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|------------------------------------|--|--------------------------------|---|
| Item No. 6.1 | Classification: Open | Date: 18 July 2023 | Meeting Name: Planning Committee (Major Applications) A |
| Report title: | Development Management planning application: Application 23/AP/0479 for: FULL PLANNING APPLICATION Address: LAND AT 19, 21 AND 23 HARPER ROAD, 325 BOROUGH HIGH STREET AND 1-5 AND 7-11 NEWINGTON CAUSEWAY LONDON SE1 6AW Proposal: Demolition of existing buildings and redevelopment to provide a mixed-use development comprising 444 purpose-built student residential rooms (Sui Generis), 5x 1 bedroom and 3x 2 bedroom affordable residential dwellings (Use Class C3), 1,850 employment floorspace (Use Class E(a) and (g)), in a building of 2 to 11 storeys together with access, cycle parking, hard and soft landscaping and other associated works. | | |
| Ward(s) or groups affected: | Chaucer | | |
| From: | Director of Planning and Growth | | |
| Application Start Date | 03/03/2023 | Application Expiry Date | 01/12/2023 |
| Earliest Decision Date | 26/08/2022 | | |

RECOMMENDATIONS

1. That planning permission be granted, subject to conditions, referral to the Mayor of London, and the applicant entering into an appropriate legal agreement by no later than 1 December 2023.
2. In the event that the requirements of (1.) are not met by the 1 December 2023, the director of planning and growth be authorised to refuse planning permission, if appropriate, for the reasons set out at paragraph 302 of this report.

EXECUTIVE SUMMARY

The site has planning permission for hotel led development of up to 13 storeys (reference 18/AP/0657), a permission that has been implemented. This proposal is for development of up to 11 storeys to include mostly student accommodation but also with office floorspace and eight affordable keyworker homes. The

reduction in height and redesign would lead to a lesser impact on the Trinity Church Square Conservation area and fit better into the townscape.

A new pocket park is proposed as a public benefit, along with a financial contribution of £600,000 for the refurbishment of the Rockingham Community Centre. The affordable housing contribution would be made up from the on-site affordable keyworker homes and a financial contribution of a least £13.64m towards the delivery of council homes. There would be additional impacts on existing residents from a deduction of daylight, including those at the Trilogy development to the south but those impacts would be similar to that of the hotel scheme.

SUMMARY TABLES

Commercial GIA:

| Use Class | Existing | Proposed | Change +/- |
|---|----------|--|---|
| Student Accommodation | 0sqm | 13,428sqm (444 rooms) | +13,428sqm |
| C3 Residential | 331sqm | 758sqm 8 flats | +427sqm |
| Class E(e) for the provision of medical or health services, principally to visiting members of the public. | 433sqm | 0sqm | -433sqm Mitigated by funding for restoration of Rockingham Community Centre. |
| Class E(g)(i) (offices / workspace) | 1,695sqm | 1,850sqm | +155sqm |
| E(a) Class use (Display or retail sale of goods, other than hot food) | 301sqm | TBCsqm (Is a percentage of the 1,850) | |

| Homes | Private Homes | Private Habitable room (HR) | Affordable. Key Worker |
|-------|---------------|-----------------------------|------------------------|
| 1 bed | 5 | 10 | 5 (100%) |
| 2 bed | 3 | 9 | 3 (100%) |

Student Housing

| Cluster Bedrooms | Studio Bedrooms | Total Bedrooms | Wheelchair Accessible M4(2) | Wheelchair Accessible M4(3) |
|------------------|-----------------|----------------|-----------------------------|-----------------------------|
| 136 | 354 | 444 | 18 | 5 |

Environmental:

| | |
|---|--|
| CO2 Savings beyond part L Building Regulations | 40% for the residential flats. 17% overall with a £406,554 carbon offset payment. |
|---|--|

| | Existing | Proposed | Change +/- |
|---|-----------|-----------|------------|
| Urban Greening Factor | | 0.404 | |
| Biodiversity Net Gain | 0.11 | 0.29 | +261.40% |
| Surface water run off rates (6-hour in 100 year) | 83.62 l/s | 1.5 l/s | 82.12 l/s |
| Green/Brown Roofs | 0sqm | 1240.8sqm | +1240.8sqm |
| Cycle parking spaces | 0 | 381 | +381 |

CIL and S106 (Or Unilateral Undertaking):

| | |
|-------------------------|--|
| CIL (estimated) | <ul style="list-style-type: none"> £960,833 |
| MCIL (estimated) | <ul style="list-style-type: none"> £1,022,353 |
| S106 | <ul style="list-style-type: none"> Off-site affordable housing- £13.64m Carbon Offset – £406,554 |

- Archaeology - £11,171
- Car Club provision of marked bay and vehicle on-street, for all users, and 3-years free Membership for residential units at first occupation.
- Deliver and Servicing Management Plan Bond and Monitoring Fee
- Revocation of Parking Permits for all proposed properties and units
- Travel Plan and monitoring fee (as per s106 SPD)

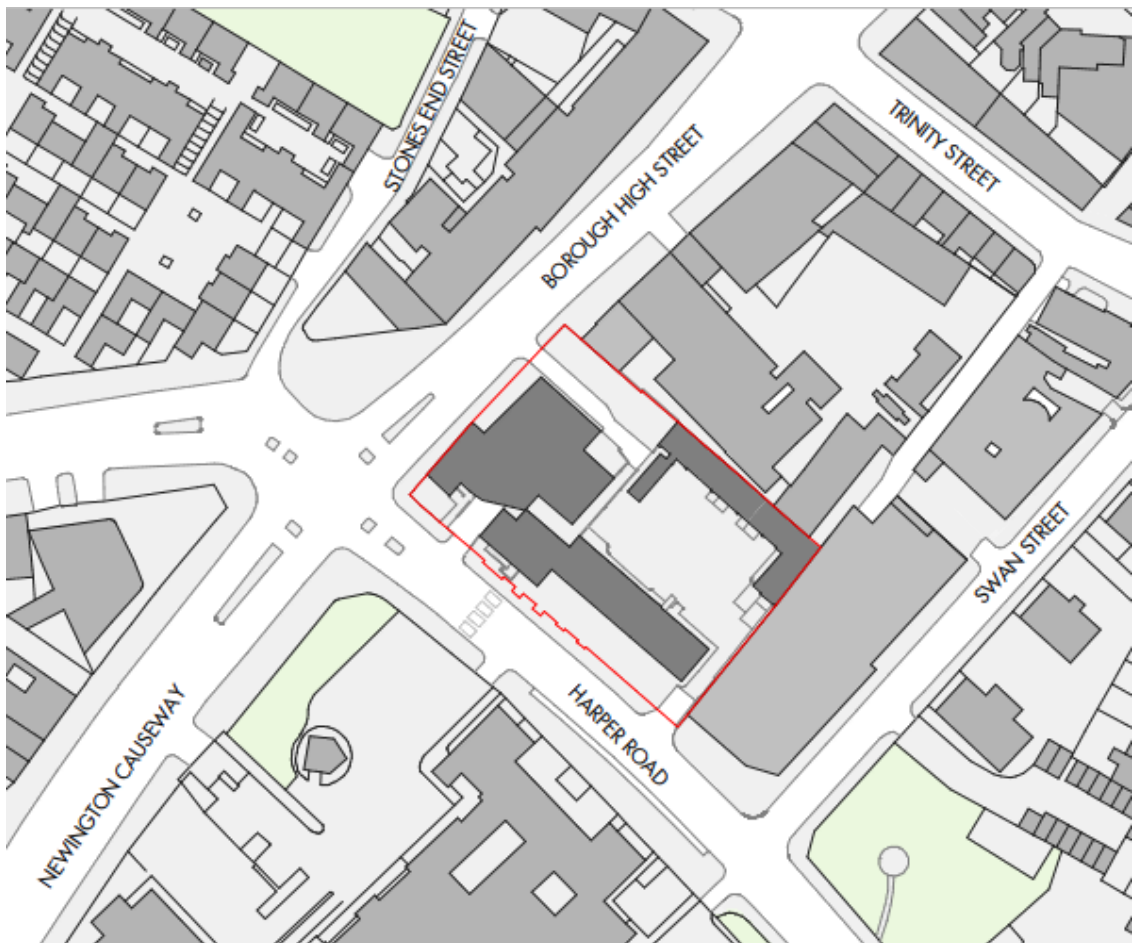
The following contributions are likely to be expected from TfL as part of the GLA referral:

- Cycle hire (Subject to TfL costings)
- Bus Service Improvement Contribution (TfL to specify)
- Cycle Route Improvement Contribution (Southwark Spine network on Harper Road) TBC

BACKGROUND INFORMATION

Site location and description

3.



4. The application is a 0.3 hectare (ha) site located at the junction of Borough High Street with Harper Road, and which is rectangular in shape. It contains a number of buildings ranging from 2-4-storeys in height which are of Victorian and 1960s/70s origin. The site incorporates Kings Place which is a private access road along the north-eastern boundary of the site leading to the back of one of the existing buildings. There is an area of open concrete at the junction of Borough High Street and Harper Road, some of which is used to provide two off-street parking spaces.
5. The existing buildings provide a range of different uses. Along the Borough High Street frontage set over two floors with vacant office space above, a takeaway, pharmacy, sandwich shop and seven flats. Along the Harper Road frontage there is a vacant café / takeaway, a probation service office, and an office building which is currently occupied as a meanwhile use by Hotel Elephant. Hotel Elephant is a not for profit company which provides space for arts, culture and enterprise in Southwark and there are currently around 70 full time employment positions within the site.

Surrounding area

6. Southwark Police Station adjoins the site to the north-east, a new residential development (Trinity House) which is adjoins to the south-east, the Inner London Crown Court is to the southwest on the opposite side of Harper Road, and there is student accommodation (David Bomberg House) and a public house (The Ship) to the north-west of the site on the opposite side of Borough High Street.
7. Trinity Church Square Conservation Area is to the east of the site which contains grade II listed buildings. The Inner London Crown Court is also grade II listed.
8. The application site has the following designations attached to it:
 - Site Allocation NSP12
 - Central Activities Zone;
 - Borough and Bankside District Town Centre;
 - NSP Borough View 03 L Viewing Corridor
 - Controlled Parking Zone, Newington (D)
 - Archaeological Priority Zone (North Southwark and Roman Roads)
 - Air Quality Management Area; and
 - Environment Agency Flood Zones 2 & 3.

Details of proposal

9. Planning permission is sought for the demolition of the existing two to four storey buildings to construct a part 2, part 5, part 7, part 8, part 9, part 10 and part 11 mixed-use development with no basement. The development would provide 444 studio rooms for students, 354 of which would en-suite studio rooms with 5% to be wheelchair accessible, with 136 cluster bedrooms. In addition to this, 8 keyworker dwellings (at intermediate rents) would be provided, along with 1,850

sqm flexible workspace (including 10% affordable workspace) and retail floorspace.

Table: Proposed land uses

| Use Class | C3 Dwellinghouses | Sui Generis Student Housing | Class E |
|------------|-------------------|-----------------------------|-----------|
| Existing | 276sqm | 0sqm | 2,429sqm |
| Proposed | 448sqm | 13,428sqm | 1,850sqm |
| Net Change | 172sqm | 13,428sqm | -(579sqm) |

10. A total of 249sqm external amenity space will be provided in the public realm for the general public via a south facing pocket park on Harper Road with significant further private amenity space for the students on roofs and balconies for each flat.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

11. The main issues to be considered in respect of this application are:
- Affordable housing;
 - Design, layout, heritage assets and tall buildings;
 - Public realm, landscaping and trees;
 - Student accommodation, including wheelchair units;
 - Quality of accommodation;
 - Impact of proposed development on amenity of adjoining occupiers and surrounding area;
 - Transport;
 - Planning obligations (S.106 undertaking or agreement);
 - Sustainable development implications;
 - Energy;
 - Water resources and flood risk;
 - Archaeology;
 - Wind microclimate;
 - Socio-economic impacts;
 - Equalities and human rights;

Legal context

12. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. In this instance the development plan comprises the London Plan 2021, and the Southwark Plan 2022. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision-makers determining planning applications for

development within conservation areas to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. Section 66 of the Act also requires the Authority to pay special regard to the desirability of preserving listed buildings and their setting or any features of special architectural or historic interest which they possess.

13. There are also specific statutory duties in respect of the public sector equalities duty which are highlighted in the relevant sections below and in the overall assessment at the end of the report.

Adopted planning policy

14. The statutory development plan for the borough comprises the London Plan 2021 and the Southwark Plan 2022. The National Planning Policy Framework 2021 is a material consideration but not part of the statutory development plan. A list of policies which are relevant to this application is provided at Appendix 2. Any policies which are particularly relevant to the consideration of this application are highlighted in the report.

Consultation responses from members of the public

15. A consultation with members of the public occurred March 2023. Letters were sent to local residents, the application was advertised in the local press and site notices were displayed.

| | | |
|-----|---|--------------|
| 16. | Total number of respondents: 20 | |
| | The split of the views between the 1 respondents was: | |
| | In objection: 19 | Neutral: 1 |
| | | In support 0 |

Reasons in objection

17. The following paragraphs summarise the material planning considerations raised in objection by the consultation and re-consultation. The issues raised by these objections are dealt with in the main assessment part of this report. Some objections raised by the public consultation process do not constitute material planning considerations; therefore these are not captured in the following summary paragraphs, nor are they discussed in later parts of this report.
18. Effect on local ecology, close to adjoining properties, development too high, increase in traffic, loss of light, loss of privacy, noise nuisance, character.

Bulk and scale of the development

19. Officer Comment: The amended scheme has less height than its predecessor on the corner of Borough High Street and Harper Road. This has substantial improvements to the setting of Trinity Church Square and the proposal sits comfortably with adjoining properties as set out in the report.

Materials

20. The developer is proposing composite cladding rather than bricks, providing a poor façade finish.
21. Officer comment: The composite material is considered high quality but the character along Borough High Street with the exception of civic buildings including the courts is brick or, brick with stone dressings. Specific materials will be sought via condition with an express requirement for brickwork between the composite dressings so that the building better integrates with Borough High Street.

Overdevelopment

22. Concerns raised regarding impact on local services from additional residents.
23. Officer comment: The proposal contributes a significant amount to affordable housing and the loss of the healthcare facility on the site, which has relocated

Loss of trees

24. Concerns raised about the loss of a sycamore tree on the site.
25. Officer Comment: Whereas one tree is lost inside the site, the proposal involves substantial urban greening and a new tree is proposed for Borough High Street alongside a new pocket park facing Harper Road.

Traffic

26. Concerns raised around increased traffic on the site.
27. Officer comment: The development is in a very high PTAL location with excellent public transport, sufficient cycle parking provision and the development is car free. It is therefore considered that the proposal will have limited negative impact on local networks and also a lower impact than the extant hotel scheme. Concerns have been made regarding parcel deliveries, however these will have limited impact on neighbouring properties because the single yellow line to be used for these is close to Borough High Street and away from other properties.

Loss of daylight and sunlight

28. Concerns raised that the proposed development will reduce light to neighbouring properties.
29. Officer Comments: Daylight and sunlight impacts are similar to the existing hotel scheme and are discussed later in the report.

Concerns about impact on local ecology

30. Officer Comment The development delivers a policy compliant Urban Greening Factor and a very good Net Biodiversity Gain.

Noise Nuisance and loss of privacy:

31. Officer Comment: The roof terraces have been positioned so that the use of them will not impact adjoining residential properties and windows facing neighbouring properties to the east are a suitable distance so as to not give rise to material loss of privacy. Also, the entrance to Harper Road is positioned with a security desk adjacent and is a distance from neighbouring residential properties. A condition will be imposed requiring a noise limit on any plant installed on the roof. Suggestions had been made that the student entrance should be on Borough High Street. This option would cause additional activity on the already busy pavement there and the developer has mitigated impacts by introducing a pocket park that is overlooked by the security office.

Loss of existing occupiers

32. Residents have raised concerns about the loss of Hotel Elephant, which provides support for the cultural fabric of London, fostering creativity and innovation.
33. Officer Comment: The scheme provides a similar amount of employment floorspace with 10% affordable workspace and it is not possible to require that the existing meantime occupier remains.

Lack of affordable housing

34. Officer Comment: The scheme provides eight affordable key worker units and will deliver contributions for off-site affordable housing provision of at least £13.64m.

35. Impact on the Police Station, daylight and privacy

36. Officer Comment: The Metropolitan Police Service have objected due to loss of light to cells and loss of privacy regarding confidentiality of the Police Station. A daylight sunlight assessment has been produced demonstrating that impacts will occur but they are similar to impacts of the existing approved and implemented scheme. Also, a condition is proposed to require windows impacting the Police Station to be obscure glazed.

Aerial photograph of the site

37.



Aerial photography looking eastwards, Trinity Square to the east, County Court to the south

38.



Aerial photo looking northwards.

39.



Development

40.



Approved hotel scheme (planning permission of 18/AP/0657).
Borough High Street looking north.

41.



New proposal: Borough High Street looking north

42.



New proposal, Harper Rd elevation, looking westwards towards Borough High Street

43.



New proposal, viewed from Borough Road, looking eastwards

44.



New proposal, from Borough High Street, looking southwards.

45.



New Proposal, view looking westwards from the south east corner of Trinity Square

46.



Outline of building that will be seen from north east corner of Trinity Square.

Student Housing Amenity

47. There is no specific amenity requirement for student accommodation, however, public and private amenity is provided on-site as follows:

| | | |
|-------------|--------|---------------------------------------|
| Level 2 | 485sqm | Wellness courtyard / pavilion |
| | | Shared kitchen and laundry facilities |
| Level 3 - 4 | 140sqm | Karaoke and multimedia rooms |
| Level 5 | 75sqm | Games room |
| Level 7 | 86sqm | Study room and terrace |
| Level 9 | 345sqm | Main pavilion and terrace |

- 48.



Student entrance and pocket park

49. The student entrance has been positioned on Harper Road to provide a calm and safe entrance, within the green pocket park. A canopy signals the entrance from the main approach direction and students walk past the security room which has natural surveillance over the park to provide comfort and security for students and their welfare.
50. By setting back the building at this section and providing a new area of public realm, Harper Road will be substantially enhanced, with this space also serving a café to the west side.

51.



Level 2 wellness courtyard and pavillion

52. The courtyard and pavillion at 2nd floor provide a safe, regulated and well lit area for the refuge of students, to meet and relax. The pavillion will be available for meetings and classes such as for exercise.

53.

