved in writing by the Local Planning Authority. The landscaping shall not be carried out otherwise than in accordance with any such approval given and shall be retained for the duration of the use. The planting, seeding and/or turfing shall be carried out in the first planting season following completion of building works and any trees or shrubs that is found to be dead, dying, severely damaged or diseased within five years of the completion of the building works OR five years of the carrying out of the landscaping scheme (whichever is later), shall be replaced in the next planting season by specimens of the same size and species in the first suitable

planting season. Planting shall comply to BS: 4428 Code of practice for general landscaping operations, BS: 5837 (2012) Trees in relation to demolition, design and construction and BS 7370-4:1993 Grounds maintenance Recommendations for maintenance of soft landscape (other than amenity turf).

Reason: So that the Council may be satisfied with the details of the landscaping scheme, in accordance with Chapters 8, 12, 15 and 16 of the National Planning Policy Framework, Policies SI 4 (Managing heat risk), SI 13 (Sustainable drainage), G1 (Green Infrastructure), G5 (Urban Greening), G6 (Biodiversity and access to nature) and G7 (Trees and Woodlands) of the London Plan, and Policies P13 (Design of places), P14 (Design quality), P60 (Biodiversity) and P61 (Trees) of the Southwark Plan.

22. Prior to the commencement of any above grade works (excluding demolition), details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that a minimum of at least two lifts (or more subject to capacity assessments) will be suitably sized fire evacuation lifts suitable to be used to evacuate people who require level access from the building. The development shall be carried out in accordance with these details and maintained as such in perpetuity.

Reason: In order to ensure that the proposed development complies with the requirements of the London Fire Brigade and Policy D12 (Fire Safety) of the London Plan.

23. Before the first occupation of the building hereby permitted, a revised sustainability strategy shall be submitted to and approved in writing by the Local Planning Authority detailing water efficiency measures to be implemented in the development.

Reason: In order to ensure that the proposed development complies with the requirements of Policy SI 5 of the London Plan.

24. Within three months of completion of the development or commencement of RIBA Stage 6 (whichever occurs earlier) and in any event prior to the building being occupied (or handed over to a new owner (if applicable)), to submit the Post-Construction Whole Life-Cycle Carbon (WLC) Assessment to the GLA. The WLC assessment shall be submitted to ZeroCarbonPlanning@london.gov.uk. The developer shall use the post construction tab of the GLA's WLC assessment template and the relevant forms must be completed accurately and in their entirety in line with the criteria set out in the GLA's WLC assessment guidance. The Post-Construction Assessment should provide an update of the information submitted at planning submission stage (RIBA Stage 2/3), including the WLC carbon emission figures for all life-cycle modules based on the actual materials, products and systems used. The assessment must be submitted

along with supporting evidence as required by the GLA's WLC assessment guidance and, unless otherwise agreed by the Council, within three months of the completion of the development or commencement of RIBA Stage 6 (whichever occurs earlier).

Reason: To ensure whole life-cycle carbon is calculated and reduced and to demonstrate compliance with Policy SI 2 (Minimising Greenhouse Gas Emissions) of the London Plan.

25. Before the first occupation of the building hereby permitted, details of the arrangements for the storing of domestic and commercial refuse shall be submitted to and approved in writing by the Local Planning Authority and the facilities approved shall be provided and made available for use by the occupiers. The facilities shall thereafter be retained and shall not be used or the space used for any other purpose.

Reason: To ensure that the refuse will be appropriately stored within the site thereby protecting the amenity of the site and the area in general from litter, odour, and potential vermin/pest nuisance in accordance with the National Planning Policy Framework 2021 and Policies P56 (Protection of amenity) and P62 (Reducing waste) of the Southwark Plan 2022.

26. Before the first occupation of the building hereby permitted, a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the Local Planning Authority.

Reason: This condition is necessary to ensure the protection of wildlife and supporting habitat and to secure opportunities for the enhancement of the nature conservation value of the site, in accordance with the NPPF, Policies G1 (Green infrastructure), G5 (Urban greening) and G6 (Biodiversity and access to nature) of the London Plan. It is a mandatory criterion of BREEAM (LE5) to monitor long term impact on biodiversity, a requirement is to produce a landscape and habitat management plan.

27. The student accommodation hereby permitted shall be designed to ensure that the following internal noise levels are not exceeded due to environmental noise:

Bedrooms - 35dB LAeq T †, 30 dB L Aeq T*, 45dB LAFmax T * Living and Dining rooms- 35dB LAeq T †

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

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

Reason: To ensure that the occupiers and users of the development do not suffer a loss of amenity by reason of excess noise from environmental and transportation sources in accordance with Southwark Plan Policy P56 (Protection of amenity) and the National Planning Policy Framework.