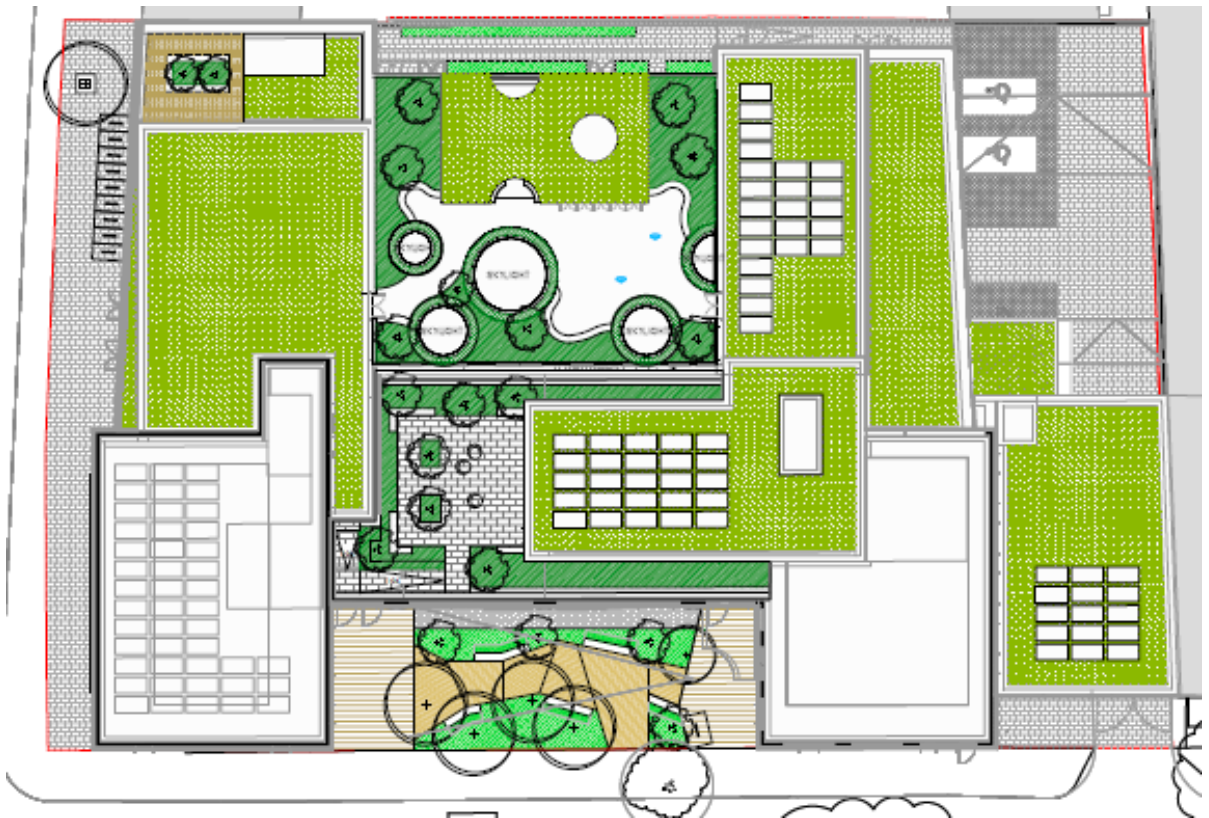


Level 9: Main rooftop pavillion and terrace

54. Within the pavillion will be communal cooking, eating and hang out spaces, surrounded by extensive planting. The pavillion opens up fully to the adjacent roof terrace with extensive views across London and the space will be fully managed.

Public realm

55.



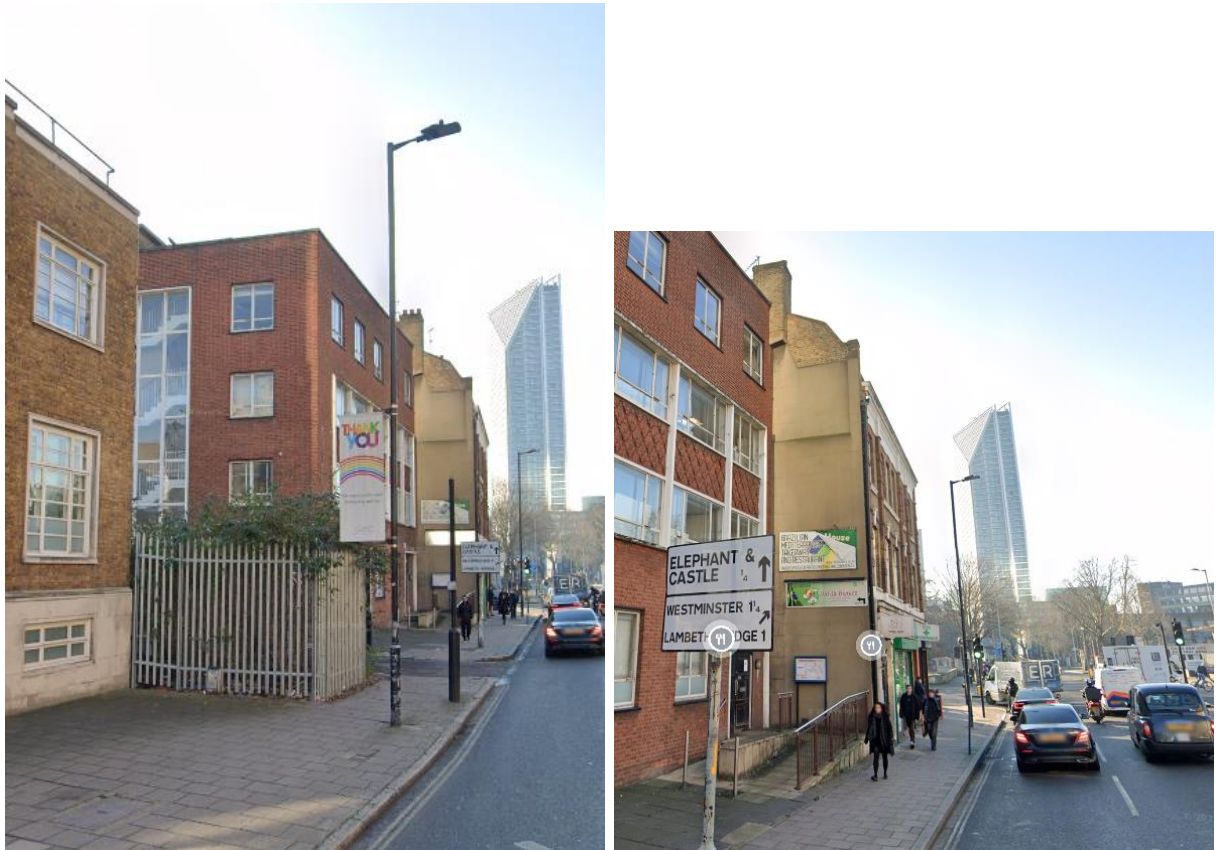
Roof plan showing new tree, pocket park and green roofs

56.



View of the new south facing pocket park onto Harper Road.

57.



Location of fenced area on Borough High Street. Location of projecting part of existing Street that will be returned to pavement building to be cut back to provide wider pavement with the planting of a Ginkgo Bilboba Tree pavement to Borough High Street.

- 58.
- There will be improvement of the public realm on Harper Road with the pocket park as a result of the building being set back. The building will also be set back on Borough High Street with the projecting area fenced off being returned to public realm via legal agreement.
 - A new Ginkgo Bilboba tree is to be planted on Borough High Street, to the north west corner of the site.
 - Also, the roofs of the building provide terraces and biodiverse green roofs.

Heights/massing

59.

Main building:

- First two floors comprise of retail, workspace, cycle parking and some student accommodation.
- Upper floors, up to floor eleven, comprise of student accommodation and associated amenity space and buildings.

Residential block:

- Five stories of residential comprising eight affordable key worker flats.

Parking:

60.

- Car free development with the exception of 2no. Accessible Blue Badge car parking spaces, one with a electric charging point.

- Existing on-street parking on Harper Road on the site frontage to be removed to provide 3no. Taxi bays, a Car Club bay and additional length of single yellow line.
- 146 cycle spacers in total, with 72 short stay and 74 long stay.

Environment:

- 61.
- The Biodiversity net gain report shows an increase of 261%, well in excess of the 10% required.
 - The Urban Greening Factor score is good and includes a mix of roofs, trees, hedges and perennial planting.
 - Greenfield runoff rates 1.51 l/s
 - Net Zero carbon development through a combination of on-site measures and an offsetting payment

Energy:

- 62.
- The development follows the energy hierarchy, heating hierarchy and cooling hierarchy.
 - The energy hierarchy has been followed to maximise carbon savings.
 - The residential element has achieved a total cumulative CO2 saving of 79%. This is substantially above the minimum target of 35% and the 50% benchmark set in the GLA Energy Guidance cover letter 2022.
 - However, the London Plan does set out that it can be harder to meet 35% for non-residential uses. The strategy gives an overall 17% saving compared to 2021 Building Regulations. This results in a total carbon offset payment of £406,554 resulting in a net zero development.
 - On-site measures include efficient systems (e.g. efficient glazing and insulation) PV panels, air source heat pumps and mechanical ventilation with heat recovery.

Equalities

63. The Equality Act (2010) provides protection from discrimination for the following protected characteristics: race, age, gender reassignment, pregnancy and maternity, disability, sexual orientation, religion or belief, sex, marriage and civil partnership. Section 149 of the Equality Act 2010 places the Local Planning Authority under a legal duty to have due regard to the advancement of equality in the exercise of its powers, including planning powers. Officers have taken this into account in the assessment of this application and Members must be mindful of this duty, inter alia, when determining all planning applications. In particular Members must pay due regard to the need to:
- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act; and
 - Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 - Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

64. As set out in the Essential Guide to the Public Sector Equality Duty (2014), “the duty is on the decision maker personally in terms of what he or she knew and took into account. A decision maker cannot be assumed to know what was in the minds of his or her officials giving advice on the decision”. A public authority must have sufficient evidence in which to base consideration of the impact of a decision.
65. The development would provide 444 student homes. These would also provide modern rooms for students with disabilities in an extremely well connected location with respect to transport links close to two universities. The purpose built student accommodation would also potentially reduce pressure on existing housing stock in the area. The existing medical practice on the site which closed prior to the submission of this application would be compensated by a financial contribution towards would ? What happens to that, do we know who it serves?

Other equality impacts

66. The proposed development would also generate additional opportunities for local employment. The proposed development would deliver 1,850sqm (GIA) of class E floorspace on the ground floor, and first floor which represents a similar floorspace to existing with 10% affordable workspace provision. The affordable workspace would benefit local businesses that could include those with protected characteristics, and in particular BAME groups but also potentially south American businesses located in the vicinity.

Conclusion on equality impacts

67. Having due regard to the public sector equalities duty, the development would comply with the relevant policies and building codes on access and avoid unlawful discrimination; it would advance the quality of opportunity by providing wheelchair accessible rooms and affordable students homes. Officers are satisfied that equality implications have been carefully considered throughout the planning process and that members have sufficient information available to them to have due regard to the equality impacts of the proposal as required by Section 149 of the Equality Act 2010 in determining whether planning permission should be granted.

ASSESSMENT

Principle of the proposed development in terms of land use

Existing lawful use

68. On 29/05/23, a Certificate of Lawfulness (Existing) was granted confirming that planning permission 18/AP/0657 had been implemented. This was through the demolition of a single building on site.
69. Town and Country Planning Act 1990 Section 56(4) defines what constitutes a, “*material operation*”, in line with which a development shall be deemed to have been commenced. Sub-section (aa) confirms that, “any work of demolition of a building”

comprises a material operation for this purpose. This establishes the lawful use of the application site for:

“A part 5, part 7, part 8 and part 13 building a mixed-use development comprising 328 hotel rooms (Class C1) 20 no. residential dwellings (Class C3), offices, workspace and workshops (Class B1), multifunctional community events space (Class B1/D1), retail use (Class A1/A2/A3)”

70. This Planning Application, 23/AP/0479, now proposes to change the use of the site to a mix of uses that include employment floorspace, retail, student accommodation and eight affordable keyworker dwellings.

Relevant policy designations

Overarching strategic policy objectives

71. The National Planning Policy Framework (NPPF) was updated in 2021. At the heart of the NPPF is a presumption in favour of sustainable development. The framework sets out a number of key principles, including a focus on driving and supporting sustainable economic development. Relevant paragraphs of the NPPF are considered in detail throughout this report. The NPPF also states that permission should be granted for proposals unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.
72. The Good Growth chapter of the London Plan includes GG2 “Making the Best Use of Land” and GG5 “Growing a Good Economy”, which are relevant to the proposal. To create sustainable mixed-use places that make the best use of land, objective GG2 states that those involved in planning and development must enable the development of brownfield land, particularly in Opportunity Areas and town centres, and prioritise sites that are well connected by public transport. It also encourages exploration of land use intensification to support additional homes and workspaces, promoting higher density development, particularly in locations that are well-connected to jobs, services, infrastructure and amenities by public transport, walking and cycling. Objective GG5 states that to conserve and enhance London’s global economic competitiveness --and ensure that economic success is shared amongst all Londoners-- those involved in planning and development must, among other things:
- promote the strength and potential of the wider city region;
 - ensure that London continues to provide leadership in innovation, research, policy and ideas, supporting its role as an international incubator and centre for learning;
 - provide sufficient high-quality and affordable housing, as well as physical and social infrastructure;
 - help London’s economy to diversify; and
 - plan for sufficient employment space in the right locations to support economic development and regeneration.

Central Activities Zone (CAZ)

73. The site is within the CAZ, which covers a number of central London boroughs and is London's geographic, economic, and administrative core. London Plan Policies SD4 and SD5 outline the strategic functions of the Central Activities Zone (CAZ), of which higher education is one, stating that its unique mix of uses should be promoted and enhanced. Part B of Policy SD4 states "the nationally and internationally significant office functions of the CAZ should be supported and enhanced by all stakeholders, including the intensification and provision of sufficient space to meet demand for a range of types and sizes of occupier and rental values".
74. With regard to retail uses, the London Plan designates Bankside and the Borough as one of the CAZ retail clusters, where retail expansion and diversification is to be supported in the interests of delivering "approximately 375,000 square metres of additional comparison goods retail floorspace over the period 2016-2041" across the CAZ.

Bankside, Borough and London Bridge Opportunity Area

75. The site is within the Bankside, Borough and London Bridge Opportunity Area, one of twelve in central London. The London Plan sets out an indicative capacity of 10,000 jobs for this Opportunity Area over the twenty years to 2041. London Plan Policy SD1 "Opportunity Areas" requires boroughs through their development plans and decisions to:
- support development which creates employment opportunities and housing choice for Londoners;
 - plan for and provide the necessary social and other infrastructure to sustain growth; and
 - create mixed and inclusive communities.

Bankside and Borough District Town Centre

76. The site is also within the Bankside and Borough District Town Centre, where London Plan Policy SD6 "Town Centres and High Streets" encourages development to, amongst other things:
- promote the vitality and viability of town centres, including by bringing forward mixed-use or housing-led intensification;
 - optimise residential growth potential; and
 - accommodate a diverse range of housing, including student housing.
77. The key policy at the local level is Southwark Plan Policy P35 "Town and Local Centres". This sets out that, amongst other things, development must:
- ensure main town centre uses are located in town centres and local centres;
 - be of a scale and nature that is appropriate to the role and catchment of the centre;

- retain retail floorspace or replace retail floorspace with an alternative use that provides a service to the general public, and would not harm the vitality and viability of the centre;
- not harm the amenity of surrounding occupiers or result in a concentration of uses that harms the vitality, viability and economic growth of the centre; and
- provide an active use at ground floor in locations with high footfall.

Borough and Bankside Area Vision

78. The site is located in the Borough and Bankside Area Vision “AV.02”, which set out amongst other things to achieve the following:
- provide as many homes as possible while respecting the local character of each area, which in many places includes residential communities;
 - continue to consolidate Bankside and The Borough as part of the London Central Activities Zone;
 - increase or improve the number and quality of local open spaces, squares and public realm;
 - improve existing and create new cycle and walking routes, including the Thames Path; and
 - take into consideration the Southbank and Waterloo Neighbourhood Plan.

Site allocation NSP12

79. Site allocation NSP12 states that redevelopment of the allocated site must:
- provide at least the amount of employment floorspace (E(g), B class) currently on the site or provide at least 50% of the development as employment floorspace, whichever is greater; and
 - retain the existing theatre use or provide an alternative cultural use (D2); and
 - provide active frontages including ground floor retail, community or leisure uses on facing Borough High Street and Harper Road.
 - provide new homes (C3).
80. Southwark Plan Site allocation NSP12 assumes the site’s existing use is “Employment use (E)(g) 2,000m² and community use, in this case a health centre, use Class E(ii) at 829sqm.

Conclusion on policy designations

81. The principle of redeveloping the application site for a student housing-led development alongside a component of conventional affordable housing, together with flexible Class E (retail/service/dining and office) uses is acceptable, as it would support the role and functioning of the Opportunity Area and District Town Centre, while also playing its part in helping to achieve the Borough and Bankside Area Vision. The acceptability of each use is considered below.

Office floorspace

Policy background

82. Promoting the economy and creating employment opportunities is a key priority for the planning system. Owing to the site's location within an Opportunity Area and the Borough and Bankside District Town Centre (as well as being just outside the Elephant and Castle Major Town Centre), London Plan Policies SD1 and SD6 are relevant considerations. London Plan Policy GG5 requires local planning authorities to plan for sufficient employment and industrial spaces to support economic growth. Policies E1 and E2 deal specifically with the provision of business floorspace (Class E[g] use, formerly Class B use), with a focus on securing good quality, flexible and adaptable office space at varying sizes within the CAZ, alongside increases to the overall quantum of available office stock. London Plan Policy E11 requires development proposals to support employment, skills development, apprenticeships, and other education and training opportunities in both the construction and end-use phases.
83. In order to support the vibrancy and vitality of the CAZ, London Plan policies SD4 and SD5 promote mixed use development, including housing, alongside increases in office floorspace. Policy SD5 is clear, however, that new residential development should not compromise the strategic functions of the CAZ. The Mayor's Central Activities Zone SPG contains additional guidance on maintaining an appropriate mix of uses within the CAZ, setting out the weight that should be afforded to office use and CAZ strategic functions relative to residential.
84. At the borough level, a strategic target of the Southwark Plan is to build a strong, green and inclusive economy. To achieve this, Policy SP4 aims to bring forward at least 460,000 square metres of new office space between 2019 and 2036 (equating to around 35,500 jobs). The policy states that around 80% of new offices will be delivered in the CAZ and sets a strategic target of 20,000 new jobs for the Elephant and Castle Opportunity Area. The policy also expects 10% all new employment floorspace to be affordable workspace for start-ups and small and independent businesses.
85. Policy P30 of the Southwark Plan identifies sites within the CAZ, Opportunity Areas and town centres as appropriate for accommodating the significant growth needed to meet business demand. This policy requires development proposals at the very least to maintain, but where possible increase, existing levels of business floor space. Proposals should also bring forward a mix of other complimentary uses as well as residential to enhance the offer, vitality and long term vibrancy of central London.

Assessment

86. The proposal would result in an uplift of 155 square metres of employment space from the existing quantum of 1,695 square metres GIA. This employment floorspace would be in a rationalised and higher quality format than the existing, with affordable workspace forming part of the offer. This net increase is entirely appropriate for this central London location and is supported by the aforementioned policies. It is therefore welcome in principle.

87. Compared to this planning application, the consented/implemented scheme (18/AP/0657) provided slightly more employment floorspace at 2,019 square metres alongside some further employment floorspace within the hotel. While the lower square meterage of office floorspace contained within the 23/AP/0479 proposal should be recognised, when considered in the round with the various other significant economic and town centre benefits that would flow from the development –namely the student accommodation and retail use together with the on-site housing and Payment-in-lieu towards the delivery of Council homes locally– the quantum is considered acceptable.
88. Policy P31 of the Southwark Plan states that employment uses (Class E[g]) “will be secured and where necessary, retained through the implementation of conditions and/or planning obligations in accordance with the tests set out in national policy”. It is considered necessary to apply a condition to 23/AP/0479 preventing any change of use from office to occur without express planning permission having first been granted by the Local Planning Authority.

Job Creation

89. The current number of Full Time Employees (FTE) on site is less than 10. The proposals increases employment density potentially generating a maximum of 168 jobs, based on 1 job per 10sqm of NIA as per the Employment Density Guide. Also, the student accommodation will generate 4 full time job. The site could therefore generate up to 172 jobs overall.
90. However, the HCA Guide confirms in the notes for this sub-category that “NIA lower densities will be achieved in units with higher provision of shared or communal spaces”. Even if the worst case job yield is assumed, this would still equate to an increase in additional jobs at the site given the current number of FTE with a minimum increase of +21 FTE jobs.
91. The policy requirements to provide skills and employment plans for the offices within the scheme at 10% of the estimated FTE employment on site would be secured through a planning obligation. If any of these expectations were not to be achieved, financial contributions would be sought in accordance with the Council’s Planning Obligations and CIL SPD.

Affordable Workspace

92. Policy E2 of the London Plan requires large-scale development proposals to incorporate flexible workspace suitable for micro, small and medium sized enterprises. Policy E3 deals specifically with affordable workspace. The policy states “In defined circumstances, planning obligations may be used to secure affordable workspace at rents maintained below the market rate for that space for a specific social, cultural or economic development purpose”. The policy identifies the circumstances in which it would be appropriate to secure affordable space. Part B of the policy specifically identifies the CAZ as an important location for securing low cost space for micro, small and medium sized enterprises

93. Policy P31 of the Southwark Plan deals with affordable workspace. Criterion 2 of the policy requires major development proposals to deliver at least 10% of the gross new employment floorspace as affordable workspace on site at a discounted market rent for a period of at least 30 years. The policy recognises that there are many different forms that such space could take depending on the site location, characteristics, the nature of local demand and existing/proposed uses. The affordable workspace should respond to local demand and prioritise existing businesses.
94. The total quantum of affordable workspace offered by the applicant is 185 square metres, which equates to 10% of the total employment floorspace proposed, and as such is acceptable. The affordable workspace will be provided for 30 years at a 10% discount on the Local Market Rent, with service charge capped at £4.50 (index-linked) per square foot. These terms will be secured in the Section s.106.

Community facility

95. A medical centre that previously operated from the application site relocated to premises elsewhere approximately three years ago. The now-vacant 433 square metre premises remains in its last lawful use as Class E [e]. The consented/extant planning permission at this site resulted in the loss of this Class E [e] floorspace, and as such the loss of the use has previously been deemed acceptable in principle. The planning application hereunder consideration would similarly result in the loss of the 433sqm of Class E [e] floorspace.
96. The council's regeneration team has been in dialogue with the applicant throughout the preparation of its planning application and discussions have centred on the local requirement to restore to full use the Rockingham Community Centre, a community facility located 250 metres to the south of the application site. The full and much-needed restoration works have been costed at £592,550 by the Regeneration Team, which the applicant has agreed to meet with a payment of £600,000. In order to direct these monies to the intended use they will be secured through the Section 106 Agreement. The applicant has agreed to commit to the payment within 10 days of the grant of an unchallengeable consent for its application.
97. The substantial investment offered by the applicant to refurbish and upgrade this local community facility is acceptable compensation for the loss of the Class E [e] floorspace, which in case has been deemed acceptable by virtue of the consented/extant planning permission.

Flexible retail/service/dining floorspace

Policy background

98. Southwark Plan Policy P35 "Town and Local Centres" sets out retail requirements in the context of the evolving role of town centres, requiring new development to provide an active use at ground floor level in locations with high footfalls. In order to secure a diversity of traders and small businesses within town centres, Policy P35 requires development proposals to:

- retain retail floorspace; or
 - replace retail floorspace with an alternative use that provides a service to the general public and would not harm the vitality and viability of the centre.
99. In the CAZ, Opportunity Areas and town centres, Policy P35 requires any proposed retail uses to be conditioned so as to restrict change of use within Class E. Retail uses are defined as those falling within Classes E[a], E[b] and E[c] – which encompasses shops, post offices, cafés, restaurants, banks, building societies, professional services, estate agents and employment agencies. Uses such as indoor sport and recreation, crèche/nursery and offices fall outside the E[a], E[b] and E[c] classifications.

Assessment

100. This planning application proposes a retail/service/cafe unit at ground floor level.
101. In accordance with Policy P35, the proposed restaurant/café unit will, through the use of a planning condition, be limited to Class E[a], E[b] or E[c] uses only; this will remove the right to change the use of the unit to sub-categories [d], [e], [f] or [g] as would otherwise be possible under Permitted Development Rights. This will afford the owner a degree of flexibility in the event that the intended restaurant/café function is deemed unfeasible, while ensuring the use of the unit continues to provide a public service and active frontage.

Conventional housing

102. There are currently seven vacant flats on the site. In total these amount to 331 square metres (GIA) of Class C3 floorspace. The flats are low quality and in need of refurbishment in order to meet modern day living standards.
103. Site Allocation NSP12 of the Southwark Plan establishes an indicative capacity of 13 homes (net) for this site; adding this indicative capacity to the existing seven flats brings the gross expectation to 20 dwellings. While the eight proposed homes is fewer than this indicative capacity, and fewer than the 20 homes secured in the extant consent, it should be noted that the quantum secured in the extant consent was driven by the site allocation under the now superseded Saved Southwark Plan 2007 which set an estimated capacity of 60 units across part of the application site and the adjacent Trinity House site.
104. The proposals will therefore result in an uplift in residential accommodation on the site and there will be significant qualitative improvements by virtue of delivering purpose built residential units that meet relevant housing design standards in a self-contained part of the development. This approach accords with the Site Allocation which states that development must deliver new homes (Class C3). As there would be no net loss of existing housing, the proposal would also comply with Southwark Plan Policy P3 “Protection of Existing Homes”.
105. It is also important to note that all eight of the proposed homes would be in an affordable tenure, and thus while the total number of homes falls proposed by this planning application short of the indicative capacity, the quantum of on-site

conventional affordable housing being brought forward is broadly equivalent to the affordable quantum a 20 home scheme would have delivered.

106. Notwithstanding all of the above, in addition to delivering eight conventional Class C3 residential units, the scheme also proposes 444 student bedrooms. Student accommodation is a form of housing and relieves pressure on the demand for traditional housing in the area. Counted towards the borough's housing targets at a ratio of 2.5:1, the 444 student bedrooms would equate to 177.6 homes, exceeding the indicative capacity set out in the site allocation, and thus contributing windfall housing. This would make a significant contribution towards the Council's meeting its strategic housing targets, and should be welcomed as a benefit of the scheme. The student housing element of the proposed development is discussed in greater detail in a subsequent part of this report.
107. Given all of the above, it is concluded that the delivery of eight conventional Class C3 residential homes is compliant with Site Allocation NSP12 and is therefore acceptable in principle.

Higher education and associated uses

Policy background

108. The London Plan sets out the strategic vision for the higher education sector. Policy S3 "Education and Childcare Facilities" acknowledges that universities play a vital part in ensuring Londoners have the higher order skills necessary to succeed in a changing economy, and for the capital to remain globally competitive. Under Part B of the policy is a set of criteria that development proposals for education facilities should meet, including:
- being located in areas of identified need;
 - being in locations with good public transport accessibility; and
 - fostering an inclusive design approach.
109. Paragraph 5.3.8 of the supporting text to Policy S3 states:
- "Higher education in London provides an unparalleled choice of undergraduate and postgraduate degrees, continuing professional development, advanced research, and infrastructure to support business growth, such as incubation space and business support services. It is also a significant employer and attracts major international companies able to benefit from universities' research reputations, such as in pharmaceuticals and life sciences. Universities also play a vital part in ensuring Londoners have the higher order skills necessary to succeed in a changing economy, and for the capital to remain globally competitive. The Mayor has established a forum for higher education institutions and further education establishments to work with boroughs and other stakeholders to plan future developments, including student accommodation, in locations which are well-connected to public transport"*
110. London Plan Policy E8 "Sector Growth Opportunities and Clusters" states that London's higher and further education providers, and their development across all

parts of the city, are to be promoted. Their integration into regeneration and development opportunities to support social mobility and the growth of emerging sectors should be encouraged. The supporting text endorses measures to secure and develop London's leading role as a centre of higher and further education of national and international importance.

111. Southwark Plan Policy P27 'Education places' says that development for higher and further education facilities will be permitted where they meet identified needs.

Assessment

112. Within walking distance of two universities and benefiting from very strong transport accessibility, the site's location in the District Town Centre and on the cusp of a Major Town Centre makes it appropriate for education-related uses. The proposed student housing use would meet an identified within Southwark for higher education related facilities, while also supporting the CAZ as a centre of excellence for education. Therefore, in principle the proposal aligns with the requirements of London Plan Policies S3 and E8, as well as Southwark Plan Policy P27.

Purpose-built student housing

Policy background

113. Student housing is classified as non self-contained accommodation and a 'sui generis' use in the Use Classes Order. Student accommodation is also considered as 'housing' for monitoring purposes through the Council's and GLA's monitoring reports.
114. The London Plan sets the borough a target of providing 23,550 net new home completions over the next ten years. In order to help meet this target, while also supporting the vibrancy and vitality of the CAZ, London Plan policies SD4 and SD5 promote mixed use development, including housing, as well as locally-oriented retail, cultural, arts, entertainment, night-time economy and tourism functions. Policy SD5 makes clear that new residential development should not compromise the CAZ strategic functions.
115. Policy H15 of the London Plan sets an overall strategic requirement for purpose-built student accommodation (PBSA) of 3,500 bed spaces to be provided annually. The supporting text to Policy H15 is clear that PBSA contributes to meeting London's overall housing need and is not in addition to this need. Section 3.9 of the Mayor of London's Housing SPG states that specialist student accommodation makes an essential contribution to the attractiveness of London as an academic centre of excellence.
116. Part A of Policy H15 states that boroughs should seek to ensure the local and strategic need for PBSA is addressed, provided that:
- the development contributes to a mixed and inclusive neighbourhood;
 - it is secured for occupation by students;

- the majority of bedrooms and all affordable student accommodation is, through a nominations agreement, secured for occupation by students of one or more higher education providers;
 - the maximum level of accommodation is secured as affordable student accommodation and;
 - the accommodation provides adequate functional living space and layout.
117. Part B of Policy H15 encourages boroughs, student accommodation providers and higher education providers to deliver student accommodation in locations well-connected to local services by walking, cycling and public transport, as part of mixed-use regeneration and redevelopment schemes
118. Paragraph 4.15.3 of Policy H15 states that:
- “To demonstrate that there is a need for a new PBSA development and ensure the accommodation will be supporting London’s higher education providers, the student accommodation must either be operated directly by a higher education provider or the development must have an agreement in place from initial occupation with one or more higher education providers, to provide housing for its students, and to commit to having such an agreement for as long as the development is used for student accommodation. This agreement is known as a nominations agreement. A majority of the bedrooms in the development must be covered by these agreements”.*
119. Where this is not achieved, paragraph 4.15.5 states that the accommodation will be treated neither as PBSA nor as meeting a need for PBSA. Instead, the development proposal will *“normally be considered large-scale purpose-built shared living and be assessed by the requirements of Policy H16 Large-scale purpose-built shared living”.*
120. At local level, the Southwark Plan aims to deliver at least 40,035 homes between 2019 and 2036, equating to 2,355 new homes per annum. Policy ST2 of the Plan states that new development will be focussed in locations including Elephant and Castle Opportunity Area, where the aim will be to balance the delivery of as many homes as possible against creating jobs, protecting industrial and office locations, sustaining vibrant town centres, and protecting open space and heritage.
121. Policy P5 of the Southwark Plan requires PBSA proposals where all the bedspaces would be ‘direct-lets’, as is the case with the scheme proposed at 5-9 Rockingham Street, as set out below:
- As a first priority deliver the maximum amount of PBSA alongside a minimum of 35% of the habitable rooms as conventional affordable housing (subject to viability);
 - In addition to this provide 27% of student rooms let at a rent that is affordable to students as defined by the Mayor of London.
122. Policy P5 is structured in recognition of the acute need for more family and affordable housing within the borough. One of the footnotes to the policy explains that *“allowing too much student accommodation will restrict our ability to deliver more family and affordable housing. By requiring an element of affordable housing, or a contribution*

towards affordable housing from student housing development providing direct-lets, we can make sure we work towards meeting the strategic need for student accommodation and our local need for affordable homes including affordable family homes”.

123. As such, the student housing policies of the Southwark Plan and London Plan, Policy P5 and Policy H15 respectively, differ in two key ways:
- Policy H15 prioritises the delivery of the maximum viable number of affordable student rooms (and does not expressly require student housing proposals to deliver conventional affordable housing either on- or off-site), whereas Policy P5 prioritises the delivery of conventional affordable housing; and
 - Policy H15 expects at least 51% of the bedspaces (the majority) to be subject to a nominations agreement, whereas Policy P5 requires all the bedspaces to be subject to a nominations agreement subject to viability.
124. Section 38(5) of the Planning and Compulsory Purchase Act 2004 (as amended) confirms that if to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy contained in whichever of those documents became part of the development plan most recently. As the Southwark Plan underwent examination and was adopted more recently than the London Plan, the policies within the Southwark Plan take precedence in this instance. The Council faces a complex situation locally with regard to the provision of affordable housing; at the Southwark Plan Examination in Public, the examining Inspectors recognised this challenge as presenting specific local circumstances in Southwark with regard to PBSA, and endorsed Policy P5 cognisant that the policy requirements do not fully align with those of the London Plan PBSA policies. Essentially, this means a student housing planning application within Southwark prioritising the conventional affordable housing contribution may be acceptable in principle in policy terms, despite not fully aligning with the expectations of London Plan Policy P15.
125. When assessing the principle of a student housing scheme, the policies outlined above require consideration of:
- the principle of introducing a housing use to this site;
 - the local and strategic need for student housing;
 - whether the student housing would contribute to a mixed and inclusive neighbourhood;
 - securing the accommodation for student occupation;
 - whether a nominations agreement has been secured;
 - securing the maximum level of affordable housing subject to viability; and
 - whether adequate and functional accommodation and layouts would be provided.
126. The following paragraphs of this report assesses the proposed development against these considerations. Later parts of this report will deal with the other matters that these policies refer to, such as the affordable housing offer, quality of accommodation and transport aspects.

Assessment

127. Through its assessment of the deliverable housing sites in the borough, the Council can demonstrate a five year supply of housing land, plus the necessary 20% buffer required by the housing delivery test. Whereas this site is allocated and expected to deliver 12 dwellings, it does provide 8 affordable flats and the new student housing provides a windfall housing provision, which the Southwark Plan anticipates will come forward at an average of approximately 601 homes per year over the period to 2036. The London Plan advises that 2.5 student bedspaces should be treated as the equivalent of a single dwelling; with 444 student rooms proposed, the development would contribute the equivalent of 178 (rounded) homes towards meeting the Council's housing targets. This would make a substantial contribution towards the 601 home annual target, and as such is welcomed. It would also reduce pressure on the local private rented market, in that it would release back to the private rented sector 178 single dwellings that would otherwise be in student occupation.
128. While the application site would be appropriate for Class C3 residential development (in which circumstances it would contribute to the Council's general housing supply as part of the windfall allowance for small sites), it has not been assumed for such development in calculating the 5 year housing land supply and buffer. The proposed student housing scheme would not compromise the Council's ability to meet its strategic housing targets set out in the Southwark Plan and London Plan, particularly because student housing contributes towards the borough's housing but also because of the relatively small size of the site.
129. For the reasons given above, the proposed student accommodation use would help contribute to, and not in any way constrain, the strategic housing delivery targets of the development plan, including the Council's vision to "build more homes of every kind in Southwark and to use every tool at our disposal to increase the supply of all different kinds of homes", as set out in Southwark Plan Policy ST2.
130. Some of the public objections received about the planning application have asserted that student accommodation does not address the need for housing and is a factor in rising rental charges across London. While these concerns are noted, for the reasons detailed above, it is considered that the development would make a contribution towards addressing housing need.

Is there a local and strategic need for student housing?

131. There is a demand for more student accommodation across London, which needs to be balanced with making sure Southwark has enough sites for other types of homes, including affordable and family housing. The affordable housing element of the current application is considered further in a separate section of this report.
132. There are several higher education institutions (HEIs) in the borough with teaching facilities and student accommodation. These include London South Bank University

(LSBU), Kings College London (KCL), University of the Arts (UAL) and London School of Economics (LSE). The borough is also home to some smaller satellite campuses.

133. The evidence base underpinning the Southwark Plan included a background paper on student housing, dated December 2019. It refers to the Council's Strategic Housing Market Assessment (SHMA) Update 2019, which found that:

- major HEIs within Southwark provide a total of 23,500 course places;
- over 21,000 students aged 20 or above live in the borough during term time;
- at least 50% of these students live in private rented accommodation, while 15% live with their parents; and
- there are some 7,800 bed spaces in PBSA in the borough.

134. The applicant has submitted their own Student Accommodation Assessment regarding Purpose Built Student Accommodation (PBSA) in support of this application, prepared by Savills. It notes the following key points:

- London is the top global market for higher education with the largest student population in the country and the most universities. Several universities are ranked very high globally.
- London also has the highest graduate retention rate of any UK university city by a significant margin –this is crucial to keep London as one of the World's Top Economies.
- The number of full-time students in the capital is the highest it's ever been, at c.331,000.
- There has been significant growth in overseas students, with the strongest growth from outside the EU (32% increase over the last 10 years). Overseas students are significantly more likely to need PBSA.
- Constraints including high housing costs restrict the number of students that can live in the centre of London where over 60% of London's universities are located.
- Most existing schemes, both private and university operated, are in the Inner South and Central regions.
- In London, around 30% of full-time students live in PBSA. 27% live with parents/guardians whilst 42% live in the wider private rented market in HMO's (Houses of Multiple Occupancy).
- There are c.30,000 beds in the pipeline across c.70 schemes.
- PBSA in Southwark has the ability to attract students who study across the capital due its excellent transport links, as well as students who already live in the borough.
- 33% of students (6,650) in Southwark live in the wider PRS market. Expanding the provision of student halls will place less pressure on the wider PRS.
- The Central London region has around 174,000 full-time students. C.22,000 of those are from China. The no. of Chinese students has increased by 450% since 2008/09.
- International students are far more likely to live in PBSA. Overseas students are 2.7 more times likely to live in PBSA than domestic students. They are

also more likely to stay in PBSA in their second and third years rather than move to the wider PHS/HMO market.

- The student to bed ratio for the central and inner south region combined is 2.1. For the Inner South area, it is 2.3 meaning there are more students per beds.
- Private sector PBSA is therefore crucial in offering enough accommodation and to a high standard for those who wish to study in Central or Inner South regions, rather than move to the less regulated and often poor service on offer in the HMO sector.

135. Findings from Savills' study indicate that there are approximately 112,000 full-time students currently attending higher education courses at universities with a main campus within the Central and Inner South regions. Southwark has 20,115 full-time students and 9,602 PBSA beds, which equates to a student to bed ratio of 2.1 which is low, but higher than the central boroughs of Camden and Islington.

| University | Travel time (public transport) | Cycle time |
|---------------------------------|--------------------------------|------------|
| London South Bank University | 7 min walk | 3 min |
| London College of Communication | 10 min walk | 2 min |
| King's College Hospital | 10 min walk | 3 min |
| King's College London | 31 min walk / 22 min bus | 8 min |
| London School of Economics | 35 min walk / 24 min bus | 9 min |
| Birkbeck College | 49 min walk / 30 min tube | 21 min |
| University of Westminster | 57 min walk / 19 min tube | 19 min |

136. In summary, while the proposed accommodation would add to a number of pre-existing direct-let student housing developments in the borough, it would nevertheless contribute towards the borough's and London's stock of PBSA, for which there is an identified need. In this respect, the application addresses the overarching aim of Part A of London Plan Policy H15.

Would the student housing contribute to a mixed and inclusive neighbourhood?

137. Criterion 1 of London Plan Policy H15(A) requires student housing proposals to contribute to a mixed and inclusive neighbourhood.