28. The Rated sound level from any plant, together with any associated ducting, shall not exceed the Background sound level (LA90 15min) at the nearest noise sensitive premises. Furthermore, the Specific plant sound level shall be 10dB(A) or more below the background sound level in this location. For the purposes of this condition the Background, Rating and Specific

Sound levels shall be calculated fully in accordance with the methodology of BS4142:2014+A1:2019.

Reason: To ensure that the occupiers and users of the development do not suffer a loss of amenity by reason of excess noise from environmental and transportation sources in accordance with Southwark Plan policy P56 ('Protection of amenity') and the National Planning Policy Framework 2021.

29. Party walls, floors and ceilings between the commercial premises and student accommodation shall be designed to achieve a minimum weighted standardized level difference of 60 dB DnTw+Ctr. Pre-occupation testing of the separating partition shall be undertaken for airborne sound insulation in accordance with the methodology of ISO 16283-1:2014. Reason: To ensure that the occupiers and users of the development do not suffer a loss of amenity by reason of excess noise from environmental and transportation sources in accordance with Southwark Plan policy P56 ('Protection of amenity') and the National Planning Policy Framework 2021.

30. Prior to the commencement of any use within use class E involving the cooking of food, full particulars and details of a scheme for the extraction and ventilation of the commercial kitchen shall be submitted to and approved by the Local Planning Authority. The scheme shall include:

- Details of extraction rate and efflux velocity of extracted air
- Full details of grease, particle and odour abatement plant
- The location and orientation of the extraction ductwork and discharge terminal
- A management servicing plan for maintenance of the extraction system to ensure that fumes and odours from the kitchen do not affect public health or residential amenity. Once approved the scheme shall be implemented in full and permanently maintained thereafter.

Reason: In order to ensure that any installed ventilation, ducting and ancillary equipment in the interests of amenity will not cause amenity impacts such as odour, fume or noise nuisance and will not detract from the

appearance of the building in accordance with The National Planning Policy Framework and Southwark Plan Policy P56 (Protection of amenity).

31. No piling shall take place until a Piling Method Statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure. To ensure that the development does not harm groundwater resources in line with the National Planning Policy Framework paragraph 183 and Policy P64 (Contaminated land and hazardous substances) of the Southwark Plan.

32. Any deliveries, unloading and loading to the commercial units shall only be between the following hours:
08.00 to 20.00hrs on Monday to Saturdays; and
10.00 to 16.00hrs on Sundays and Bank Holidays.

Reason: To ensure that the occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance, and to reduce vehicle movements on the local road network during peak times, in accordance with: the National Planning Policy Framework; Policy T7 (Deliveries, Servicing and Construction) of the London Plan 2021; and Policy P50 (Highways Impacts) of the Southwark Plan 2022.

33. The Class E/F1(a) floorspace shall not be used except during the hours of 07.00 - 23.00 on any day.
Reason: To ensure that the occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance, and to reduce vehicle movements on the local road network during peak times, in accordance with the National Planning Policy Framework 2021; Policy T7 (Deliveries, Servicing and Construction) of the London Plan; and Policy P50 (Highways Impacts) of the Southwark Plan.

34. No drainage systems for the infiltration of surface water drainage into the ground are permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with the National Planning Policy Framework paragraph 183 and Policy P64 (Contaminated land and hazardous substances) of the Southwark Plan.

35. The development hereby permitted shall be constructed to include the energy efficiency measures stated in the Energy Strategy prepared by JAW and submitted in support of the application. All measures and technologies shall remain for as long as the development is occupied, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure the development complies with the National Planning Policy Framework, Strategic Policy SP4 of the Southwark Plan, and Policy S1 2 (Minimising greenhouse gas emissions) of the London Plan.

36. The existing trees on or adjoining the site which are to be retained shall be protected and both the site and trees managed in accordance with the recommendations contained in the Arboricultural Method Statement. All tree protection measures shall be installed, carried out and retained throughout the period of the works, unless otherwise agreed in writing by the Local Planning Authority. In any case, all works must adhere to BS5837: (2012) Trees in relation to demolition, design and construction and BS3998: (2010) Tree work - recommendations. If within the expiration of 5 years from the date of the occupation of the building for its permitted use any retained tree is removed, uprooted is destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

Reason: To avoid damage to the existing trees which represent an important visual amenity in the area, in accordance with The National Planning Policy Framework Parts 8, 11, 12, 15 and 16, Policies G1 (Green Infrastructure), G5 (Urban Greening) and G7 (Trees and Woodlands) of the London Plan, and Policy P61 (Trees) of the Southwark Plan.