138. The area surrounding the application site is characterised by a mix of uses, with commercial and conventional residential and uses predominating. To the south of the site is Metro Central Heights, containing approximately 400 conventional residential homes. The S.A.H site, to the north west of the application site, is allocated for redevelopment and is expected to deliver at least 57 new homes. Other Class C3 housing nearby includes the Rockingham Estate and 251 Southwark Bridge Road. In this surrounding land use context, the proposed student-housing led scheme would sustain a mixed and inclusive community through the introduction of an alternative residential product and demographic.
139. Some members of the public have objected to the application site being redeveloped for student housing on the grounds that the location is inappropriate for students and out of character for the area. However, for the reasons given above, the location is considered suitable for a student housing use.
140. The impacts arising from the 444 new residents are discussed in the later relevant parts of this report (transport, Section 106 contributions etc.), along with the details of the mitigation secured. Mayoral and Community Infrastructure Levies, payable by the developer upon implementation of the development, can be channelled into the provision of coordinated new infrastructure to meet the needs of the local population.
141. With regard to the recent consent for student accommodation at 6 Avonmouth Street and 5-9 Rockingham Street, given the low representation of PBSA schemes within the wider area, in the event that both schemes were implemented, it is not considered that together they would negatively impact the neighbourhood in terms of the mix of uses and inclusivity. On this basis, the proposed land use is considered to be broadly in conformity with the London Plan policy. Introducing a modest amount of student housing into a town centre location, and one where conventional residential uses are well represented, is not considered to cause harm.

Is a nominations agreement in place?

142. Criterion 3 of London Plan Policy H15(A) requires the majority of the accommodation within a PBSA proposal to be secured for students, and for this to be achieved through a nominations agreement with one or more HEIs.
143. The applicant does not intend to enter into a nominations agreement with a HEI for any of the proposed accommodation; instead, the accommodation will be directly managed by an independent provider. While the proposed development would not comply with Criterion 3 of Policy H15(A) due to being 100% 'direct-let', the locally-specific and more up-to-date student housing policy (Southwark Plan Policy P5) supports direct-let student housing subject to the provision of affordable housing (which is in turn subject to viability) and additionally a proportion of the affordable student accommodation and recognises it as PBSA. Accordingly, it is considered that if a development proposal complies with the affordable requirements that Policy P5 sets out for direct-let schemes, there is a policy compliant basis in this location for student accommodation schemes to not require the securing of a nominations agreement.

Has the maximum level of affordable housing been secured?

144. Criterion 4 of London Plan Policy H15(A) requires the maximum level of accommodation to be secured as affordable student accommodation.
145. However, and as mentioned in earlier parts of this report, it is considered that Southwark Plan Policy P5, in its prioritisation of conventional affordable housing delivery (subject to viability), provides a legitimate alternative pathway for student accommodation proposals to provide maximised affordable housing. While such general needs affordable housing would preferably be delivered on-site, a payment-in-lieu may be appropriate in exceptional circumstances and subject to robust justification, as per the Council's Section 106 Planning Obligations and Community Infrastructure Levy (CIL) SPD.
146. Turning firstly to the matter of the London Plan's specific requirement for student housing proposals to deliver affordable rooms, while this is noted, the Council's priority is for conventional affordable housing due to the pressing need in the borough. Officers consider that although there would be some benefit to providing affordable student housing, this would be significantly outweighed by the benefits arising from general needs affordable housing delivery. Therefore, the latter should be prioritised. Southwark is one of the top four London Boroughs in terms of the provision of student housing, and already contributes significantly to London's student housing needs (notwithstanding the fact that there remains an unmet demand for student housing in the borough as set out earlier in the report). In reviewing the viability of the scheme, therefore, the payment-in-lieu has been considered in terms of a contribution towards general needs affordable housing, rather than for use in reducing the rent levels of students occupying the site. Including affordable student housing within the development would adversely affect the overall viability, and therefore the level of contribution the development could make to general needs affordable housing.
147. Turning next to the Southwark Plan preference for conventional affordable housing provision to be on- rather than off-site, in the case of this particular site it would prove extremely difficult to accommodate more conventional housing alongside student accommodation. This is due to the need for stair cores and the desire to segregate the standard affordable housing on site from the student accommodation in the interest of protecting residential and student amenity. For example, there would not be sufficient space to accommodate separate cores or dedicated facilities ancillary to the conventional housing such as communal amenity space or playspace if additional conventional affordable housing is to be provided. Accordingly, in this instance, it is considered permissible for the redevelopment of the site not to deliver this particular requirement of Southwark Plan Policy P5, and for an in-lieu equivalent to be secured to fund the delivery of general needs affordable housing elsewhere in the borough.
148. The payment-in-lieu from this proposal will be placed into the Affordable Housing Fund and ring-fenced to help fund the delivery of affordable housing schemes in the borough, with sites in Chaucer ward having first priority.

Does the accommodation provide adequate functional living space and layout?

149. A supporting paragraph to London Plan Policy H15 states that schemes not securing a nominations agreement for the majority of the accommodation will normally be considered as large-scale purpose-built shared living. The London Plan expects the quality of accommodation within purpose-built shared living schemes to be assessed against the requirements of Policy H16 “Large-scale Purpose-built Shared Living”; these are more onerous than the counterpart standards for PBSA, which are set out in Criterion 5 of Policy H15(A). However, owing to the supportive position of the Southwark Plan regarding the principle of 100% direct-let PBSA, when assessing whether the accommodation proposed by this planning application would provide adequate functional living space and layout, it is considered appropriate to do so against the standards set by Criterion 5 of Policy H15(A) rather than Policy H16.
150. Criterion 5 of Policy H15(A) requires the accommodation to be adequate and functional in terms of its living space and layout. Southwark Plan Policy P5 which requires 5% of student rooms as “easily adaptable for occupation by wheelchair users”.
151. It is considered that the proposed development would provide good quality accommodation for students, meeting the expectations of the London Plan Policy H15 Part A (5) and Southwark Plan Policy P5. The spatial arrangement, environmental internal conditions, level of amenity (within the individual units and the communal spaces), and the provision of wheelchair housing would all be adequate, as explained in detail in a subsequent part of this report entitled ‘Quality of Accommodation

Is the location suitable for student accommodation?

152. Part B of London Plan Policy H15 requires student housing scheme sites to be well connected by transport to local services. Situated within the CAZ and the Bankside and Borough District Town Centre, the site benefits from excellent accessibility to public transport (as reflected in its PTAL rating of 6B), services and established higher educational facilities. Within a few minutes’ walk of the site are two university campuses (LSBU and the University of the Arts) as well as a wide range of leisure and recreation activities for students, including Newington Gardens open space. Furthermore, at present there is not a large concentration of student accommodation in the vicinity.
153. Site Allocation NSP49 (London Southbank University Quarter) of the Southwark Plan, the red line boundary of which is approximately 200 metres to the northwest of the application site, requires redevelopment to provide research and education facilities or otherwise support the functioning of London Southbank University Quarter. While the Harper Road site is located outside of this allocation, owing to its proximity to LSBU, the student housing led proposal could be seen as helping support the Council’s ambitions to consolidate this nearby strategic site as a specialist higher education cluster.

Summary on the principle of student housing

154. In conclusion, the site is considered to be appropriate in principle for student accommodation, meeting a demonstrable need and achieving compliance with the requirements of London Plan Policy H15 and Southwark Plan Policy P5.

Conclusion on uses

155. The proposed land uses are appropriate in policy terms for this site within the CAZ and the Borough and Banskside District Town Centre. The introduction of student housing and key worker housing is considered to be a major benefit of the scheme, facilitating the growth of Elephant and Castle's education offer, while also bringing economic and housing delivery benefits. The proposed employment and flexible retail uses would maintain an active frontage in this high footfall location while also delivering affordable workspace, thereby supporting the vitality and viability of the District Town Centre.

Development viability

Policy background

156. Southwark's Development Viability SPD requires a Financial Viability Appraisal (FVA) to be submitted for all planning applications which trigger a requirement to provide affordable housing. Southwark's Development Viability SPD pre dates the current London Plan and Southwark Plan policies for student housing. Nonetheless the FVA should also identify the maximum level of affordable student housing that can be sustained as required by Policy P5 "Student Homes".
157. The SPD, in requiring an in lieu payment of £100,000 per habitable room of conventional affordable housing, effectively establishes the minimum payment-in-lieu a scheme should deliver. However, the policy expectation, as per Southwark Plan Policy P5, is for development proposals to deliver the *maximum* viable amount. It should also be noted that the SPD does not provide an in lieu figure for affordable student housing, as the SPD was drafted before the current London Plan policy was adopted.
158. Earlier parts of this report have explained the rationale for this proposal to deliver no on-site affordable student housing, and to instead deliver a 100% direct-let scheme with eight affordable dwellings (comprising 19 habitable rooms) together with a payment-in-lieu towards off-site affordable housing. For the proposed development, a 35% provision equates to 155.4 habitable rooms which adjusts to 136.4 habitable rooms when the on-site provision of 19 habitable rooms has been deducted. This results in a minimum expected contribution of £13,640,000 as an in-lieu payment to the Council to use for providing affordable housing.
159. The applicant has submitted a Financial Viability Assessment (FVA) in accordance with the Affordable Housing SPD and Southwark Plan Policy P5 to allow an assessment of the maximum level of affordable housing that could be supported by the development. The appraisal was reviewed by BPS on behalf of the Council.

Assessment

Findings of the viability review process

160. The final iteration of the applicant's FVA, prepared by DS2, establishes the proposed student housing scheme based on the AUV of the extant scheme (18/AP/0657). The FVA indicates a Residual Land Value (RLV) for the site of £29,455,501 and a Benchmark Land Value (BLV) of £16,744,020. With the differential between these two figures being £12,711,481, the applicant's FVA concludes that this is the maximum affordable housing contribution that can be viably sustained. With the minimum affordable housing contribution required by policy equating to £13.64 million, and following negotiation with officers, the applicant has offered an enhancement of £928,519 (bringing their total payment-in-lieu offer to £13.64 million), despite this exceeding what their FVA concluded would be viable.
161. The values estimated by the applicant's assessor differ from the findings of BPS' viability review. BPS' review, despite having applied the same BLV as DS2, indicates that the scheme could viably support a 35% equivalent affordable housing offer while generating a surplus of £28,122,188.
162. The applicant's assessor fundamentally disagreed with BPS' inputs and findings. Differences of opinion included build costs, PBSA profit, PBSA purchaser's costs, PBSA tenancy length, PBSA summer occupancy, site mobilisation, and disposal and marketing costs. The applicant's assessor contends that a payment-in-lieu of more than the £13,640,000 policy minimum would make the scheme unviable such that the planning application would not be pursued.
163. It should be acknowledged that there are other costs that will potentially militate against the applicant being able to make a payment of as much as £28,122,188, which their FVA review did not account for. These include any indexation applied to other Section 106 contributions and the community infrastructure levies. Furthermore, costs may or may not increase due to changes to Building Regulations (one such example being the 2021 changes to Part L), and various building contract issues such as supply and demand of products and labour. Some consideration needs to be given to costs such as these which fall outside the remit of, or cannot be forecasted and factored-into with any accuracy, a typical viability process at the planning application stage. The proposed Late Stage Review would identify the actual total costs incurred by the applicant in building the scheme, and would compare these to the estimated costs in the application-stage viability report, enabling a proportion of any surplus profit that might be generated to be captured and could result in an increased payment of £15.94m based on an equivalent of 40% affordable housing.

Payment-in-lieu offer

164. Notwithstanding the considerations set out in the preceding paragraph, the magnitude of the surplus reported by BPS was such that officers insisted on an improvement to the applicant's payment-in-lieu offer to ensure the maximum viable amount was secured. To this end, the applicant has agreed to a 'collar' based on a BCIS (Building Cost Information Service Construction Data) all on tender price index which accounts

for inflation, meaning that a minimum payment would be based on the inflation of BCIS costs meaning that any payment would increase to account for current inflation costs. The effect of the collar would be that if cost inflation were to reduce, the payment would not be lowered but if inflation were to increase, the payment would increase to account for that.

165. The Section 106 Agreement will secure an Early Stage Review in the event of implementation being delayed for more than two years, as well as the Late Stage Review, in accordance with Policy H5 (F) (2). As student housing is not typical 'for sale' housing, and the value relies on the rent levels achieved, it is proposed that the Late Stage Review be carried out after the first full academic year of occupation of the development. In this case, £2.3m is the maximum additional payment the applicant would be liable for should the Late Stage Review reveal a surplus. This is based on £100,000 per extra habitable room (or part thereof) that would need to be provided as affordable (equivalent) to bring the total proportion up to 40%. It should be noted that this cap has not been discussed with, or endorsed by, the GLA; it is possible when the application is referred back to the Mayor at Stage 2 that the cap may be subject to an upwards, but not downwards, adjustment.
166. The figure of £2,300,000 derives from the differential figure of 22.2 habitable rooms between the applicant's 35% affordable housing equivalent offer and the Southwark Plan Fast Track target of 40%, rounded up to 23 and then multiplied by £100,000.

Conclusion on development viability

167. With a Late Stage Review and an implementation-dependent Early Stage Review to be imposed through the Section 106 Agreement, officers consider that the maximum viable amount of affordable housing has been secured, and that therefore Criterion 4 of London Plan Policy H15(A) has been met, having regard to the expectations of the more up to date Southwark Plan and considering the two development plan policies in the round.

Provision of affordable housing

Policy background

168. Southwark Plan Policy P1 expects schemes containing nine conventional Class C3 homes or fewer to provide the maximum amount of social rented and intermediate homes, or a financial contribution towards the delivery of new council social rented and intermediate homes, with a minimum of 35% subject to viability.
169. The minimum 35% affordable housing expected by Policy P1 should be split in a 25:10 ratio between social rented and intermediate tenures, calculated on a habitable room basis. As a proportion of all the affordable habitable rooms in the development, this equates to 71% social rented equivalent tenures and 29% intermediate tenures.
170. Specifically with regard to intermediate homes, the Southwark Plan recognises that there are a range of products that can meet the needs of middle income households who cannot afford suitable housing at market prices but who can afford to pay more

for their housing than households in social rented housing. However, for households with annual incomes of less than £60,000, Southwark prioritises London Living Rent

Assessment

Tenure mix

171. The eight homes proposed on-site (comprising a total of 19 habitable rooms) constitutes 4.1% of the total habitable rooms contained within the development as a whole (the student housing element comprising the remaining 95.9%). While the on-site housing offer is 100% intermediate (i.e. zero social rented), the small quantum of housing the site can accommodate alongside the other proposed uses means that, were any of the eight homes to be dedicated as social housing, a Housing Association would be extremely unlikely take them on. The lack of social housing, given the scale of the on-site housing offer, is therefore considered permissible in this instance. In order to meet the requirement of Policy P1 a payment in lieu is proposed to ensure that at least the equivalent of 35% affordable housing (in a tenure compliant split of 10:25 between intermediate and social rented) is delivered. This is discussed in detail in the 'Development Viability' section of this report; with the Payment-in-Lieu to be secured through the Section 106 Agreement, the proposal achieves a policy compliant affordable housing offer.

Securing the intermediate housing for keyworkers

172. The Council's draft Affordable housing SPD (AHSPD) defines a key worker as someone working within an essential public service. The AHSPD states that key workers are needed to provide key services, and an appropriate amount of affordable housing should be made accessible to key workers to ensure that they are able to live and work in Southwark. In 2017, Southwark Council consulted on an introduction of an intermediate rent housing list which recognised the role of key workers and the importance of ensuring key workers can afford to live within the city, who may not otherwise be able to access social housing but are also priced out of affording private rent. The report draws on the correlation between the ability to ensure sustained accommodation for key workers and the ability for the council, amongst one of the providers of important social care positions, to deliver on essential public services.

173. The 2017 report defines a Southwark keyworker to be somebody who works in an essential front line post who currently works in the London Borough of Southwark. This included the following:

- Nurses and other clinical staff employed in the NHS (at hospitals, health centres or in the community)
- Social workers, educational psychologists and therapists employed by a London Borough of Southwark or the NHS
- Firefighters
- Police officers and Police Community Support officers (PCSO)
- Teachers and teaching assistants who work in state schools, faith schools, free schools and academies (i.e. non-fee charging schools)
- Ambulance workers and paramedics

174. In November 2022, the Southwark Council reaffirmed its commitment to keyworkers by pledging in a Cabinet report to build 500 homes for keyworkers at affordable rents by 2026. Keyworker homes are London Living Rent tenure, for which the household income cap is £60,000, but with the additional qualification of being subject to a three year lease cycle (i.e. every three years the tenant's eligibility is reviewed). The November 2022 Cabinet report did not establish precisely which jobs would classify as a 'keyworker' role. Therefore, in the event that Members resolve to grant permission for 23/AP/0479, and if by the time the Section 106 Agreement is concluded the Council has not published a more up-to-date definition, for the purposes of the Section 106 Agreement the 'keyworker' definition relied upon will be that from the 2017 report.
175. The Section 106 Agreement will set out in greater detail the specificities of how the housing will be secured for keyworkers. An important element of this will be the marketing strategy. This would need to reflect the discussions held to date and set out in detail how marketing to keyworkers would be carried out, including on relevant websites and within institutions that are employers of keyworkers such as local hospitals and other local healthcare facilities.
176. In summary, officers are of the view that the inclusion of truly keyworker homes (London Living Rent tenure, with additional criteria around tenancy length and 3-yearly reviews) is a significant benefit of this scheme.

Quality of accommodation

177. London Plan Policy H15 requires purpose built student accommodation to provide adequate functional living space.
178. There are no specific housing standards for student housing and given the different needs and management of student housing in comparison to conventional housing, it is not appropriate to apply standard residential design standards to student housing. The student rooms themselves comprise a range of room types to suit varying needs including ensuite bedrooms, accessible ensuite bedrooms, studio rooms and accessible studio rooms. All bedrooms and studios will have integrated storage and will be provided with an ensuite shower room.
179. All residents would have access to a total of 1896sqm of indoor and outdoor amenity space.

Wheelchair housing

180. P 5 of the Southwark Plan requires 5% of student rooms to be wheelchair accessible. 11 bedrooms will be designed to accommodate wheelchair users meeting the requirements of Building Regulations M4(3) 'wheelchair user dwellings' which equates to 11 bedrooms proposed. The wheelchair user accommodation would be secured through the Section 106 Legal Agreement.

181. The key worker housing provides generous layouts that are designed to optimise well-being. The lift lobbies are day lit with windows to the outside and views out. All of the flats enjoy south facing balconies overlooking the Grade II Listed County Court House.

182. These flats are also entirely separate from the adjoining student housing with room and dwelling sizes that comply with the residential design standards SPD. All of the two bedroom dwellings would have dual aspect while the one bedroom dwellings would have their single aspect to the southwest.

183.



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

184. P56 (Protection of amenity) of the Southwark Plan states that developments should not be permitted when it causes an unacceptable loss of amenity to present or future occupiers or users. This includes privacy and outlook impacts, overlooking or sense of enclosure, loss of daylight and sunlight, and unacceptable noise from developments.

185. There will be more activity as a result of the development and a student management plan has been provided, which will be developed secured through condition to secure suitable control of impacts through the operator. The site will benefit from 24/7 management with a full time Accommodation Manager, Assistant Manager, Receptionist and Maintenance Operative. Staff would also be contracted for cleaning and out of hours security / concierge services. The security desk would be highly visible by the front door facing the pocket park and Harper Road. A more detailed strategy will be required for deliveries, moving in and out.

Daylight and sunlight impacts

186. The following section of this report details the potential daylight, sunlight, and overshadowing impacts of the proposed development on surrounding residential properties. This analysis is based on guidance published by the Building Research Establishment (BRE). As required by Regulations, the submitted assessment has been undertaken by competent, experienced, registered professionals.

BRE Daylight Tests

187. Guidance relating to developments and their potential effects on daylight, sunlight, and overshadowing is given within the 'Building Research Establishment (BRE).
188. The two most common tests for assessing the likely daylight impacts on surrounding, existing properties set out in the BRE Guidelines are the Vertical Sky Component (VSC) test and the No Sky-Line (NSL) test. The VSC test calculates the availability of daylight to the outside of a window and the NSL test shows the distribution of daylight within a room.
189. The VSC test calculates the angle of vertical sky at the centre of each window and plots the change between the existing and proposed situation. The target figure for VSC recommended by the BRE is 27%, which is considered to be a good level of daylight and the level recommended for habitable rooms with windows on principal elevations. The BRE also advise that VSC can be reduced by about 20% of its original value before the loss is noticeable. In other words, if the resultant VSC with the new development in place is less than 27% and/or less than 0.8 times its former value, then the reduction in light to the window is likely to be noticeable.
190. The distribution of daylight within a room can be calculated by plotting the NSL. The NSL is a line which separates areas of the working plane that do and do not have a direct view of the sky. Daylight may be adversely affected if, after the development, the area of the working plane in a room which can receive direct skylight is reduced to less than 0.8 times its former value. The BRE advises that if there is a reduction of 20% or more in the area of sky visibility, daylight may be noticeably affected.

BRE sunlight tests

191. The BRE sunlight tests should be applied to all main living rooms and conservatories which have a window which faces within 90 degrees of due south. The guide states that kitchens and bedrooms are less important, although care should be taken not to block too much sunlight. The tests should also be applied to non-domestic buildings where there is a particular requirement for sunlight. The BRE guide states that sunlight availability may be adversely affected if the centre of the window:
- receives less than 25% of annual probable sunlight hours, or less than 5% of annual probable sunlight hours between 21 September and 21 March and
 - receives less than 0.8 times its former sunlight hours during either period and

- has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours.

192. In addition, the BRE sets out specific guidelines relating to balconies on existing properties. This guidance acknowledges that balconies and overhangs above an existing window tend to block sunlight, especially in summer. Even a modest obstruction may result in a large relative impact on the sunlight received. As a result, they advise that the impact of existing balconies can be demonstrated by carrying out additional PSH calculations, for both the existing and proposed situations, with the balconies notionally removed.

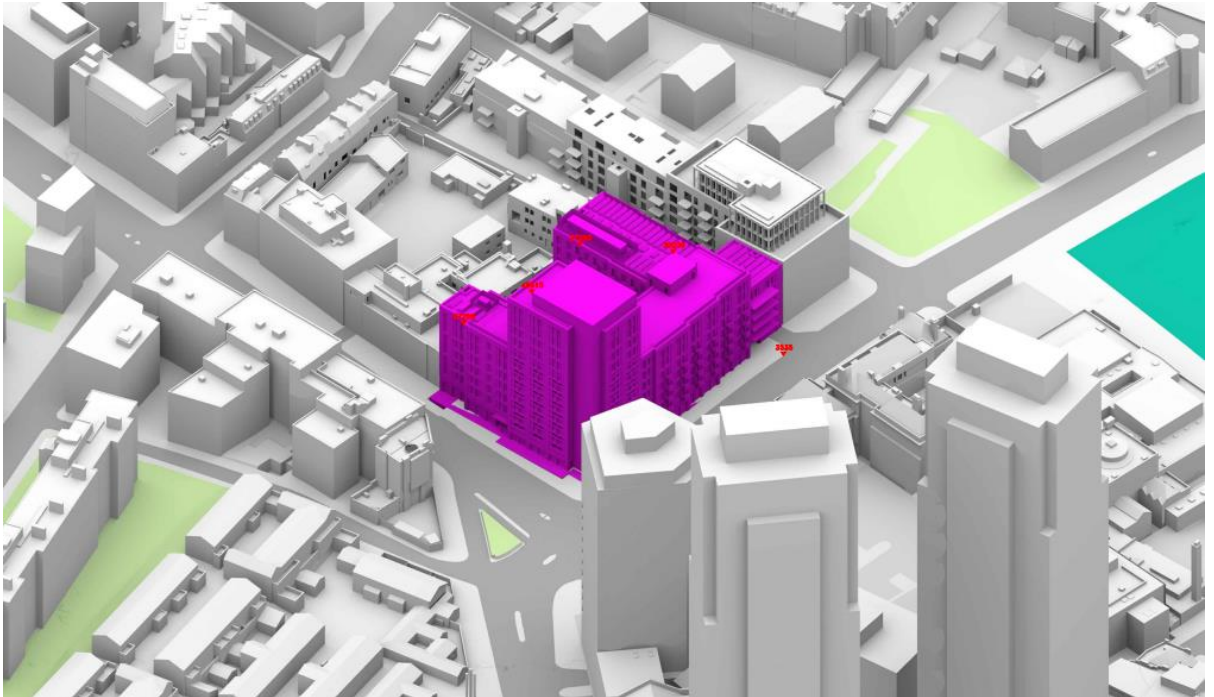
193. The applicant has undertaken a daylight and sunlight assessment. It looks at the impacts of overshadowing on Newington Gardens and the impact of daylight and sunlight for the following neighbouring properties:

1. Trilogy Apartments
2. Borough Triangle - Building D – Pending Application
3. 1-6 Borough Square
4. The Ship, 68 Borough Road
5. David Bomberg House
6. 14-20 Trinity Street
7. 2 Trinity Street
8. 4 Trinity Street
9. 6 Trinity Street
10. 8 Trinity Street
11. 10 Trinity Street
12. 12 Trinity Street

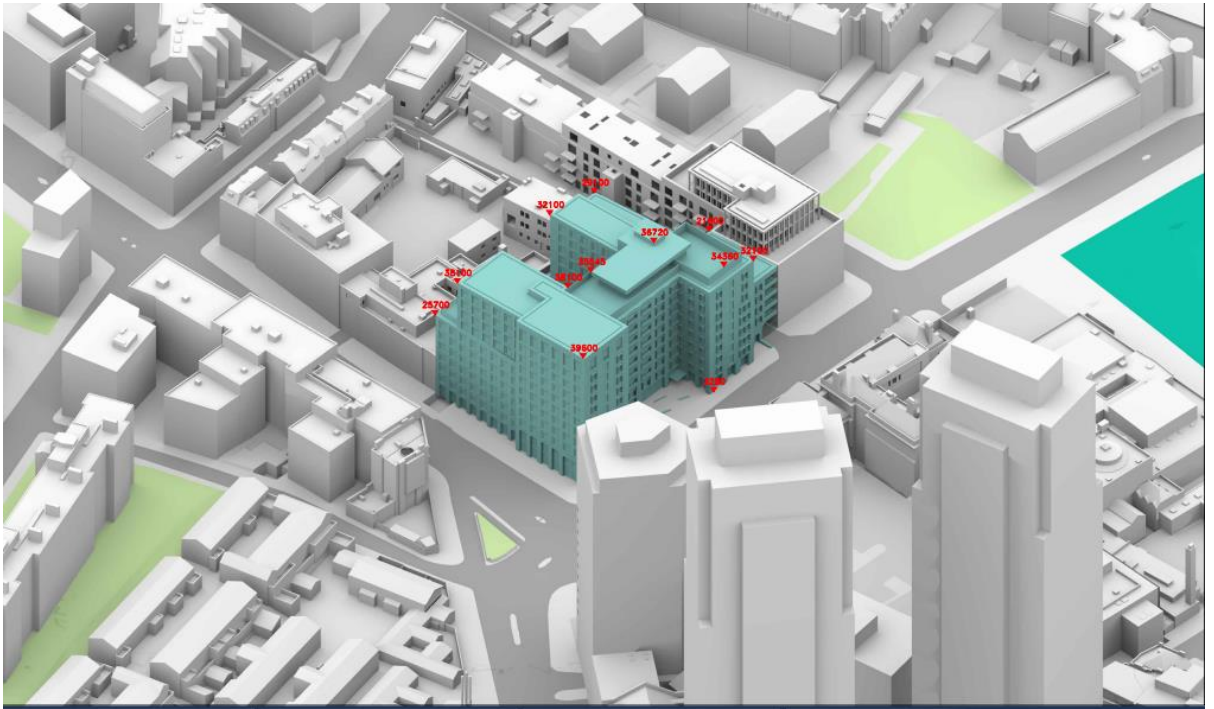
194. The site is relatively underdeveloped regarding massing, particularly to the south providing an open aspect to the newly constructed dwellings on the Trilogy development which is on the bottom left of the image below.



The hotel scheme's massing would have an impact on the daylight for nearby dwellings, the massing of which is shown in the image below:



By reducing the massing on the tower and omitting the basement levels, the developer has improved the development in the townscape but massing has been increased on the northern and southern flanks:



The analysis in the daylight and sunlight assessment takes a two stage approach: firstly an assessment of the impact against the current massing on the site and then secondly as a comparison to the implemented hotel scheme.

Analysis of results:

- 195. 1-6 Borough Square, 14-20 Trinity Street and 2-12 Trinity Street will comply entirely with BRE Guidelines.

Trilogy Apartments



- 197. 102 windows were assessed serving 59 habitable rooms. 48 of the 102 comply with BRE Guidelines for Vertical Sky Component vs 56 windows meeting the test for the

consented scheme. This is because the elements of the building closest to Trilogy Apartments is taller.

198. The windows that fail the BRE test serve 33 bedrooms, 19 open plan living, kitchen and dining Rooms and 2 living rooms. Reduction to VSC varies between 22% and 75%. Ten of these windows are located below balconies and therefore achieve less daylight and are more sensitive to changes in massing.
199. In terms of No Sky Line, 43 of the 59 rooms assessed will satisfy BRE guidelines. Of the 16 that fail, 6 are open plan living, kitchen dining and living rooms with between 38% and 57% alterations. The remaining 10 rooms are bedrooms with alterations between 21% and 57%. This is marginally different to the consented scheme which had 45 rooms meet the No Sky Line Test. These reductions while large need to be viewed in the context of the implemented hotel scheme where changes in daylight are of a similar degree, the 'alternative' test of comparing the hotel scheme with this proposal is a relevant consideration.
200. The alternative test compares this scheme with the approved consent that has been implemented. When comparing the two, there is minimal change to the retained VSC values. At ground, 1st, 2nd and 3rd floor, the absolute reductions in VSC are within 1.6 of the VSCs that there would be if the hotel scheme were built out
201. At 4th floor of Trilogy, the retained values are within 2.2% of the 2020 consent with retained values being generally good due to higher position of windows ranging from 19 to 34% Vertical Sky Component. The penthouse accommodation has dual aspect communal rooms opening up onto roof terraces where daylight and sunlight will be only marginally impacted.
202. Overall, 57 of the 59 rooms tested will experience minor and less than substantial changes in daylight distribution compared to the implemented scheme, with the greatest impact being 3rd and 4th floor where rooms retain a view of the sky dome to 65% of the room area, providing a good level of retained daylight distribution for an urban environment.

203.



The Ship Public House, 68 Borough High Street

204. 16 windows were assessed serving 5 rooms, 10 of which satisfy BRE Guidelines. This rate of compliance is identical to the 2020 consent. When compared to the existing consent, the windows experience no more than 1.7% change in absolute Vertical Sky Component, demonstrating that there is no discernible difference between the two schemes. Whereas one room will experience a more noticeable change it is noted that the windows serving these rooms retain good levels of Vertical Sky Component at between 20% and 22%. Regarding sunlight, all windows meet guidance against the existing baseline condition.

205.



David Bomberg House, Student Housing

206. 75 windows have been assessed serving 75 rooms. 64 are student bedrooms with 11 being kitchen / dining rooms.
207. 44 of the 75 rooms will meet the BRE criteria for VSC with the remaining 32 windows serving 28 student rooms and three kitchen / dining rooms. 29 of these 31 rooms will retain a VSC of between 18 and 26%, which is generally reasonable for a dense urban environment such as this. The remaining two windows will retain a VSC just below 17%. 54 of the 75 rooms adhere to No Sky Line BRE Guidelines.
208. When compared with the 202 consent, the windows will retain an absolute VSC of within 2.7% or less of the consent, which demonstrates that there is no material difference in VSC between the two schemes. Regarding No Sky Line, all but two of the rooms experience similar effects and these two rooms will nonetheless retain a view of the sky dome to 51% and 52% of the room. Regarding sunlight, all windows meet guidance against the existing baseline condition.

209.



Potential Borough Triangle Scheme

210. 80 potential windows serving 40 potential rooms were tested. All meet the BRE criteria for Vertical Sky Component, with all 40 rooms satisfying No Sky Line BRE criteria and all rooms adhere to BRE Guidelines for sunlight.

211.



Southwark Police Station



Holding cell
windows

212. Objections were received from Southwark Police Station concerning daylight / sunlight impacts on the south facing cells that face towards the site. These being rooms sensitive to impacts were tested.
213. The cells are served by openings that are largely obstructed with solid metal framing and thin strips of glazing that are opaque. Subsequently, no direct skylight enters the holding cells with any sense of natural light being glow rather than direct sky visibility.

Overlooking of neighbouring properties

214. The development has been designed to minimise any potential overlooking of nearby residential properties and complies with the distance separation in the Residential Design Standards of 21m for separation to neighbouring residential windows. All external amenity spaces have been carefully positioned to avoid overlooking or risk noise pollution to adjacent residential buildings.
215. Concerns have been raised by Southwark Police Station regarding overlooking. This will be mitigated by a condition requiring details of windows facing the Police Station to be fixed shut and obscure glazed. All of the relevant windows can be treated as such because they are secondary or to communal areas that do not require outlook.

Design considerations

216. The application is for the demolition of existing buildings and redevelopment to provide a mixed-use development comprising purpose-built student residential accommodation (444 student rooms), 8 affordable residential flats, offices (including affordable workspace) and some retail.

217. The proposals are a reworking of a development, following an earlier permission for the clearance of the site, the excavation of a 2-storey basement and construction of a hotel-led missed-use development, providing 328 bedroom spaces and included 7 residential flats, offices, retail and community uses (incl. GP surgery). The consented scheme featured a C-shaped built form that comprised a 7-storey perimeter block (27m AoD) enclosing a central courtyard space that was open to the public, and a 13-storey corner residential tower (c.46m AoD) located on the junction of Borough High Street and Harper Road (18/AP/0657). The permission remains extant and is a material consideration.
218. The current proposal omits the basement excavation and adopts a broadly H-shaped layout, comprising three intersecting slab blocks, with the main (stem) blocks arranged parallel to Borough High Street and their 'gable' ends set towards Harper Road. The 'gable' ends and crossbar block enclose a garden area that opens south towards Harper Road as a new public garden/ forecourt space, whilst the matching space to the north is infilled with a podium block, providing offices at ground floor and rooftop communal gardens for the students. The buildings are also set back from their current building line to provide wider pavements.
219. In contrast to the consented scheme, the overall height is brought down by two storeys and the proposed built volume above grade is more evenly spread. The proposed main slab block comprises 11-storeys (c.40m AoD) onto Borough High Street, whilst the crossbar block and rear block are generally 9-storeys (c.35m AoD) in height, but with a pop-up pavilion 10th storey and roof terrace at their apex. A further rooftop pavilion sits within the podium gardens at the rear. Overall, the proposals involve a reduction of c.2400 sqm of floorspace, mostly through the reduced basement excavation.
220. In terms of the proposed built form, the scheme architects have sought to reduce the slab-like appearance of the main block onto Borough High Street, modulating the massing and the detailed elevational design. The building line is articulated, with the north section of the building aligned with the Police Station building to the north to provide continuity of frontages, before stepping out towards the main junction with Harper Road. The height is similarly articulated, with the final four storeys of the north section of the block set back to form a 7-storey shoulder height towards the north, but with the block's southern end remaining 11 full storeys and finished with a raised parapet for subtle visual emphasis.
221. The 7-storey shoulder height makes for a comfortable scale within the street, reflecting the height of the modern residential development opposite; albeit it nonetheless represents an obvious increase in height compared to the east side of the street, which is generally 3 to 4-storeys, including the neighbouring Police Station. However, the 7-storey shoulder height reflects the extant scheme.
222. The addition 4-storey element is sufficiently setback both from the building frontage and in from the flank end to read as a secondary element in terms of the appearance of the 'host building' as well as within the street scene. Further effort could be made to reduce its appearance, building up the shoulder parapet, though this can be reviewed by condition. It will, however, be evident within the street adding to the overall scale,

though this has to be set against the reduction in height of the remainder of the block compared to the extant scheme.

223. The southern section of the building, at 11 full storeys, sits well within the streetscape, which is more open at the junction with Harper Road. The modest increase in parapet height, combined with the forward articulation of the block brings a moderate visual emphasis to the building, offsetting the slab-form and bookending the street block. Overall, the scale within Borough High Street is effective.
224. In terms of Harper Road, the building steps down in height to mainly nine storeys; the exception being a small pop-up pavilion that serves a roof terrace. The building line also cuts back to provide the new pocket garden space onto Harper Road. The nine storeys and setback arrangement provides a sufficiently comfortable transition downwards to the 7-storeys of the neighbouring modern residential building within Harper Road (no.25), as well as not appearing overwhelming within the street or when viewed from the Inner Sessions court opposite (see later).
225. The extended gable ends of the building bring a coherent enclosure to the new forecourt public garden space, which has a comfortable scale and an open, sunny aspect southwards towards the foregrounds of the Inner Sessions Court opposite. The new space mirrors the foregrounds opposite, with the two spaces working together to suggest a single, larger open space within the townscape, which is welcome. Overall, the development's scale and form are effective and supported on design grounds.
226. In terms of the ground floor plane, the development's layout brings a good level of activation and animation to the street frontages. The main office entrance and a separate entrance to the affordable workspace are positioned onto Borough High Street, activating the primary street. The frontage includes large window openings, which help animate the street. A further entrance is provided closer to the street corner, providing access to the café, which is also open onto the office lobby. The café animates the street corner, and has a further entrance onto the new pocket garden, with an area set out for tables and chairs. The gardens are overlooked by the communal facilities of the student accommodation, with the entrance to the student halls located in the far corner of the gardens, set back from the pavement, avoiding any congestion of the street. The security/reception office for the halls is positioned onto the back edge of the pavement, overseeing the entrance to the student halls, as well as the street. Finally, the residential block has a separate entrance and foyer positioned just beyond the gable end, positioned close to the residential building of no.25. Overall, the urban design quality is effective, with good activation and informal surveillance of the public realm.
227. The elevational architecture is engaging and contextual, albeit in a modern idiom. The facades have a good solid/void ratio, with punched-hole openings arranged in an ordered manner that brings a rhythm and calmness to the designs. The window openings are sized and detailed to bring a good sense of base, middle and top, with material finishes adding to the effect. The corner 'taller' block is expressed as a double-height ground floor, with the final floor slightly extended, with taller window openings and a taller parapet, giving the corner added visual emphasis.

228. The façade detailing includes metalwork ‘shrouds’ around the window openings, which protect against solar gain and help provide privacy around internal corners, as well as adding a visual richness to the elevations. The main windows are fixed shut, with opening sidelights providing ventilation in a secure manner. The entrance to the student foyer features a large fixed canopy, which appears rather clumsy, but which could be finessed through further design work that can be conditioned.
229. The main facing materials are currently shown as a series of pre-casts, with slight variations in tone and texture used to highlight the base, middle and top. The use of the pre-cast for the window lintels and scalloped parapet walls are particularly welcome, albeit thought could be given to including subtle secondary cornices or banding for further design relief. This could be reviewed by condition.
230. In general, the light colour tones of the material finishes is welcome, bringing a calm quality to the designs, with the slightly darker tones to emphasising the ground plane. The choice of pre-cast for the main elevation, however, is challenging, as it brings a stone-like appearance to the designs, suggesting a more civic quality to the development. However, in terms of the townscape, the context is predominantly brickwork in yellow stock or occasionally red brick for residential buildings, with stone/precast reserved for detailing, or the preserve of the nearby Grade II listed court, the Police Station at ground floor (NDHA) and the spire of the Grade II* St George the Martyr. It is therefore considered that, whilst the ground floor of the development could be in stone, reflecting its more public/ communal use, the upper floors would be more appropriate in brickwork, giving the student accommodation a more domestic quality. This could be in a light buff not dissimilar to no.25 Harper Road, or possibly whiter, which would maintain the light tone, but with more warmth and sufficient domestic familiarity. This should be sought by condition, ensuring the use of a sufficient depth of brickwork and not brick-slips for quality and robustness.
231. Finally, brief mention should be made of the functional quality of the architecture, which is high. The proposed offices and the ground floor in general (including student communal facilities) have good floor-to-ceiling heights and good daylighting, with large window openings and the inclusion of large rooflights within the podium gardens. The offices enjoy a flexible arrangement of multiple entrances, a shared café facility and good end-of-journey facilities. The student accommodation is well designed, with the students enjoying large communal facilities, including roof gardens and rooftop terraces with pavilions, as well as library, cinema and games room, and good cycle storage and security. The rooms are a mix of cluster and studios, each well-appointed and benefitting from excellent ceiling heights of 2.65m within their main space, albeit lower for the bathrooms and hallway. The top-floor studio rooms enjoy mezzanine bedrooms. All rooms have been thoughtfully planned, with decent room widths, good storage and good-sized windows with openable sidelights for ventilation.
232. Finally, the affordable residential is similarly of a high standard, with all flats being dual aspect, with generous ceiling heights and good sized private balconies. The drawback is the undercroft vehicle entrance and adjacency to the servicing area for the development, although controls over landscaping and servicing hours could limit the impact on amenity (DM to consider). Importantly, the main outlook of the flats is southwards towards the low-rise court and its perimeter tree cover.

Conclusion on design

233. Overall, the urban design of the new scheme is well-considered and is of high quality, responding sufficiently well to the surrounding urban form in terms of building alignment and general scale, with the H-shaped arrangement and façade articulation allowing a finer built form than the slab-block form would otherwise suggest. The buildings are taller than their immediate neighbours, but sufficiently modulated not to appear disruptive or overwhelming within the street scene and to respond well to the development's corner setting with its more open townscape. The architecture is similarly well-considered, with its ordered appearance and whilst modern, has a rich and sufficiently contextual appearance, subject to finishes. As such, the design approach is supported in principle, subject to the impacts of the development on the historic environment.

Heritage assessment

234. The development site contains no designated heritage assets and is not within a conservation area, but is located in close proximity to the Trinity Church Square Conservation Area. At the heart of the conservation area lies Trinity Church Square, a formal square of Grade II listed townhouses enclosing the Grade II listed former Holy Trinity Church (now Henry Wood Hall). The square and its feeder streets lie some 90m north of the site. Other conservation areas lie beyond 300m of the site and would be unaffected.
235. The Grade II listed Inner Sessions Court is the closest designated heritage asset, siting directly opposite the site on Harper Road, less than 30m away. The court dates from the early 1920s (WE Riley) and is a Portland Stone building in the classical style and has a strong compositional form that faces broadly westwards towards Newington Causeway. Other relatively nearby listed buildings, include the group of buildings no.62; Hanover House (49-60); and the Duke of York public house (47) Borough Road, some 140-200m westwards from the site. The varied group comprises an unusual two-storey house with an octagonal planform and cupola roof (Henry Hartley, 1821); a four-storey gault brick and stucco fronted former factory in a classical style (1889); and the late 19th century 3-storey corner pub in weathered stock brick and red brick dressings in the Queen Anne style. The highest Grade asset in the wider vicinity is the Grade II* listed St George the Martyr (1734-6, John Price) with the distinctive contrast of its red brick nave and Portland stone tower, located some 300m northwards further along Borough High Street and marking the junction with Marshalea Road and Great Dover Street.
236. In addition to the designated heritage assets, the site is close to Newington Gardens, which is a park that fronts onto Harper Road, diagonally opposite the site, and is recorded in the Southwark Plan as a non-designated heritage asset (NDHA). Its appearance adds to the character of the townscape.
237. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to consider the impacts of proposals upon a

conservation area and its setting and to pay “special regard to the desirability of preserving or enhancing the character or appearance of that area”. Section 66 of the Act also requires the Authority to consider the impacts of a development on a listed building or its setting and to have “

238. The NPPF (2021) provides guidance on how these tests are applied, referring in paras 199-202 to the need to give great weight to the conservation of the heritage asset, and the more important the asset, the greater the weight; evaluate the extent of harm or loss of its significance; generally refuse consent where the harm is substantial; and, where necessary, weigh the harm against the public benefits of the scheme. Para 203 addresses non-designated heritage assets (NDHA) and the effect an application may have on its significance, directly or indirectly. It advises on the need for a balanced judgement, “having regard to the scale of any harm or loss and the significance of the heritage asset”.
239. Trinity Church Square is of high townscape quality and special interest, with its compositional urban form, attractive period townhouses and set-piece architecture of its focal church and garden setting. The surrounding terraces possess a strong uniform character, as expressed in part by their unbroken rooflines when experienced within the square. Presently, the adjoining townscape does not impinge on views within the square and its feeder streets to any great extent: Several tall buildings located in London Bridge and towards Elephant and Castle town centre are visible in the distance, appearing above the roofline, but are clustered, limiting the impact.
240. The application scheme has been designed to greatly reduce the development’s visibility from within Trinity Church Square compared to the extant scheme. The Townscape Visual Impact Assessment (TVIA) provides verified renders and wireline views of the development from within Trinity Church Square and reproduces those of the extant scheme for comparison. Winter and summer shots are provided to show the effect of tree cover within the square. For the most part, the development would not be seen from within Trinity Garden Square, being screened by the terraced housing and church. The points it comes into view are in views from the northeast and southeast corners of the square, which are illustrated in views nd #3. From the northeast corner, on the pavement outside no.48, the wireline shows that the uppermost elements of the development would be visible above the roofline on the west side of the square. This would likely be parapet of the final storey and rooftop screen, which would form a long, low incursion across property nos.4-7, but would remain below the height of the chimney stacks. The incursion would be visible in winter and would disrupt the otherwise unbroken roofline experienced in this view, detracting from the setting of the listed terrace and from the conservation area. However, the harmful effect would be moderated during the summer months when the intervening tree cover within the square would screen the view and by the fact that the integrity of the buildings as a uniform terraced group would remain unaffected. The harm is less than substantial, towards the lower end of harm.



Proposed view from the northeast corner of Trinity Church Square



Proposed view from the southeast corner of Trinity Church Square

241. Moreover, the impact would be less harmful compared to that of the extant scheme as shown below,



View of the hotel scheme from the northeast of Trinity Church Square

242. Similarly, the proposed development from the pavement in the southeast corner of Trinity Church Square, outside no.31, the parapet and rooftop screen would be visible above the opposing corner properties nos. 15-16, with a thin sliver of screen extending slightly above no. 14. Whilst a minor incursion, it nonetheless sits above the roofline and infills the corner junction, disrupting the otherwise unbroken ridgeline and roof form, detracting from the setting of the Grade II terrace and this part of the conservation area. With no intervening tree cover, the impact would be experienced year-round. The harm is less than substantial, towards the lower end of harm. However, the impact would be much less apparent than the extant scheme., as shown in model shot #3w in the appendices (p.77), where the disruption is more significant in height with the final residential storey and roofplant distinctly more evident.



Hotel scheme from the southeast corner of Trinity Church Square

243. Elsewhere within the vicinity, the TVIA shows that the development would be visible from within Trinity Street, rising above the listed terraced group nos.2-13 on the corner with Swann Street and visible within the townscape gap formed by Trio Place. In this section of the conservation area, the tall building 2-Fifty-1 is particularly evident within the backdrop and the listed terraced properties slightly more varied in character, and as such, the additional impact of the development is negligible.
244. In terms of the other designated heritage assets, render views show the inter-visibility between the development and Grade II* St Gorge the Martyr church. It confirms that the development would be seen comfortably bookending the street and would not alter an appreciation of the architecture of the church or its landmark quality, being sufficiently distant and relative calm in its appearance. The impact on the heritage asset would be neutral.
245. The closet designated heritage asset is the Inner Sessions Court. A notable feature of the courthouse is that its compositional form is best appreciated when viewed head-on from Borough High Street, in which instance the development would be seen to its north, beyond its forecourt and side wing. The submitted views give a broader perspective, but nonetheless show the intervening roadway and how the development sits discretely away from the court complex. The development appears large in comparison, but its architecture is calm and orderly, with the scale seen to step down towards the rear, where it reads closet to the court building. The muted colour tone of the new buildings emphasises the discrete building forms, without becoming visually intrusive. The development's articulated form onto Harper Road that encloses its pocket garden helps its massing recede in the view, lessening its sense of scale in the views. The appearance would be further softened in summer months with the existing

extensive tree cover. Overall, the visual integrity of the court's architecture, compositional form and local landmark quality are sustained, with the impact on its setting considered neutral.



View to the north with the Inner London Court (Grade II listed) on the right

246. The settings of the remaining listed buildings in Borough Road would be unaffected, being sufficiently remote from the new development. View #7 suggests the likely visual effect, with the development reading calm and well-composed at the junction of Borough High Street and Borough Road in the middle distance, rather than visually intrusive.
247. Finally, in terms of the Newington Gardens the views from here are through a heavily treed landscape, enclosed by the lower-rise form of the court's rear extension and the lightly higher built form of the existing residential development at no.25 Harper Road. The wireline view shows that the upper floors of the development would be visible above part of the court's rear extension. It would be seen to continue the parapet height of no.25 Harper Road, before stepping up slightly towards the junction with Borough High Street. Its articulated form would be apparent. Importantly, the development would appear orderly and generally read as part of the moderately-scaled urban enclosure of the parkland, sustaining the character and setting of the park. The effect would therefore be neutral.

Conclusion on heritage

248. The proposed site does not contain a heritage asset and is not within a conservation area. It is, however, close to a number of heritage assets, where the building will become visible within the setting. For the most part, however, the effects are neutral

with the significance of the heritage assets sustained. The exception, however, is Trinity Church Square where, despite the reduction in height compared to the extant scheme, the scale of the development would nonetheless remain evident within the backdrops to the Grade II listed church and terraces, and to the wider conservation area, breaching the consistent rooflines and coherent townscape. The harm to the significance of the listed buildings and conservation area is less than substantial and towards the low end of harm, being limited in extent and more a technical infringement in character. In accordance with the NPPF the harm should be weighed against the planning benefits of the scheme. This would include the comparative harm of the extant scheme, which remains a material consideration.

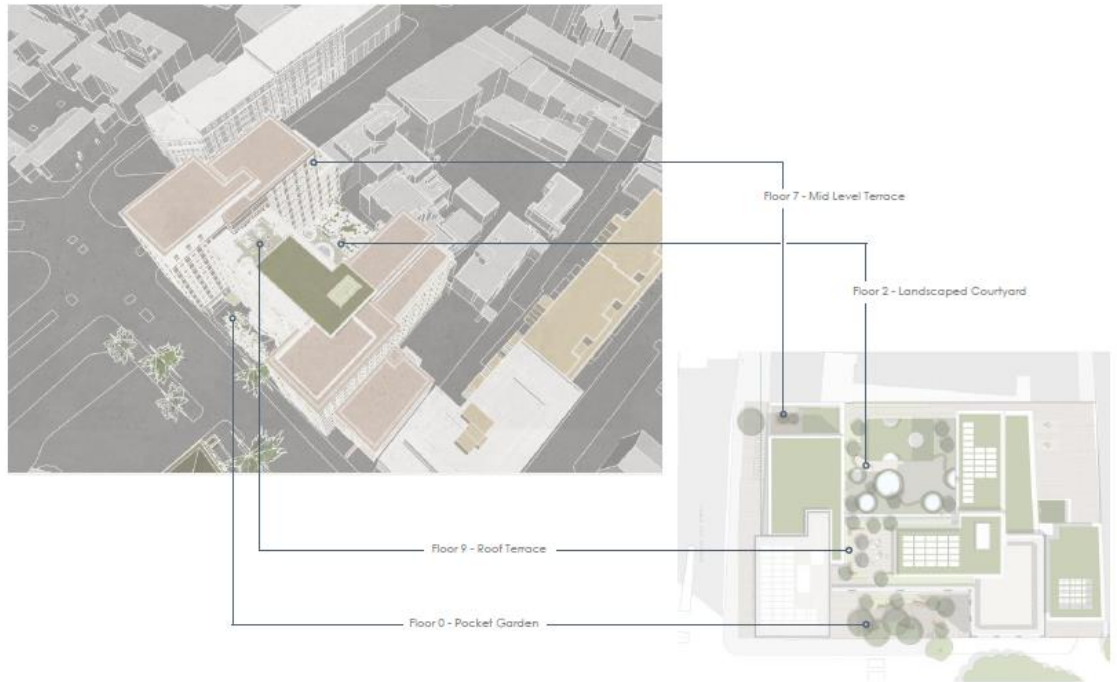
Archaeology

249. The application offers significant archaeological benefits compared to the hotel scheme. The detail included in the application removes any basement floor level, providing a building where policy objectives of preserving archaeological remains in situ may be possible. However, this is a site immediately adjacent to known areas of burials and burial laws applied through burial licences issued under the various acts require the removal of human remains. The locations and number of cores within the proposal structure may require significant levels of archaeological work.
250. The applicants have submitted an archaeological assessment that details previous archaeological works on site. Further archaeological evaluation is necessary, and it is recommended that the locations of the cores or lift shafts are targeted, other impacts can be managed more suitably with conditions. No detail has been provided for rain water mitigation; the locations of any underground stores will need to be conditions to ensure they are in areas away from significant archaeology.
251. Due to the presence of a mausoleum and roman sarcophagus on the adjacent site there is a potential for archaeology of national significance to be present on site, therefore the national significance condition is required to ensure the works are suitably managed.
252. The scale and location of this development provides an ideal opportunity for a programme of public engagement works to be associated with the archaeology already identified on this site, tied into recent research on the course of the London Civil War defence lines, and the significant roman archaeology from the adjacent site. Conditions are recommended to ensure that the site is properly evaluated and investigated.

Urban greening and Biodiversity

253.

Landscape approach



Locations of new pocket park and roof terraces delivering urban greening

Table 2: Post Construction Habitats

| Habitat type | Area (hectares) | Distinctiveness | Condition | Strategic significance | Strategic significance | Total habitat units |
|------------------------------------|-----------------|-----------------|--------------------------|--|----------------------------|---------------------|
| Intensive green roof | 0.09013 | Low | Poor | Area/compensation not in local strategy/ no local strategy | Low Strategic Significance | 0.17 |
| Urban tree | 0.02407 | Medium | Poor | Area/compensation not in local strategy/ no local strategy | Low Strategic Significance | 0.07 |
| Other green roof | 0.02675 | Low | Condition Assessment N/A | Area/compensation not in local strategy/ no local strategy | Low Strategic Significance | 0.05 |
| Introduced shrub | 0.0187 | Low | Condition Assessment N/A | Area/compensation not in local strategy/ no local strategy | Low Strategic Significance | 0.04 |
| Sustainable urban drainage feature | 0.042 | Low | Condition Assessment N/A | Area/compensation not in local strategy/ no local strategy | Low Strategic Significance | 0.05 |
| Developed land; sealed surface | 0.10935 | V.Low | N/A - Other | Area/compensation not in local strategy/ no local strategy | Low Strategic Significance | 0.00 |
| | | | | | | 0.38 |

254. The biodiversity net gain report shows an increase of 261% well in excess of the 10% required with provision of green roofs, trees, shrubs and sustainable urban drainage features.

| Urban Greening Factor Calculator | | | | |
|---|--------|------------------------|--------------------|-------|
| Surface Cover Type | Factor | Area (m ²) | Contribution | Notes |
| Semi-natural vegetation (e.g. trees, woodland, species-rich grassland) maintained or established on site. | 1 | 0 | 0 | |
| Wetland or open water (semi-natural; not chlorinated) maintained or established on site. | 1 | 0 | 0 | |
| Intensive green roof or vegetation over structure. Substrate minimum settled depth of 150mm. | 0.8 | 901.3 | 721.04 | |
| Standard trees planted in connected tree pits with a minimum soil volume equivalent to at least two thirds of the projected canopy area of the mature tree. | 0.8 | 213.6 | 170.88 | |
| Extensive green roof with substrate of minimum settled depth of 80mm (or 60mm beneath vegetation blanket) – meets the requirements of GRO Code 2014. | 0.7 | 267.5 | 187.25 | |
| Flower-rich perennial planting. | 0.7 | 72 | 50.4 | |
| Rain gardens and other vegetated sustainable drainage elements. | 0.7 | | 0 | |
| Hedges (line of mature shrubs one or two shrubs wide). | 0.6 | 115 | 69 | |
| Standard trees planted in pits with soil volumes less than two thirds of the projected canopy area of the mature tree. | 0.6 | 27.1 | 16.26 | |
| Green wall –modular system or climbers rooted in soil. | 0.6 | | 0 | |
| Groundcover planting. | 0.5 | | 0 | |
| Amenity grassland (species-poor, regularly mown lawn). | 0.4 | | 0 | |
| Extensive green roof of sedum mat or other lightweight systems that do not meet GRO Code 2014. | 0.3 | | 0 | |
| Water features (chlorinated) or unplanted detention basins. | 0.2 | | 0 | |
| Permeable paving. | 0.1 | 420 | 42 | |
| Sealed surfaces (e.g. concrete, asphalt, waterproofing, stone). | 0 | | 0 | |
| Total contribution | | | 1256.83 | |
| Total site area (m²) | | | 3110 | |
| Urban Greening Factor | | | 0.404125402 | |

Urban greening factor


255. The Urban Greening Factor at 0.404 is good and includes a mix of roofs, trees, hedges and perennial planting.

Trees









256.

Climate resiliency played an important role in the selection of the trees and plant species. Largely we have adopted trees species capable to cope with dryer summers and hotter temperatures. The RHS climate resiliency guide has been largely used to inform our choices.

At ground floor, exposure and spatial availability are the other parameters that we have considered for the tree choices. *Gleditsia triacanthos* will gently filter light allowing for an overall bright public realm and allow understory vegetation to thrive.



- *Ginkgo biloba* - 30/35cm girth
- *Osmanthus burkwoodii* - 250/300cm high
- *Osmanthus aquifolium* - 250/300cm high
- *Prunus serrulata 'Tai Haku'* - 300/350cm high
- *Amelanchier lamarckii* 250/300 cm high
- *Crataegus x persimilis prunifolia* 25/30cm girth
- *Pinus sylvestris 'Watereri'* - 200/250 cm high
- *Gleditsia triacanthos 'Inermis'* 30/35 cm girth
- *Zelkova serrata* - 25/30 cm girth

- *Crataegus x persimilis*
- *Ginkgo Biloba*
- *Osmanthus aquifolium*
- *Osmanthus burkwoodii*
- *Pinus sylvestris 'Watereri'*
- *Zelkova serrata*
- *Amelanchier lamarckii*
- *Gleditsia triacanthos 'Inermis'*

Proposed trees

257. P61 says, among other things that development would be permitted where trees are planted as part of landscaping schemes commensurate to the scale and type of development and that where trees are removed they should be replaced by new trees which result in net loss of amenity taking into account tree canopy as measured by stem girth. A new tree is proposed on Borough High Street, with existing trees retained and additional trees proposed across the pocket park and biodiverse roofs. The new street tree will be secured by a s278 Highway Act agreement secured in the legal agreement alongside the planning permission. Other trees will be secured by condition.

Fire safety

258.



Image (above): Fire service site plan

259. The Gateway 1 Fire Statement demonstrates that the building will satisfy Part B of the Building Regulations. The issues outlined have been addressed using design guidance documents BS 9999 and BS 9991. HSE noted in pre-application advice given directly that they are satisfied with the fire safety design to the extent that it affects land use planning. No further comments have been received from the HSE following consultation in respect of this application. (can you email them please and tell them we are taking this to committee on 18 July).

260. The proposal complies with Policy D12 and Policy D5(B) of the London Plan 2021 and will comply with Part B of the building regulations.

Secured by design

261. The application has been reviewed by the Metropolitan Police, Secure by Design Advisor who is satisfied that, should this application proceed, it would be able to achieve the security requirements of the Secured by Design.

Transportation

262. Key transport principles are:

- Vehicular access to the Site provided from Harper Road

- Access designed to accommodate turning of service vehicles up to 7.5t box vans (8m in length and 3.55m in height).
- The development is to be car-free, with the exception of 2no accessible Blue Badge car parking spaces.
- All refuse collection for the student accommodation and commercial will be to the rear loading bay, where the bin stores are located.
- The application proposes the residential refuse collection to the front, but a notwithstanding condition is proposed to move the residential refuse collection to the rear, in the general vicinity of the residential cycle store so as to provide a more active frontage and pleasant entrance, to avoid odour and vermin risk at the entrance of the flats and to secure that residential refuse collections also occur to the loading bay.
- The existing on-street parking on Harper Road on the Site frontage is to be removed to provide 3 Taxi bays, a Car Club bay and additional length of single yellow line for drop off close to Borough High Street.

| Mode | Mode Share | AM Peak | | | PM Peak | | |
|--------------|-------------|----------|-----------|-----------|-----------|-----------|-----------|
| | | In | Out | Two-Way | In | Out | Two-Way |
| Underground | 30% | 1 | 12 | 14 | 10 | 6 | 16 |
| Train | 7% | 0 | 3 | 3 | 2 | 1 | 4 |
| Bus | 27% | 1 | 11 | 12 | 9 | 5 | 14 |
| Taxi | 0% | 0 | 0 | 0 | 0 | 0 | 0 |
| Bicycle | 7% | 0 | 3 | 3 | 2 | 1 | 4 |
| On foot | 29% | 1 | 12 | 13 | 10 | 6 | 16 |
| Total | 100% | 4 | 42 | 46 | 34 | 19 | 53 |

263. Trip generation for the student housing is expected to be sustainable with a majority of journeys via public transport, foot and bicycle.

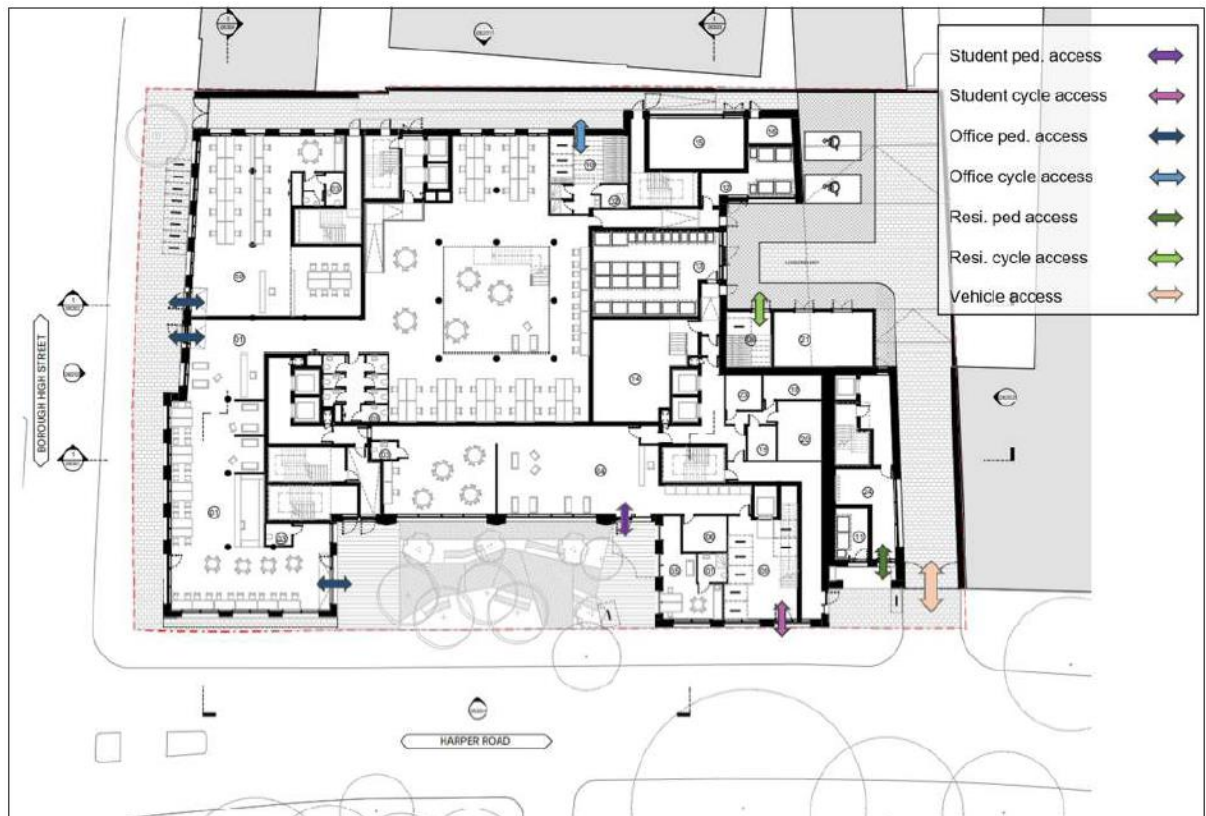
| Total Person | AM | | | PM | | |
|------------------------|------|-----|---------|------|------|---------|
| | In | Out | Two-way | In | Out | Two-way |
| Total Person Trip Rate | 0.08 | 0.4 | 0.48 | 0.24 | 0.11 | 0.35 |
| Total Person Trip Gen | 1 | 3 | 4 | 2 | 1 | 3 |

264. The eight affordable key worker flats will generate a minimal number of trips and will be car free.

| | AM Peak | | | PM Peak | | |
|-----------|---------|-----|---------|---------|-----|---------|
| | In | Out | Two-Way | In | Out | Two-Way |
| Employees | 61 | 7 | 68 | 7 | 61 | 68 |

265. The employment space is also car free with the majority of trips being by public transport, cycle and foot.

266.

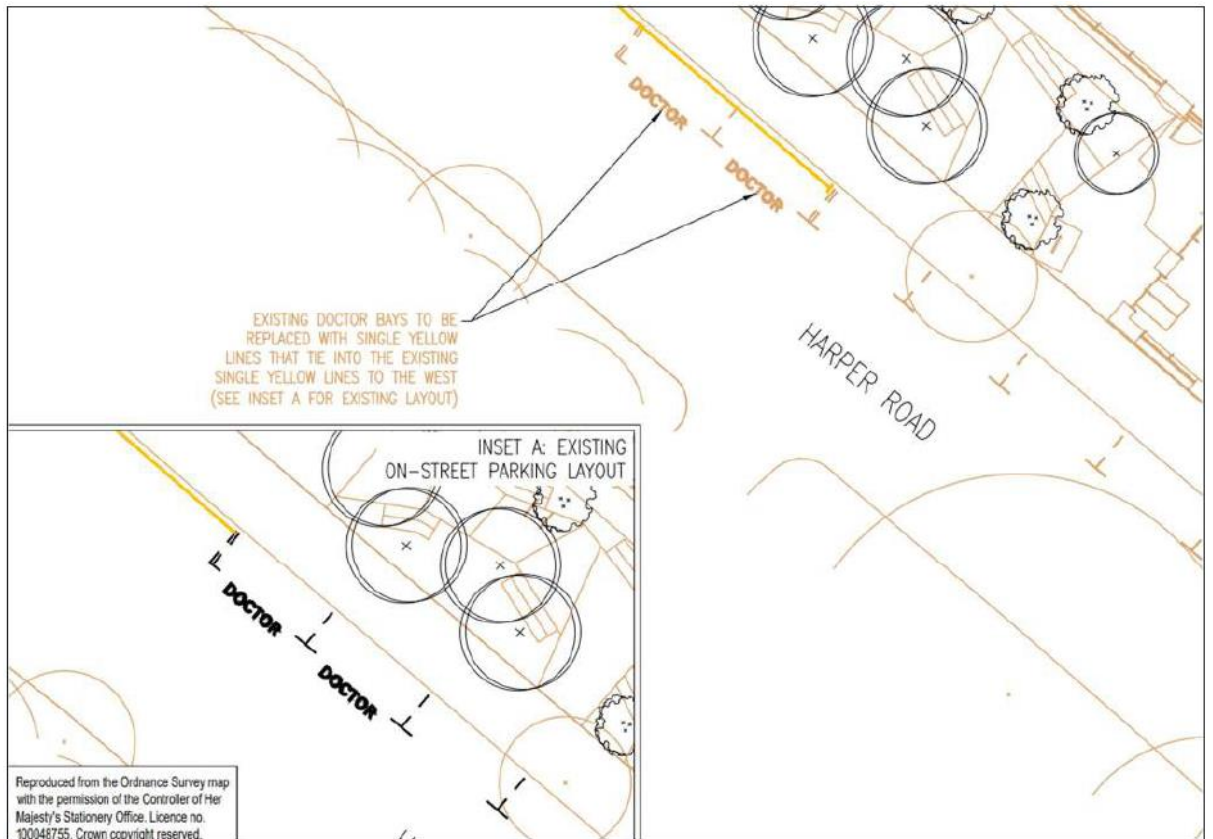


Proposed access strategy

267. The Site currently has two existing gated vehicular accesses. The primary vehicle access is via Harper Road, with a secondary access via Borough High Street. Both access points are currently secured by gates, with no general vehicle access provided. The proposal involves removing the Borough High Street Access with all access via Harper Road. The existing vehicular access on Borough High Street is proposed to be removed and reinstated with improved public realm.

268. Vehicle access for delivery and servicing as well as Blue Badge users, will be via the existing access on Harper Road. All vehicles will enter and exit from the site in a forward gear. All delivery and servicing activity (including refuse collection) for the student and commercial uses will be undertaken on site. Residential waste collection will continue to be undertaken on-street on Harper Road, as per the existing arrangement. Pedestrian and cycle access will be provided at grade via dedicated pedestrian routes and dedicated cycle stores. A management strategy requiring details of how students would move in and out is recommended as part of the legal agreement to ensure that the impact on the transport network is minimised.

269.



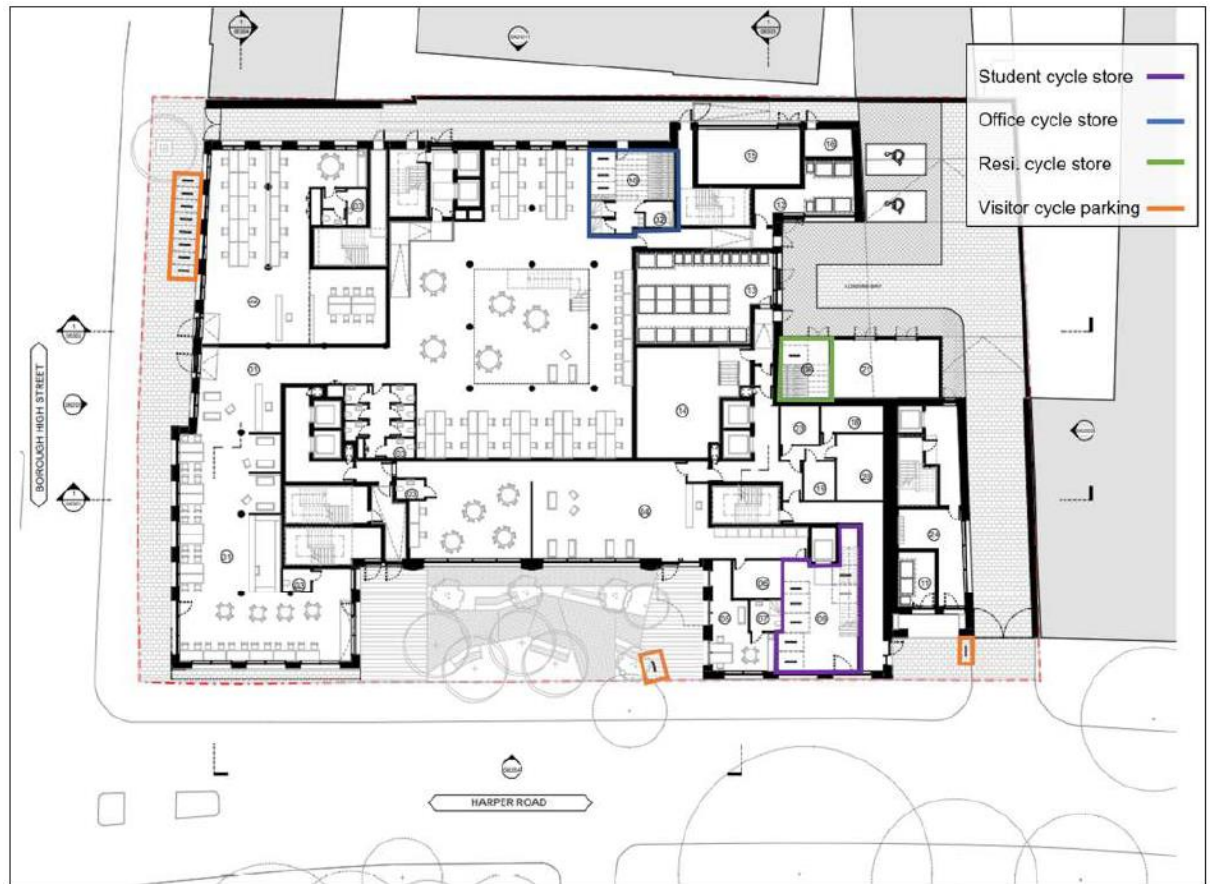
Harper Road Kerbside Proposals.

270. The redundant doctors' bays situated on Harper Road are to be converted to single yellow lines to provide additional kerbside space for pick-up./drop-off activity.

Long and short stay cycle parking

| Use | Cycle Parking Type | | | | |
|-----------------------|--------------------|-----------|----------------|--------------|---------------------|
| | Two-tier | Sheffield | Acc. Sheffield | Raised Wheel | Folding Bike Locker |
| Student Accommodation | 272 | 42 | 16 | 3 | - |
| Residential | 12 | - | 2 | - | - |
| Office | 22 | 4 | 2 | - | 6 |
| Total | 306 | 46 | 20 | 3 | 6 |

271.



272. It is proposed to provide all long-stay cycle spaces within dedicated, secure, internal cycle store areas, accessible from dedicated street-level access points. Visitor parking is provided in the form of Sheffield stands within accessible landscaped areas in the public realm.

273.



274. Student cycle storage is provided in secure storage at first floor level. At least 8 shared / pooled bikes such as pre-loaded bike lockers will be provided, managed by site concierge located in the student lobby area.



Image (above): On-site servicing and parking arrangements

- 275. The development is proposed to be car free except for two accessible Blue Badge parking bays; one residential and one non-residential.
- 276. Public realm improvements form part of the proposal, including new landscaping, a pocket park, a new tree and widening of the footways around the site to create an enhanced pedestrian experience.
- 277. It is not known what archaeology lies on the site but there is the potential of significant remains. To this end, conditions are recommended that would allow nationally significant remains to be preserved on site. If such remains were found, the applicant would need to amend the scheme with a possibility that excavation and piling will require re-design.

Environmental considerations

Wind and microclimate

- 278. The majority of areas at and around the Site would be expected to have wind conditions suitable for the intended use throughout the year without any landscaping in situ. However, the seating provisions on the pocket park and at terraces would be expected to have wind conditions one category windier than suitable for the intended use without the inclusion of landscaping. The proposed landscaping scheme would however provide beneficial shelter to the areas with windier conditions and would

alleviate wind conditions to render them suitable. The proposed landscaping will be secured by condition.

Flood risk and water resources

279. The site lies in Flood Zone 3a and is located within an area benefitting from River Thames flood defences. Measures have been included in the design for the development to be safe for its lifetime which include residential accommodation being well above the maximum likely water level breach and finished floor levels, all accommodation being at first floor or above. Also, finished floor levels of the new building will be set at 4.425AOD or above providing mitigation in the event of a breach from existing flood defences. The development also includes sustainable drainage and flood modelling allows for climate change. The proposal also has minimal flood risk as a result of having no basement.

Ground conditions and contamination

Table 13. Geotechnical Parameters for Preliminary Pile Design

| Stratum | Design Level (mOD) | Bulk Unit Wt (kN/m ³) | Cohesion (c _v) kPa [c'] kPa | Friction angle (°) | Limiting Shaft Friction (kPa) | Limiting Base Stress (kPa) | Nc | Alpha |
|---------------------|--------------------|-----------------------------------|--|--------------------|-------------------------------|----------------------------|----|-------|
| Made Ground | ~3.5 | 18 | No capacity in Made Ground | | - | - | - | - |
| Kempton Park Gravel | 1.0 | 19 | - [0] | 32 | - | 10,000 | - | - |
| London Clay | -4.8 | 20 | 70+8z ² [5] | 23 | 110 | n/a | 9 | 0.5 |
| Harwich Formation | -25 | 20 | - [0] | 38 | 110 | 10,000 | - | - |

280. Given the height of the building the foundations will likely comprise piled foundations. These will be required to extend into the London Clay formation. A ground investigation previously carried out identified the above parameters. These indicate a maximum pile length of 24m, which is 5m above the investigated depth.
281. The site has been marked as ruins, suggesting a bomb site. Therefore a detailed unexploded ordinance risk assessment should be done. Also, a ground movement assessment may be required for Thames Water assets and London Underground tunnels to assess the potential impacts of piling.
282. A contamination assessment was previously carried out on the site but its findings are limited due to it relating to two samples of soil from small local areas north of the site. Further assessments are therefore required.
283. A single skin steel fuel tank likely for petrol was present on the site in 1959 that had a 4546L capacity. It was filled with water from 1980 with no reports of leaks or spills.

Therefore there is potential for contamination in soil and groundwater from this source that should be investigated due to risk of vapour.

284. No groundwater was analysed previously so this should be carried out, particularly in light of groundwater contamination being identified at a site circa 50m away.
285. The applicant's initial contaminated land report recommends the following further steps:
- Trial pitting following demolition of the buildings on site to obtain samples for a contamination assessment and investigate the buried fuel tank.
 - Boreholes across the site to allow installation of shallow groundwater and gas monitoring standpipes; particularly located in the northwest of the site.
 - Gas and groundwater monitoring – recommended minimum three visits noting that a further three may be required subject to findings / regulator requirements.
 - Groundwater and soil chemical laboratory testing
 - Potential deep boreholes to allow use of efficient deep slim piles
 - Waste acceptance criteria testing
 - Factual and Interpretative Reporting
 - Detailed Unexploded Ordinance Assessment.
 - Works to be carried out in accordance with any archaeological watching brief.
286. The further contaminated land works that are required will be required by condition.

Air quality

287. The site is located in an Air Quality Management Area (AQMA) and an Air Quality Assessment has been submitted. The assessment shows that pollution concentrations for the development would be below the target concentration for NO₂ and particulate matter so residents would not be exposed to unacceptable levels of these pollutants. Further, it concludes that the development would be air quality neutral and that impacts from construction can be mitigated through good practice. A construction management plan is proposed to ensure that impacts during construction are minimised.

Noise and vibration

Plant noise

288. Plant (power, heating and cooling machinery) would be contained within three rooms at basement level and one room at Level 21. Plant would also be located on the roof of the tower, screened behind an acoustic enclosure
289. A condition is recommended requiring the plant not to exceed the background sound level (LA₉₀ 15min) at the nearest noise sensitive premises, and for the specific plant sound level to be 10 dB(A) or more below the representative background sound level in that location, all to be calculated fully in accordance with the relevant Building Standard. The condition is considered sufficient to ensure that the proposed plant will

not have an unacceptably adverse impact on existing neighbouring residents or the users of the building.

Public noise nuisance

290. In terms of public noise nuisance from the development for surrounding residents, a Student Management Plan submitted with the application details how the probable provider, Homes for Students, would operate the accommodation so as to limit sources of human noise disturbance to neighbours.

Sustainable development implications

Energy

291. Policy SI 2 of the London Plan states that reducing greenhouse gas emissions in operation and minimising both annual and peak energy demand should be incorporated into developments to help achieve zero-carbon targets. This approach should be in accordance with the 'Be Lean', 'Be Clean', 'Be Green' hierarchy. Paragraph 9.2 of Policy SI 2 states that the hierarchy should inform the design, construction, and operation of new buildings. The priority is to minimise energy demand, and then address how energy will be supplied and renewable technologies incorporated. Sub paragraph c of paragraph 9.2.12 of Policy SI 2 requires proposals to further reduce carbon emissions through the use of zero or low-emission decentralised energy where feasible, prioritising connection to district heating and cooling networks and utilising local secondary heat sources. The student accommodation aspect of the proposal would be expected to achieve net zero carbon (what would it savings be? And what are the savings of the residential?), and the commercial aspect a 35% reduction against part L of the Building Regulations 2010 (hasn't this been updated and what are the savings?)
292. An Energy Statement and Strategy has been submitted based on the guidance of the National Planning Policy Framework (2019), The London Plan (2021), Southwark Plan (2022), Southwark Sustainable Design and Construction Supplementary Planning Document (2015), and the Mayor's Energy Assessment Guidance.

Be Lean (use less energy)

293. 'Be lean' refers to the approach taken by the design team to maximise the positive aspects of the scheme's passive design to minimise the base energy demand of the buildings. As part of this application, key passive ('Be Lean') design features include:
- Balanced G-value and light transmittance (LT) glazing to optimise solar gains and internal daylight levels.
 - Highly insulated fabric
 - Tight construction
 - No thermal bridging/ Good detailing
 - Maximise daylight

- Local mechanical ventilation with heat recovery units that recover 95% of heat
- Air source heat pumps
- Water saving strategies

These measures would result in a lean reduction of 45% for the affordable homes, which is above the 15% target in the London Plan. The commercial and student rooms saving would be 2%.

Be Clean (supply energy efficiently)

294. As part of the Be Clean approach, the use of energy efficient equipment, heat networks and community heating have been considered. There are no district heat networks that the site can connect to so the development would be 'futureproofed' so that a connection can be made should a network be available in the future. There are no savings for this element of the hierarchy.

Be Green (Low or Carbon Zero Energy)

295. The feasibility study undertaken for the Be Green element has identified solar PV, open / closed loop ground source heat pumps, air source heat pumps technologies and mechanical ventilation with air source heat pump suitable for the site to deliver renewable energy on site. These would provide 35% saving for the residential and 13% saving for the student and commercial element.
296. The total savings from the 'be lean' and 'be green' interventions would be 17%, leaving 4,279.5 tonnes of CO₂ per year to be mitigated through an off-site contribution. Again can you be clear about the savings associated with each use, and the shortfall associated with each use please). This would amount to a payment of £406,554. In addition to this, the commercial element would achieve a BREEAM rating of excellent..

Overheating

297. Policy SI 4 of the London Plan "Managing heat risk" states that major development proposals should reduce potential overheating and reliance on air conditioning systems and demonstrate this in accordance with the cooling hierarchy. This policy seeks to reduce the impact of the urban heat island effect.
298. An overheating assessment has been undertaken within the energy strategy document. An acoustic assessment of the site shows that natural ventilation opens cannot be used in the overheating strategy due to high ambient noise levels along Borough High Street and due to air pollution. Mechanical ventilation will therefore be utilised. Passive design measures to assist the mechanical ventilation include:
- High performance face to limit summer solar gains and solar glazing with deep window reveals.
 - Minimise internal heat gains by reducing pipe length for hot water systems.
 - Exposed concrete soffits in parts of the student flats to reduce excess heat gains from artificial lighting.

- Active cooling in the affordable residential flats use comfort cooling provided in the supply air from the heat recovery units.
- Commercial areas will be cooled using a variable refrigerant flow system.

Planning obligations (Section 106 Undertaking or Agreement)

299. Southwark Plan policy IP3 and policy DF1 of the London Plan advise that planning obligations can be secured to overcome the negative aspects of a generally acceptable proposal. The NPPF which echoes the Community Infrastructure Levy Regulation 122 which requires obligations be:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development

300. The application would be supported by the following Section 106 obligations:

| Planning obligation | Mitigation | Applicant's position |
|---|--|-----------------------------|
| Local Economy and Workspace | | |
| Employment and training (during construction) | <ul style="list-style-type: none"> • Jobs for unemployed Southwark residents during the construction phase of the development. Where this is not possible to meet this requirement, a charge of £4,300 per job not provided will be applied; • Southwark residents trained in pre- or post-employment short courses. Where this is not possible to provide a payment a charge of £150 per resident will be applied; • New apprenticeship start or in work NVQ. Where this is not possible to provide a payment a charge of £1,500 per apprenticeship will be applied. | Agreed |
| Employment and enterprise | Allow for local procurement and supply chain measures during construction and after construction. | Agreed |
| Affordable Housing (P1) | | |

| | | |
|--|--|--------|
| Wheelchair Units | 23 Wheelchair accessible rooms | Agreed |
| Management Plan | Management, operation and promotion strategy, to include details of a moving in and out strategy to be submitted and agreed prior to occupation. | Agreed |
| Transport and Highways | | |
| Public realm and highway improvements | <ul style="list-style-type: none"> • Delivery of a pocket park • s.278 works with the highway authority for highway works, tree planting and traffic management change. | Agreed |
| Parking permit restriction | This development would be excluded from those eligible for car parking permits under any future CPZ operating in this locality. | Agreed |
| Energy, Sustainability and the Environment | | |
| Futureproofing for connection to District Heat Network (DHN) | Prior to occupation, a CHP Energy Strategy must be approved setting out how the development will be designed and built so that it will be capable of connecting to the District CHP in the future. | Agreed |
| Achieving net carbon zero | an off-set payment of £406,554 | Agreed |
| Archaeology monitoring/supervision fund | Contribution towards cost of providing technical archaeological support | Agreed |
| Rockingham Community Centre | Payment of £600,000 for the refurbishment of the centre | Agreed |
| Administration fee | Maximum contribution to cover the costs of monitoring these necessary planning obligations, calculated as 2% of total sum | Agreed |

301. The S106 heads of terms agreed would satisfactorily mitigate against the adverse impacts of the proposed development.

302. In the event that a satisfactory legal agreement has not been entered into by 1 December 2023, the director of planning and growth is authorised to refuse planning permission, if appropriate, for the following reason:

“The proposal fails to provide an appropriate mechanism for securing planning obligations to mitigate the impact of the development. The proposal therefore fails to demonstrate conformity with strategic planning policies and fails to adequately mitigate the particular impacts associated with the development in accordance with policy P5 of the Southwark Plan, policy H15 of the London Plan DF1 ‘Delivery of the Plan and Planning Obligations’ of the London Plan and IP3 of the Southwark Plan, as well as guidance in the council's Section 106 Planning Obligations and Community Infrastructure Levy SPD (2015).”

Mayoral and Southwark Community Infrastructure Levy (CIL)

303. Section 143 of the Localism Act states that any financial contribution received as community infrastructure levy (CIL) is a material “local financial consideration” in planning decisions. The requirement for payment of the Mayoral or Southwark CIL is therefore a material consideration. However, the weight attached is determined by the decision maker. The Mayoral CIL is required to contribute towards strategic transport investments in London as a whole, while Southwark’s CIL will provide for infrastructure that supports growth in Southwark. The contribution is estimated to be £1,107,267.

Statement of community involvement

304. Consultation was carried out by the applicant prior to the submission of the planning, and during the consideration of the application. The consultation undertaken was carried out with the local community and key stakeholders from the area. The applicant’s SCI mentioned a number of groups that were engaged/consulted and they are:

- Ward councillors
- Local landowners of nearby buildings
- Stakeholders

A website was also provided for people to access information on the proposal, in particular the revisions that were made: kingsplaceconsultation.co.uk

E newsletters sent to 44 people who signed up for updates.

Printed newsletter sent to 1,263 addresses and an introductory letter to 25 local stakeholders, including ward councillors, neighbouring businesses and community groups.

In person activities included door-knocking to 113 addresses engaging in conversation with 30 residents and consultation drop-in sessions on-site attended by 10 people.

A webinar was conducted attended by 5 people.

This is summarised in the tables below, which are taken from the submitted Statement of Community Involvement.

305. Comments made include a desire for a welcoming, safe space involving the local community in the development process. Improvements were sought to the character and feel of the area. Protection of the skyline was sought and genuinely affordable housing was sought. A majority approved change of use from hotel and height reduction but some raised concerns about noise and increased foot traffic. Some sought affordable employment space and several wanted to see local community meeting places. Improvement to the public realm was sought and coffee and retail space desired.

Consultations

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

Consultation replies

307. Details of consultation responses received are set out in Appendix 2.

Summary of consultation responses

308. This application was subject to a round of statutory consultation in late September 2020. The development was published in Southwark News on October 8th 2020, and a Site Notice was displayed at the site on 9th December 2020.
309. 21 comments from residents were received on this application, with 20 objecting and one neutral comment.

GLA

310. Stage 1 comments have not yet been received from the GLA.

TfL

311. No comments to date

Environment Agency

312. No comments to date

Metropolitan Police

313. The Designing Out Crime Officer has advised that the development can attain secure by design accreditation. The Met Officer has recommended a condition be attached regarding the need for the development to attain secure by design accreditation.

Health and Safety Executive

314. No comments to date.

Transport Team

315. No objections subject to conditions

Ecology

316. Confirm that the application will result in a biodiversity net gain and recommend conditions

Urban Forester

317. Acknowledge that two category C trees and one Category B tree would be lost but that the mitigation from a new street tree on Borough High Street, the pocket park and landscaping of the terraces and roofs would mitigate the loss.

The mitigation strategy adequately accounts for the loss of canopy cover. It exceeds the relevant UGF target score of 4.0 and therefore complies with P61 and London Plan Policy G5 'Urban Greening'.

Conditions have been recommended.

Archaeology officer

318. States that there is potential for significant remains on the site and recommends conditions.

Highways

319. No objection subject to conditions and a legal agreement.

320. A s.278/38 legal agreement is desired to complete the following works:

1. Repave the footways including new kerbing fronting the development on Borough High Street and Harper Road using materials in accordance with Southwark's Streetscape Design Manual - SSDM (granite natural stone slabs and 300mm wide silver grey granite kerbs).
2. Upgrade the vehicular crossover on Harper Road to current SSDM standards. Works to include realigning of kerbs.

3. Reinstate redundant vehicular crossovers on Harper Road and Borough High Street as footway.
4. Plant new street trees fronting the development. Works to include silva cells and irrigation.
5. Upgrade street lighting fronting the development to current standards.
6. Promote a TRO to remove doctor's bays and extend parking bays on Harper Road and replace single yellow lines with double where appropriate. Works to include road markings and signage.
7. Repair any damage to the highway due to construction activities for the Development including construction work and the movement of construction vehicles.
8. Offer for adoption the strip of land between public highway boundary and new building line as publicly maintained. To be secured via S38 Agreement.

Environmental impact assessment

321. Environmental Impact Assessment is a process reserved for the types of development that by virtue of their scale or nature have the potential to generate significant environmental effects.
322. The council was not requested to issue a screening opinion as to whether the proposed development, due to its proposed size and scale, would necessitate an Environmental Impact Assessment (EIA).
323. The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 set out the circumstances in which development must be underpinned by an EIA. Schedule 1 of the Regulations sets out a range of development, predominantly involving industrial operations, for which an EIA is mandatory. Schedule 2 lists a range of development types for which an EIA might be required due to the potential for significant environmental impacts to arise. Schedule 3 sets out that the significance of any impact should include consideration of the characteristics of the development, the environmental sensitivity of the location and the nature of the development.
324. The range of developments covered by Schedule 2 includes 'Urban development projects' where:
- The area of the development exceeds 1 hectare and the proposal is not dwellinghouse development; or
 - The site area exceeds 5 hectares.
325. The application site is 0.0783 hectares and as such the proposal does not exceed the Schedule 2 threshold.
326. Consideration, however, should still be given to the
327. No request for an Environmental Impact Assessment (EIA) was carried out in accordance with Regulation 5 of the Town and Country Planning (Environmental

Impact Assessment) Regulations 2017. It is noted that the regulations raise and amend the thresholds at which certain types of development project will need to be screened in order to determine whether an environmental impact assessment is required. The development could be considered an urban development project under Schedule 2 of the Regulations. As the development would not introduce more than 150 dwellings it is therefore not necessary to assess the potential impact against Schedule 2 of the EIA Regulations.

Planning policy

328. The statutory development plan for the Borough comprise the London Plan 2021 and the Southwark Plan 2022. The National Planning Policy Framework 2019 is a material planning consideration.

Planning policy designations

329. The application site is found within the following Planning Policy Designations:

Site Allocation NSP12
Central Activities Zone;
Borough and Bankside District Town Centre;
NSP Borough View 03 L Viewing Corridor
Controlled Parking Zone, Newington (D)
Archaeological Priority Zone (North Southwark and Roman Roads)
Air Quality Management Area; and
Environment Agency Flood Zones 2 & 3.

330. This application was determined in accordance with the development plan unless material considerations indicate otherwise; and the following national framework, regional and local policy and guidance are particularly relevant.

Planning policy

National Planning Policy Framework

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

Section 2 - Achieving sustainable development
Section 5 - Delivering a sufficient supply of homes
Section 7 - Ensuring the vitality of town centres
Section 8 - Promoting healthy and safe communities
Section 9 - Promoting sustainable transport

Section 11 - Making effective use of land
Section 12 - Achieving well designed places
Section 15 - Conserving and enhancing the natural environment
Section 16 - Conserving and enhancing the historic environment

333. National Planning Policy Guidance is a web-based resource which brings together planning guidance on various topics into one place.

London Plan 2021

334. The London Plan is the regional planning framework and was adopted on March 2nd 2021. The most relevant policies are those listed below.

Policy SD6 - Town centres and high streets
Policy D3 - Optimising site capacity through the design-led approach
Policy D4 – Delivering good design
Policy D5 - Inclusive Design
Policy D7 – Accessible housing
Policy D8 – Public realm
Policy D9 – Tall buildings
Policy D12 – Fire safety
Policy H1 – Increasing housing supply
Policy H3 - Monitoring housing targets
Policy H4 – Delivering affordable housing
Policy H15 - Purpose built student accommodation
Policy S3 - Education and childcare facilities
Policy E9 – Retail, markets and hot food takeaways
Policy HC1 - Heritage conservation and growth
Policy HC3 – Strategic and local views
Policy G4 – Open space
Policy G5 – Urban greening
Policy G6 - Biodiversity and access to nature
Policy G7 - Trees and Woodlands
Policy SI 1 – Improving air quality
Policy SI 2 – Minimising greenhouse gas emissions
Policy SI 3 – Energy infrastructure
Policy SI 4 – Managing heat risk
Policy SI 5 – Water infrastructure
Policy SI 12 – Flood risk management
Policy SI 13 – Sustainable drainage
Policy T2 – Healthy streets
Policy T4 – Assessing and mitigating transport impacts
Policy T5 – Cycling
Policy T6 – Car parking
Policy T7 – Servicing, deliveries and construction
Policy DF1 – Delivery of the Plan and Planning Obligations

Mayoral SPGs

335. The following Mayoral SPGs are relevant to the consideration of this application:

Use of planning obligations in the funding of Crossrail (2010)
Affordable Housing and Viability SPG (2017)

New Southwark Plan

336. The Southwark Plan was adopted in February 2022 and the most relevant policies of this plan are:

Policy P5 - Student homes
Policy P14 - Design quality
Policy P16- Designing out crime
Policy P17- Tall buildings
Policy P18 - Efficient use of land
Policy P19- Listed buildings and structures
Policy P20 - Conservation of the historic environment and natural heritage
Policy P22- Borough Views
Policy P23- Archaeology
Policy P27- Education places
Policy P28- Access to employment and training
Policy P35 - Towns and local centres
Policy P47- Community uses
Policy P50 - Highways impacts
Policy P51 - Walking
Policy P53 - Cycling
Policy P55 - Parking standards for disabled people and the mobility impaired
Policy P56 - Protection of amenity
Policy P60 - Biodiversity
Policy P61 - Trees
Policy P68 - Reducing flood risk
Policy IP3 - Community infrastructure levy (CIL) and section 106 planning obligations

Human rights implications

337. This planning application engages certain human rights under the Human Rights Act 1998 (the HRA). The HRA prohibits unlawful interference by public bodies with conventions rights. The term 'engage' simply means that human rights may be affected or relevant.

This application has the legitimate aim of providing new mixed use development. The rights potentially engaged by this application, including the right to a fair trial and the right to respect for private and family life are not considered to be unlawfully interfered with by this proposal.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

338. None.

Conclusion on planning issues

339. The major redevelopment of the site is supported through the site allocation. The proposed use would provide residential accommodation for students with 5% of rooms being wheelchair accessible.

340. At 11 storeys, the development would sit comfortably in the townscape and not cause harm to heritage assets, including the Grade II listed Inner London Sessions Court building while the harmful impact on the Trinity Church Square Conservation Area is less than substantial, lower than the impact of the hotel scheme and outweighed by the benefits, including delivery of affordable housing on site and a financial contribution to affordable housing off site. The development would provide a pocket part and public realm improvements on Borough High Street and Harper Road.

341. There would be some impact on residents from a reduction in daylight and sunlight but these are due to in part to existing constraints on these dwellings and the impacts of the proposal are not significantly different to the impacts from the extant consent on the site that has been implemented.

BACKGROUND DOCUMENTS

| Background Papers | Held At | Contact |
|--|---|--|
| Southwark Local Development Framework and Development Plan Documents TP | Environment, Neighbourhoods and Growth Department 160 Tooley Street London SE1 2QH | Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov. uk Case officer telephone: 020 7525 0254 Council website: www.southwark.gov.uk |

APPENDICES

| No. | Title |
|------------|---------------------------------|
| Appendix 1 | Recommendation |
| Appendix 2 | Consultation undertaken |
| Appendix 3 | Consultation responses received |
| Appendix 4 | Relevant planning history |

AUDIT TRAIL

| | | |
|---|---|--------------------------|
| Lead Officer | Stephen Platts, Director of Planning and Growth | |
| Report Author | Philip Ridley, Senior Planning Officer | |
| Version | Final | |
| Dated | 6 July 2023 | |
| Key Decision | No | |
| CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER | | |
| Officer Title | Comments Sought | Comments included |
| Strategic Director, Finance | No | No |
| Strategic Director, Environment, Neighbourhoods and Growth | No | No |
| Strategic Director, Housing | No | No |
| Date final report sent to Constitutional Team | | 6 July 2023 |